

THE CITY OF ANTHONY, NEW MEXICO

LAND USE AND ZONE ORDINANCE

ORDINANCE 2010-018

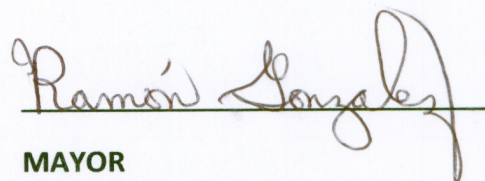
WHEREAS, NMSA 1978, Section 4-37-1 grants to all Counties and Municipalities the power to regulate planning and zoning, to insure safety, preserve health, promote prosperity and improve the morals, order, comfort and convenience of Dona Ana County; and

WHEREAS, effective July 1, 2010 the City of Anthony legally incorporated as a municipality and assumed those granted planning and zoning powers formally assumed by Dona Ana County; and

WHEREAS, those newly assumed powers held by the City of Anthony can be used to legislate by ordinance the conditions, provisions, limitations and terms of codes within the city limits; and

WHEREAS, the City of Anthony Governing Body wishes to create a code which will in fact insure safety, preserve health, promote prosperity and improve morals, order, comfort and convenience of the City of Anthony therefore declares by reference that the attached document shall be known as the City of Anthony Land Use and Zoning Ordinance.

PASSED, ADOPTED AND APPROVED THIS 18th DAY OF NOVEMBER 2010.


MAYOR

ATTEST:

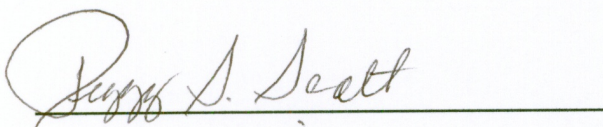

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ARTICLE 1. AUTHORITY, INTENT AND SCOPE

Section 1.0 Title

This Ordinance shall be known and titled as the City of Anthony, NM Land Use Regulations and Zoning Ordinance and shall be referred to as the "Ordinance".

Section 1.1 Authority and Intent

This Ordinance is created pursuant to the authority set forth in Section 3-21-1 et. seq. NMSA 1978, Section 3-21-5 NMSA 1978, Section 4-57 -1 NMSA 1978 et. seq. and this Ordinance is intended to create orderly, harmonious and economically sound development in order to promote the health, safety, convenience and general welfare of the citizens of the City. These regulations are necessary to: provide adequate open spaces for light and air; avoid undue concentration of population; preserve the City's environmental resources; secure safety from fire, panic and other dangers; help control congestion in the streets and public ways; facilitate adequate provisions for community utilities and facilities such as transportation, water, sewer, schools and parks; encourage the location of compatible uses of land; provide for proper flood water runoff; and enhance the appearance of the landscape, as specifically referenced in the Anthony, NM Master Plan. The regulations are intended to achieve the following goals in the Master Plan:

- A.** Protect City residents from possible hazardous effects of uncontrolled land uses;
- B.** Allow the entrepreneur and investor the options to select areas and locations suitable for their intended purposes with the understanding that standards and regulations are necessary to protect the environment and the properties of others;
- C.** Allows the Community of Anthony NM, which is in an advanced state of development to adopt more conventional zoning processes for land use by forming Zoning Districts; and
- D.** Permit developers the opportunity to permanently designate land uses within their developments, and to set standards for those land uses.

Section 1.2 Overview

The purpose of the Anthony, NM Land Use Regulation and Zoning Ordinance is to achieve land use policies and actions delineated in the 2010 Anthony NM, Master Plan. The Ordinance implements the 2010 Anthony Master Plan actions that recommend Mapped Zoning Districts for Community Districts as well as Village Districts. Mapped Districts are intended for communities that are experiencing rapid growth and will use traditional zoning districts, while historic communities will be able to continue their unique character with standards to maintain traditional development patterns in Village Districts. These District standards recognize the need and desirability of allowing for diversity in land use patterns to accommodate rural, suburban and urban development; and to encourage entrepreneurship and creativity in new development and economic growth.

Section 1.3 Land Use Designations

The following terms and their meanings are used throughout the Ordinance:

Land Use Classification. How the land is used.

Community District. Larger areas of the City that are partially developed and have been experiencing rapid growth and land use changes in the last ten years; contains mapped zones. Note: A developer of vacant land proposed for multiple uses and phased development may request the establishment of a Community District as provided in this Ordinance.

Zoning District. A zoning category used in the Community District or Village District such as R-1, single family residential uses. A zoning district must have specific boundaries.

Performance District. Areas outside the mapped zoning districts: in the Performance District land uses are permitted, provided the land use meets specific development standards, including Buffer requirements. Some uses will require a public hearing via the Planned Unit Development Process.

Planned Unit Development Process. Overlay zones that may be created using the Planned Development process outlined in Article 8, Section 1.8.

Village District. Zones that are created in communities that have historical significance and are Town-sites platted prior to 1930; special development standards and limited land use Classifications are applicable.

Section 1.4 Definitions-Purpose and Use of Terms

For the purpose of this Ordinance, certain words and terms are hereby defined. Words used in the present tense shall include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "lot" includes the words "plot", "parcel", and "tract"; the word "building" includes the word "structure", the word "shall" is mandatory and not directive. Any words not herein defined shall be constructed as defined in the statutory and common laws of the State of New Mexico. If not defined therein, then as defined in the in accordance with the Webster's Unabridged Dictionary, latest edition.

Accessory Building. A minor building that is located on the same lot as a principal building and is used incidentally to a principal building or houses an accessory use.

Accessory Structures. Any structure that does not meet the definition of accessory building.

Accessory Mobile Home. A subordinate mobile home that contains no more than one thousand square feet (1,000 ft²).

Accessory Use. Accessory uses are incidental or subordinate to the principal use of a parcel of land or are uses commonly associated with the principal use and integrally related to it. Some examples are: private garages on residential properties, storage sheds on residential properties, and barns on agricultural properties.

Adult Entertainment. An establishment that a) provides amusement or entertainment that is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas; b) features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment; c) a book or video store having the substantial or significant portion of its trade in books, magazines, periodicals or other materials that are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas; or d) a theater used exclusively or primarily for presenting material distinguished or characterized by specified sexual activities or specified anatomical areas for observation by persons 18 years of age or older on the premises.

Affected Area. An area that is or might be detrimentally impacted by a proposed land use.

Agriculture. Any use of land for the growing and harvesting of crops for sale or profit, or uses that are directly ancillary to the growing and harvesting of crops, which is the exclusive or primary use of the lot, pot, parcel, or tract of land; including processing crops to the generally recognizable minimum level of marketability; or the open range grazing of livestock; or irrigated pasture for grazing livestock.

Agricultural Packing and Warehousing. A facility used for the storing, sorting, cleaning, sacking, or transshipment of agricultural products. Does not include processing functions. Sorting and cleaning means handling to the generally recognizable minimum level of marketability.

Agricultural Processing Plant. A facility used for the cooking, freezing, dehydrating, refining, bottling, canning or other treatment of agricultural products that changes the naturally grown product for consumer use. May include warehousing and packaging as secondary uses.

Airports, Heliports, and Landing Fields. Any area of land that is used or intended for the use of landing and taking off of aircraft; and appurtenant areas that are used or intended for use by airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located thereon.

Antenna. A structure designed to radiate and/or receive radio frequency (RF) emissions. An antenna design includes, but is not limited to the following: 1) monopole, dipole, discone; 2) horizontally and vertically polarized TV and FM, yagi; 3) mesh or solid parabolic; 4) array, phase array and others protected by a radome; and 5) shaped-element.

Apartment. A building in which the rooms are arranged in suites; multi-family housing.

Area of Notice. For all applications requiring that notice to be given to the surrounding property owners, the area of notice shall be three hundred feet (300 ft²) from the edge of the parcel or parcels included in the application, with the distance to be extended until ten (10) property owners are identified, with a maximum extension of one (1) mile.

Arterial, Major. Major arterials provide higher speed travel and mobility for long distance trips. These roads function within the region or community to carry large volumes of traffic to minor arterials and collector routes. Access may be limited by medians. Design Standards as outlined in the City Subdivision Regulations shall apply.

Arterial, Minor. Minor arterials serve a mobility function for longer-distance trips but handle moderate volumes of traffic at moderate speeds. Minor arterials provide connections to collector routes, which

serve communities and local areas. Access from some major traffic generators is allowed to minor arterials. Design Standards as outlined in the City Subdivision Regulations shall apply.

Auto Wrecking Yard. Any place where motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation: any land, building or structure used for the dismantling or storing of such motor vehicles or the parts thereof.

Base Flood. A flood having a one percent chance of being equaled or exceeded in any given year.

Bed and Breakfast. A residence built expressly for, or converted to, renting rooms to paying guests and providing breakfast to paying guests on a short term (daily, weekly basis). The residential appearance of the structure is maintained. Definition does not include a hotel, motel or boarding house.

Boarding House. A residence consisting of at least one (1) dwelling unit with more than two rooms that are rented or intended to be rented to longer term residents on a monthly basis, as distinct from transient residents staying overnight or on a weekly basis.

Buffer. An area of land including landscaping, beams, walls, fences and building setbacks that is located between land uses and intended to mitigate negative impacts upon adjoining property.

Building. Any structure that is enclosed by means of walls and a roof, generally intended for use as a working storage or dwelling place.

Cemetery. A burial place or grounds.

Channel. Any arroyo, stream swale, ditch, diversion, or watercourse that conveys flow of water.

Clear Sight Triangle. Specified areas along intersection approach lanes and across their included corners that are to be free of obstructions that might block a driver's view of potentially conflicting vehicles. Requirements for maintaining a clear sight triangle are outlined in Section 9.2 and Appendix E.

Clinic. An establishment where patients are not lodged overnight but are admitted for outpatient services.

Club. Building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational propose.

Collector -Street, A roadway that carries traffic from local to the arterial streets and highways.

Columbarium. A structure of vaults lined with recesses for cinerary urns.

Combination Use. A use consisting of a combination on one (1) lot of two (2) or more primary uses separately listed on the Land Use Classification Matrix for either the Performance District, the Community District, the Village District, or the Planned Unit Development Overlay Zone. The development standards for the more intensive of the primary uses on a parcel shall be applied by the zoning administrator in reviewing site plans for development of a combination use.

Commercial Feed Lot. Any tract on which the principal use is the raising of, or the concentrated feeding of, livestock, fowl, or any other edible animals, the sale of such animals or the sale of products derived from such animals. Does not include dairies.

Community Commercial. A parcel of land used for shopping or services generally used for several neighborhoods or a larger part of the community. See the Land Use Matrix for specific uses allowed in this zone.

Community District. A rapidly urbanizing area of the County with existing and/or planned community water and/or sewer systems, and commercial uses. Established by procedures outlined in this Ordinance. Area with mapped zoning districts as set forth in this Ordinance.

Condominium. A building or group of buildings containing three (3) or more dwelling units with separate entrances but sharing common structural elements including walls and roofs.

Construction. The act of breaking ground and erecting a building or structure as defined elsewhere in this Section.

Construction Debris Landfill. An area of land used to dispose of non-organic used building materials, concrete, dirt, removed paving material, gravel, must meet all State and Federal regulations affecting ground water protection.

City Commission. The elected Governing Body of the City of Anthony, NM.

City Planning and Zoning Commission. The Planning and Zoning Commission appointed by the Governing Body.

Dairy. An area of land on which cows are kept for the purpose of producing dairy products in commercial quantities, as well as the related buildings, equipment and processes.

Density. The number of families, persons, or housing units per unit of land, usually expressed as "per acre."

Development. A project involving property improvement and, usually, a change of land use character within the site. All development standards within this Ordinance and the Design Standards for the specified use shall apply.

Driveway. A point of vehicular access between a right-of-way or easement and an abutting property.

Dwelling Unit. Any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Building Code, for not more than one (1) family.

Easement. A property owner's grant of specific purpose, use or uses on that owner's land that does not abridge the right of the fee owner to the use and enjoyment of that land. An easement may be for use by the general public, a corporation of a certain person or persons.

Elevation Certificate. A certificate issued by the County Floodplain Administrator in order to obtain the elevation of the lowest floor (including basement) of all new and substantially improved buildings. It is to be used to provide elevation information necessary to ensure compliance with community floodplain management Ordinances, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment or Revision (LOMA or LOMR-F).

Family. Persons related by blood, marriage, adoption, or a congregate of ten (10) or less.

Federal Emergency Management Agency (FEMA). The federal agency under which the National Flood Insurance Program (NFIP) is administered. In March 2003, FEMA became part of the newly created U.S. Department of Homeland Security.

Flood. A general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (at least one of which is the policyholder's property) from: overflow of inland or tidal waters; unusual and rapid accumulation or runoff of surface waters from any source; mudflow; or collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

Flood Insurance Rate Map (FIRM). Official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Plain. Any area susceptible to flooding by water from storm runoff as designated on the "Flood Boundary and Flooding Map" prepared by the US Department of Housing and Urban Development, or similar maps prepared by the US Army Corp of Engineers, Federal Emergency Management Agency (FEMA) or other similar agency or per the Flood Commissioner's designation based on findings of fact

Flood Proofing Certificate. A certificate issued by the County Floodplain Administrator in order to ensure a non-residential building has been designed and constructed to be watertight (substantially impermeable to floodwaters) below the BFE. A Flood proofing Certificate is not applicable for a residential structure.

Floodway. A watercourse channel and that portion of the adjoining flood plain required to provide for the passage of a one hundred (100) year flood.

Floodway Fringe Area. An area immediately adjacent to the limits of a floodway.

Fire Lane. Any area appurtenant to a building deemed necessary by the Fire Marshal or his/her designee to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by him as such. May include sidewalks, driveways, portions of parking lots or any other area adjacent to or near a building or fire hydrant, as required by the Fire Marshal.

Garage. A building or portion thereof, other than a private storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

Garage and Yard Sales. The sale of used clothing, household goods and other personal items, generally sold in residential land use areas.

Garbage. Any animal or vegetable waste that is liable to decompose or rot resulting from the handling, preparation, cooking or consumption of foods, offal, scum, dregs, sediment, sweepings, trash, debris, remains, dross.

Garbage Disposal. The disposing and covering or incineration of garbage at a sanitary landfill site.

Home Occupation. An occupation conducted within a residential property that is clearly incidental and secondary to the use of that property, as regulated in this Ordinance.

Hotel. A building in which lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all time.

Hundred Year Flood. A flood having an average frequency of occurrence in order of once in one hundred (100) years, although the flood may occur in any year.

Industrial, Heavy. Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses, and manufacturing or other enterprises with produce external effects (such as smoke, noise, soot dirt, vibration, odor, etc.) or which pose significant risks due to the use or storage of explosives or radioactive materials, or of poisons, pesticides, herbicides, or other hazardous materials in reportable quantities under the standard of the Environmental Protection Agency.

Industrial, Light. Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from processed or previously manufactured materials, including a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, fish tanks and supplies, food paper products (but not the manufacture of paper for pulpwood), musical instruments, medical appliances, tool or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, or any other product of a similar nature. Light industry is capable of operation in such a manner as to produce minimal if any external effects from the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

Infrastructure. Construction such as but not limited to streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, water, sewer and gas systems or parts thereof.

Intensity. The degree to which land is used, usually refers to the levels of concentration or activities in use.

Interstate Highway. A U.S. Interstate Highway; in the city limits such as I-10.

Junk Yard. The use of premises for the open storage of old, wrecked, non-operable, dilapidated, automobiles, trucks, tractors, and other such vehicles and parts thereof; scrap building materials, scrap contractor's equipment, tanks, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material.

Kennel. A commercial establishment for the breeding, sale, grooming, or boarding of small animals and household pets.

Laboratory. A building or group of buildings that are located facilities for scientific research, investigation, testing, or experimentation, but not including facilities for manufacture of products for sale.

Landscaping. An area that has been improved through the harmonious combination and introduction of trees, shrubs and ground cover, which may contain natural topping materials such as, boulders, rock

stone, granite or other approved material. The area shall be void of any asphaltic or concrete pavement except where walks are allowed.

Land Use. Any activity that is subject to the Regulation of this City that is conducted on, below and/or in the space above the surface of the earth to a height of five hundred feet (500') within the boundaries of City of Anthony, NM.

Legal Description. A metes and bounds description of a parcel of land filed in accordance with the requirements of the State of New Mexico.

Livestock. All domestic animals that are included in the classes of horses, asses, mules cattle, sheep, goats, swine, bison, poultry, ostriches, emus, rheas, camel ids and farmed cervideae (deer and elk). This definition does not include feline or canine animals.

Lot. A tract or parcel of a portion of a subdivision or other parcel of land described by metes and bounds and held in separate ownership, as shown on the records in the County Clerk's Office.

Lot Width. The distance between side lot lines measured across the rear of the required front yard, parallel to the street or access easement.

Manufactured Home. A single family dwelling with a heated area of at least eight hundred sixty four square feet (864 ft²), and measuring at least thirty six feet (36') by twenty four feet (24'), constructed in a factory to the standards of the United States Department of Housing and Urban Development (HUD), the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.) and the Housing and Urban Development Zone Code **II** or the Uniform Building Code (UBC), as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act (Chapter 60, Article 14 NMSA 1978) and with the regulations made pursuant thereto relating to ground level installation.

Minimum Building Elevation. The elevation to which uses regulated by this Ordinance are required to be elevated that could be reached by the one hundred (100) year flood if it occurred under conditions existing at the time this Ordinance was passed, plus one foot (1') to allow for encroachments permitted by the establishment of a floodway.

Mobile Home. As Defined by the Manufactured Housing and Zoning Act, N.M.S.A. 1978 Section 3-21 A-1 et seq. (1995), or any future enactment that revises or substantially replaces said Act.

Mobile Home Park/Subdivision. A parcel of land on which five or more mobile homes are located, either free of charge or for revenue purposes.

Modular Home or Housing Unit. A standardized factory-fabricated transportable building module not having a chassis or wheels of its own, designed and constructed in accordance with all applicable local building codes and intended to be placed on a permanent foundation, meeting all local zoning codes and to be used by itself or incorporated with similar units at a building site. Modular homes can be used for residential or commercial uses when located in appropriate zoning districts.

Motel. A building in which lodging, or boarding and lodging are provided and offered to the public for compensation.

Multiple Family Dwelling Unit. A building designed for two (2) or more families.

Night Club. A place of entertainment where alcohol may be served.

Neighborhood Commercial. Includes retail sales and services, personal services and business and office services generally intended to serve a neighborhood of up to a one-mile radius. The scale of development and traffic generated is accommodated by access to a collector street. Permitted uses should be buffered from adjacent residential uses and are outlined in the Land Use Matrix.

Nursing Home. A home for the aged or infirm in which three or more persons are received, kept or provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Old Plat. Plats that were recorded prior to adoption of subdivision and platting standards in 1973.

Open Space. A publicly or privately owned and maintained ground area that satisfies visual and physiological needs of the community for light and air; covered with vegetation, game courts, non-vehicular paths or associated buildings.

Owner. Any person, association, partnership, or corporation that has dominion over, ultimate control of, or title to real property.

Parcel. See definition of lot.

Parking Space, Off-Street. An area not in a street or alley and having an area of not less than one hundred eighty square feet (180 ft²), exclusive of driveways, permanently reserved for the temporary storage of one (1) vehicle and connected with a street or alley by a driveway that affords ingress and egress for a vehicle.

Pavement Structure. The combination of sub-base, base course, and/or surface course placed on a sub-grade to support the traffic load and distribute it to the roadbed.

Performance Standard. Areas of the City of Anthony as described in this Ordinance, with land use regulations based on the intensity of a land use and its compatibility with adjacent uses. Areas designated as Performance District by this Ordinance and designated on City Zoning Maps have a "P" before the last use category to distinguish it from the Community District "C" or Village District "V".

Person. Any individual, estate, trust receiver, cooperative, association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity.

Personal Services. Uses such as beauty shops, barbershops, dry cleaners, mailing services, self-service Laundromats and similar uses that provide service to the public individually.

Primary Dwelling Unit. A single family dwelling unit, which dwelling unit is the first constructed on a given lot or the larger of two dwelling units on a given lot.

Primary Use. A land use listed in the Land Use Classification matrix for the Performance District, Community or Village District or Planned Development Overlay Zone, which occupies the greater portion of a lot or parcel, or is the more intense use of two (2) uses on a lot or parcel.

Private Property. Property that is privately owned, but where numbers of persons work, live or congregate from time to time for any purpose, where the parking of motor vehicles or presence of other obstructions can interfere with the ingress and egress of emergency vehicles (police, fire, ambulance), for the protection of persons and property thereon, and shall include, but not be limited to, shopping centers, bowling lanes, theaters, hospitals, clinics, churches, factories, schools, lodging houses, convalescent homes, hotels, and public halls. Private property shall not include single family dwellings, duplexes, quadplexes and condominiums.

Private Protective Covenants. A private agreement that binds and restricts the land in the hands of present owners and subsequent purchasers. They are enforced only by the landowners subject to the protective covenants and not by the City or other public agencies

Public Property. Property owned by any political subdivision not specifically exempted by state or federal law.

Principal Building. The primary building on a lot, or a building that houses a primary use.

Process. A series of acts of changes proceeding one (1) to the next; a method of manufacturing or conditioning; or to submit something to a treatment or preparation.

Quasi-Judicial Cases. All Variances, Planned Unit Development Permits and Appeals.

Refuse. Any solid waste material discarded from residential, commercial, or industrial operations.

Recreational Vehicle. A vehicle on wheels with sleeping, cooking and washing or sanitary facilities designed to be used as a temporary dwelling unit; and defined as a recreational vehicle by the New Mexico Motor Vehicle Code.

Recreational Vehicle Park (R.V. Park). A parcel of land where travel trailers or other nonpermanent type of shelters are erected or maintained for temporary recreational camping activities. Permitted related building and facilities may include an office, delicatessen and/or grocery store, laundry facilities, showers, bathrooms, and playgrounds to be operated during operating hours of the park for the patrons of the park. Individual sites shall be no less than six hundred square feet (600 ft²) in area, not including any required roadways or walkways.

Retail. The sale of consumer goods directly to the user of the product; may include storage of goods sold in sufficient quantities to meet daily need. May also include sale in large size packages used as pricing incentives.

Sanitary Landfills. Locations where trash, garbage, organic materials are buried and maintained in accordance with local, state, and federal regulations.

Satellite Parking. Off-street parking used as a car-pooling site or parking lot adjacent to commercial sites where the subject site does not provide adequate parking spaces as required by this Ordinance.

Service Station. Any land, building, structure, or premises used for the sale of fuel for motor vehicles or installing or repairing parts and accessories, but not including replacing of motors, bodies, or painting of motor vehicles and excluding public parking garages.

Setback. The minimum distance between the property/lot line and the foundation, wall, or mainframe of a building or structure or any projection thereof measured from the exterior lot line to the greatest projection. If multiple lots are held within the same ownership, the outside perimeter of all lots combined may be used to determine the setback line. Where a site abuts a road or highway having only a portion of its required right-of-way (r.o.w) width dedicated or reserved for roadway purposes, setbacks shall be measured from the line establishing the additional width required for r.o.w. purposes. Where a site abuts an easement for access or a private access road is located within the boundary lines of the site, the setback shall be measured from the easement or from the private road. On a site that is not rectangular or approximately rectangular in shape, the required setbacks shall be measured in a manner prescribed by the Zoning Administrator.

Shopping Center. A group of commercial business establishments operated as a unit with off-street parking provided on the property, and related in locations, size and types of shops to the trade area that the unit serves.

Single-Family Dwelling Unit. Any housing unit designed for the use of one (1) family that has a private, ground level entrance and a private outdoor space for the use of the residents of such dwelling units.

Special Flood Hazard Area. An area of land that would be inundated by a flood having a one percent (1 %) chance of occurring in any given year (previously referred to as the base flood or 100-year flood).

Special Use Permit (SUP). Authorization of a land use specifically requiring a Special Use Permit under the provisions of this Ordinance, due to the potential for the use to have a negative impact on adjacent or surrounding properties, depending upon the particular circumstances associated with the use and the property.

Specified Anatomical Areas. Less than completely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stable. A building having stalls or compartments where domestic animals, such as horses, ponies, and cattle, are sheltered and fed.

Stadium. A large building with tiers of seats for spectators at sporting or other recreational events.

Structure. All construction, including residences, commercial buildings, free standing walls, antennas, signs, towers, bridges, culverts, or similar uses that may require a building permit issued by the City of Anthony, NM.

Structural Change. Any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders.

Subdivision. See City of Anthony Subdivision Regulations, as amended.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a building when the cost of the improvement equals or exceeds fifty percent (50%) of the market value of the building before start of construction of the improvement.

Tower. Any structure whose principal function is to support an antenna.

Tract. See definition of lot.

Undeveloped Lot. A real estate parcel in which no building structure has ever been erected.

Variance. A grant of permission by the City Zoning Administrator, City Planning and Zoning Commission or the Governing Body that authorizes the recipient to do that which, according to the letter of this Code, he/she could not otherwise legally do.

Veterinary Clinic. A location for treatment of small or large animals. Animals may be kept overnight or for short periods of time for treatment.

Vacant Lot. A real estate parcel in which no building structure is erected.

Village District. A district created under terms of this Ordinance with mapped zones; the area of a town site platted in Anthony, NM prior to 1930 that has been designated a Village District within the terms of this Ordinance.

Watercourse. Any stream, arroyo, or drain way having a channel that gives direction to a flow of water.

Wholesale. The sale of goods to a person or company who may sell products to the ultimate consumer. Includes sale of products in bulk for further repackaging.

Zoning Administrator. The director of Community Development of the city of Anthony or the Director's designee.

Section 1.5 Applicability and Jurisdiction

This Ordinance is applicable within the City limits of Anthony, NM. In developing City land for public purposes no Zoning, Variance, Planned Use Development or other land use classification or public hearings will not be required of the City.

Section 1.6 Repeals

This paragraph is intentionally left blank.

Section 1.7 Interpretation and Conflict

The regulations of this Ordinance are the minimum standards necessary to carry out the purposes of this Ordinance. This Ordinance is not intended to interfere with, abrogate or annul any easement, covenant or other agreement between parties or other valid Ordinances. Where this Ordinance imposes greater restriction than those imposed by other rules, regulations, easements, covenants, agreements, or County Ordinances or Resolutions, the provisions of this Ordinance shall be prevailing and controlling. Where two or more provisions of this code are conflicting, the most restrictive shall apply.

Section 1.8 Establishment of Districts and Zones on Previously Zoned Parcels

This section is intentionally left blank.

Section 1.9 Legal Non-Conforming Uses

A. Intent. Within the zoning districts established by this Ordinance or zoning districts that may be established in the future there exist:

1. Lots;
2. Structures;
3. Uses of lots and structures; or,
4. Land uses.

Any of the above listed items that were lawful before this Ordinance was passed but would now be prohibited, regulated or restricted under the terms of this Ordinance or future amendments thereto are

legal non-conforming. This includes all existing uses approved through special use permits up to May 1993; and all uses approved through Interim Use Permits from May 1993, through the effective date of this code.

These legal non-conforming uses shall be allowed to continue, but any enlargement, expansion or extension of the non-conforming use or structure will be permitted only upon the non-conforming use or structure being brought into compliance with the requirements of this Ordinance. Structures may be maintained and remodeled, but not enlarged unless in conformance with this Ordinance; except that buildings that are expanded by less than thirty percent (30%) of the original floor area are exempt from buffer and landscaping requirements of Article 5.

The provisions of this Ordinance apply to all lot, construction (including enlargement, expansion, or extension of existing structures), and uses of land and/or structures that are not protected as legally non-conforming under this Section. Low Intensity Residential development will be permitted with proof of existing access. All other development must meet all standards of this Ordinance including applicable access standards.

- B. Abandonment.** Whenever a legal non-conforming use has been discontinued for a length of one (1) year or more, such non-conforming use shall not thereafter be re-established and any future use shall be in conformance with the provisions of the Ordinance, unless closed by order of a Federal or State agency. Such time of closure shall not count when determining the period of abandonment.
- C. Construction Approved Prior To Enactment.** Nothing herein contained shall require any change in plans, construction or designated use of a building for which a County building permit was issued prior to adoption of this Ordinance or amendments thereof.
- D. Status of Special Use Permits or Interim Use Permits and Lands with Previously Approved Zone Changes or Legal Conforming Uses.** Lots, structures or land uses that were developed in accordance with previous Zoning Ordinances shall be "legal conforming" uses and may continue in operation under the standards required by the Special Use Permit, Interim Use Permit or Zone Change previously approved. Expansion must conform to the original site plan as approved. Undeveloped parcels that received Zone Changes or Interim Use Permits Under Previous Zoning Ordinances in 1993, 1994 and 1995, may be developed in accordance with standards and conditions approved by the applicable Zone Change, or permit of three years after the date of this Ordinance. Thereafter, these parcels must comply with the standards effective in this Ordinance. Undeveloped parcels that received Special Use Permits prior to May 1, 1993, and are still undeveloped as of the effective date of this Ordinance, must conform to the requirements of this Ordinance. Major changes in previously approved site plans that will increase traffic volumes, density or land use, drainage requirements or water and wastewater requirements will be required to be approved by the Zoning Administrator, after review by appropriate and State agencies. The Zoning Administrator may establish forms and procedures for certifying the legal non-conforming status of properties; or the legal conforming status of properties. It is the responsibility of the property owners to furnish documents to the Zoning Administrator establishing the legal non-conforming status of the land or buildings.

Section 1.10 Severability

The provisions of this Ordinance are severable, and if any provision, sentence, clause, Section, or any part thereof, is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or

circumstances. It is hereby declared to be the intent of the City Commission that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provisions, sentences, clauses, sections or parts had not been included therein, and if the person or circumstances to which the Ordinance or any part thereof had been specifically exempted there-from.

Section 1.11 Enforcement

- A. **Prosecution in Court.** This Ordinance shall be enforced as provided for by law, including but not limited to the specific provisions of Section 3-21 -10 and Section 4-37-3 N.M.S.A. No application under this Ordinance shall be approved for land that was illegally subdivided, or on which a violation of this or any other Ordinance or requirement or any other provision of law exist.
- B. **Civil Penalties and Enforcing Entities.** It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provisions of this Ordinance or of any amendment thereto. Any person, firm, corporation or other entity violation this Ordinance or any regulations, provisions or amendment thereto, shall be fined not more than Five Hundred Dollars (\$500.00) per owner per violation per location. The City Attorney, the City of Anthony Chief of Police, any uniformed officer representing the City of Anthony, NM and the Zoning Administrator of City of Anthony shall enforce this Ordinance.
- C. **Injunction, Abatement, and Other Remedies.** In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used in violation of the law or of this Ordinance or any amendments thereto, or any land is, or is proposed to be used in violation of the law or of this Ordinance or any amendments thereto, the Board of Trustees for the City of Anthony, NM the District Attorney, the Chief of Police for the City of Anthony, any uniformed police officer of the Anthony, NM police department or the Zoning Administrator or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE 2. ADMINISTRATIVE RESPONSIBILITIES

Section 2.0 The Community Development Department

The Community Development Department (CDD) shall consist of the CDD Director as its executive head and those employees of the City of Anthony, NM under his/her supervision and direction. The CDD Director shall act as Zoning Administrator or appoint a Zoning Administrator to administer the provisions of this Ordinance, and in addition thereto and in furtherance of its authority, the CDD Director shall:

- A.** Receive, review, file and approve applications for land uses when said land uses are in conformance to the provisions of this Ordinance
- B.** Report to the City Planning and Zoning Commission (P&Z) and to the city Board of Trustees in a form appropriate to each, the applications received and approved by the CDD and post on the appropriate maps the location and uses permitted.
- C.** Receive, review, analyze, file and bring to the P&Z applications for Zone Changes, Variances, Planned Unit Developments and Site Plans for their review and disposition in accordance to the provisions of this Ordinance.
- D.** Present to the P&Z recommendations concerning changes and amendments to this Ordinance, and to receive their recommendation and call) said recommendation to the Anthony Governing Body for their final disposition.
- E.** Receive, file and present to the P&Z appeals by any person or persons aggrieved with any decision handed down by the CDD.
- F.** Receive, file and present to the Governing Body appeals by any person or persons aggrieved with any decision handed down by the P&Z.
- G.** Maintain current and permanent records of this Ordinance, including, but not limited to: maps, Zone Changes; Variances, amendments to this Ordinance, non-conforming uses, appeals, and applications, including the recording of district amendments and Planned Unit Developments on the official zoning maps. Maintain minutes of meetings of the Planning and Zoning Commission.
- H.** Provide technical assistance as may be required by the P&Z or the City Board of Trustees to exercise their respective duties.
- I.** Provide and maintain public information services relative to matters arising out of this Ordinance.
- J.** Decide, make recommendations and administer all matters pertaining to this Ordinance upon which the CDD Director is required to act.
- K.** Receive, review and recommend approval or denial of subdivisions and replats to the P&Z as provided for in the City of Anthony, NM Subdivision Regulations.
- L.** Review and recommend changes or amendments to the Comprehensive Plan to the P&Z.
- M.** Maintain data on population growth, land use, demand for public services and public facilities and report to the P&Z and the Governing Body periodically.

- N. Carry out special studies and prepare plans for land use and development of public facilities as directed by the Mayor, P&Z or Board of City Trustees .
- O. Maintain computer database files, geographic information system maps and databases.
- P. Review all building permits for compliance with the provisions of this code.
- Q. Review all permits for mobile homes and recreational vehicles for conformance with this Ordinance.
- R. Require Building Inspection Department to route building and mobile home and recreational vehicle permits for parcels located within a FEMA designated floodplain to the Flood Commission Engineer for an Elevation Certificate.

Section 2.1 Building Permits/Mobile Homes Installation Permits/Elevation Certificates

- A. **Building Permits.** A building permit shall be required for all construction within the City as specified in the Uniform Building Code. All building permit applications submitted to the City Building Inspections Department shall be reviewed in accordance with the most current Uniform Building Code in effect and subsequent amendments thereto. Additionally, all building permit applications shall be reviewed for compliance with the requirements of this Ordinance, the City Subdivision Ordinance, for delinquent taxes, and for compliance with all other applicable State and local laws. A Permit or Certificate of Occupancy may be refused until complete compliance with all such laws and requirements is demonstrated. A building permit application may be approved only if the contents of that application meet the standards of the most current Uniform Building Code in effect, and subsequent amendments thereto, and also, only if the contents of that application meet the standards of this Ordinance and related City Ordinances dealing with fire, flood, traffic, safety, and grading.
- B. **Mobile Home Installation Permits.** Mobile Home Installation Permits shall be required for the placement of all mobile homes and recreational vehicles intended for continuous occupancy for more than 6 months in the City. All applications for Mobile Home Installation Permits shall be submitted to the City Building Inspections Department for review. All Mobile Home Installation Permit applications shall be reviewed for compliance with the most current installation and location standards for the placement of mobile homes, in effect and subsequent amendments thereto, including the requirements of this Ordinance. A Mobile Home Installation Application may be approved only if the contents of that application meet the installation and location standards for the placement of mobile homes and recreational vehicles in effect at the time of application.
- C. **Elevation Certificate.** Construction within a Federal Emergency Management Agency (FEMA) designated floodplain may not be started until the applicant has provided an Elevation Certificate that has been accepted by the appropriate City Office - Flood Commission Engineer. Designs for construction in the floodplain must be prepared by a professional engineer licensed in New Mexico.
 - 1. **Limits on Liability - Elevation Certificate.** The acceptance of an Elevation Certificate and related information will not constitute a presentation, guarantee or warranty of any kind or nature by City of Anthony, NM or by any political subdivision, or by an officer or employee of any of them,

of the practicability or safety of any structure or activity, and will create no liability upon or cause of action against any public body, officer, or employee for damage that may thereby result.

Section 2.2 Site Plan Review and Approval

- A. **Purpose and Intent.** For the purpose of ensuring that land uses or construction projects that are considered during the terms of this Ordinance are compatible with this Ordinance, no persons shall commence any use or construction without first obtaining approval of a detailed site plan as set forth below. Site plans for multi-family dwellings or apartments, and Non-Residential uses (commercial, industrial and institutional) shall be prepared by a professional engineer, architect or surveyor licensed in New Mexico.
- B. **Principles and Standards of Review.** The Zoning Administrator shall approve said site plan only after determining the following:
1. The proposed use is permitted as required by this Ordinance.
 2. The dimensional arrangement of the buildings and structures within the lot that the site plan is prepared, conform to the development standards of this Ordinance.
 3. The lot that is the requested location for the proposed use has been created in compliance with State Statutes and City Ordinance governing the division of land.
- C. **Detailed Site Plan Requirements.** A detailed site plan shall consist of a scale drawing at a scale of not less than 1" : 100' containing the following information:
1. Location and dimensions of the affected property including legal description.
 2. Location of all existing and proposed utility easements, including septic and well where applicable.
 3. Location, arrangements, numbers and dimensions of all existing and proposed parking facilities, turning spaces, driveways, aisles and pedestrian walkways and truck loading facilities within the property.
 4. The name and location of all streets adjacent to the property and all proposed points of ingress and egress; traffic volumes and number of lanes on adjacent streets.
 5. Size, location and setbacks of all existing and proposed structures within the property and abutting the property.
 6. The location, dimensions and capacity of all proposed and existing drainage structures or easements.
 7. The location and dimensions (height, width, area of face of sign) of all proposed signs.
 8. The location, dimensions and intensity in lumens of all proposed exterior lighting; to assure that light will not project glare onto adjacent property.

9. Indicate grade differences (spot elevations, contours, etc.) and show actual elevations and reference benchmarks used.
10. The location, dimension and capacity of any watercourse(s) that has an intermittent or ephemeral flow.
11. Location, dimensions and materials used for proposed landscaping and buffering.
12. Additional data in report form may be required for uses with a potential to impact residential development abutting the property or within a three hundred foot (300') radius of the property with noise, odor, vibration or concussion, smoke, fumes, chemical usage or emissions, dust glare or increased fire danger.
 - a. In order to determine impact, the applicant shall submit a summary of commercial or industrial operations that will generate noise, vibration, odor, smoke, dust, or chemical usage at levels above residential standards or safety levels specified in State or Federal environmental regulations. The applicant shall disclose what State and Federal environmental regulations and standards apply to the proposed use. The applicant shall demonstrate how the development will comply with applicable State and Federal environmental regulations.
 - b. All wholesalers and manufacturers shall submit a hazardous materials impact analysis, and shall make available upon request copies of all Material Safety Data Sheets and Tier One reports, and other similar safety forms and data, which will be required to be prepared or maintained in connection with the proposed operation. At the request of the County Fire Marshal or the Director of the Office of Emergency Management, a hazardous materials impact analysis prepared by an independent consultant shall be submitted.
13. A grading and drainage plan, shall be required for Medium and High Intensity Residential CR-2,3 and VR-2) and all Non-Residential land uses (CC-1, 2, 3 and VC-1, 2). A grading plan shall also be required for low intensity residential uses (CR-1, CR1-M and VR-1, providing the:
 - a. Entire development or a portion thereof, lies within a FEMA Special or Flood Hazard area or other flood hazard area as determined by the DAC Office of the Flood Commission, if appropriate, for review and comment.
 - b. Grades within the area to be developed in excess of four percent (4%); or
 - c. A major arroyo, stream or channel exists within the area to be developed.

D. Review and Approval for Denial Procedures. Upon receipt of a complete site plan, the Zoning Administrator shall follow these procedures:

1. For Low and Medium Intensity Residential uses in the Performance District:
 - a. Route copies of the site plan to Building Inspection, City Engineering and Flood Commission, if appropriate, for review and comment.
 - b. Determine that the site plan meets the development standards required by this Ordinance.

- c. Mark the site plan approved, or approved with conditions and transmit to Building Inspection for use in issuing building permit or mobile home permit.
 - d. Mark the site plan denied if it does not meet requirements of this Ordinance.
2. For all other uses in the Performance District:
- a. Publish notice in a newspaper of general circulation of the location, proposed land use classification, and owner or applicant's name. Make the proposed land use and site plan documents available to the public for review. Provide signs to be posted on the property by the property owner. Publication must be placed in the newspaper fifteen (15) days prior to approval of the site plan. Signs must be posted on the property for fifteen (15) days prior to approval of the site plan.
 - b. Route copies of the site plan to affected State agencies for review and comment.
 - c. Grant approval of the site plan, with conditions as required to meet the standards and policies of this Ordinance and the Comprehensive Plan.
 - d. Deny the site plan if it does not meet requirements of this Ordinance and the Comprehensive Plan.
 - e.

E. Effective Date and Term of Approval

- 1. Approval of site plans for Low Intensity Residential uses become effective the date signed by the Zoning Administrator. Such approvals shall remain valid until a building permit is issued or until a revised site plan is approved.
- 2. Approvals of site plans for Medium and High Intensity Residential use and all Non-Residential uses shall become effective on the date that it is signed by the Zoning Administrator.
- 3. Approvals of site plans for Medium and High Intensity Residential and all Non-Residential uses shall remain valid for one (1) year after the effective date. If no building permit is issued, or no land use established within one (1) year, the approval shall be void. A one (1) time renewal may be requested in writing for extension of approval for up to one (1) additional year.
- 4. In granting the extension, the Zoning Administrator shall consider whether development of adjacent properties have taken place that would change the required buffers or other conditions approved with the original site plan. If so, review of the request, and re-notification of agencies and publication of notice is required as stated in Article 2.2D.2 is required.
- 5. Certificates of Occupancy will not be issued until all requirements including but not limited to: the structure, parking, buffering and landscaping comply with the approved site plan. Once a Certificate of Occupancy is issued, a Business Registration shall be obtained for Non-Residential uses.

F. Revisions of Site Plans

- 1. The Zoning Administrator may approve minor revisions to an approved site plan. Minor revisions include rearrangement of buildings, parking areas, walkways or landscaping that does not affect access, circulation, drainage or grading. Changes in land use to include similar uses to those originally proposed shall be minor revisions.

2. Major revisions will require a new administrative approval, new agency review and publication of notice in a newspaper of general circulation. Major revisions include; change in land use classification that changes the intensity and buffers required; increase in number of buildings or number of parking spaces; changes in access, internal or external circulation; change in drainage facilities or grading plans.

Section 2.3 Establishment of the Planning and Zoning Commission (P&Z)

There is hereby established a Planning and Zoning Commission (P&Z), consisting of seven members who shall be appointed for two-year staggered terms by the Mayor and approved by a majority of the Board of Trustees. Members may be re-appointed at the completion of their term by the Board of Trustees. Members shall not receive compensation for performing their duties, but may be reimbursed for training or attendance at conferences upon prior approval by the City Mayor. The Planning and Zoning Commission being duly appointed shall:

- A. Adopt by-law for the election of officers, conduct of meetings, and establishment of operations of the Commission.
- B. Receive, hear and make final determinations on applications for Variances and Planned Unit Developments as prescribed for by, and subject to, the procedures established herein, and report said determinations to the Board of Trustees. Receive, hear and make recommendations to the Board of Trustees on approval or denial of Zone Change requests.
- C. Receive, hear and make recommendations to the Anthony Governing Body, on requests for amendments and changes to this Ordinance.
- D. Hear and make disposition on Appeals for the interpretation of meaning of terms used in this Ordinance and assist and guide CDD on its implementation of matters pertaining to Land Use Regulations.
- E. Hear and make disposition on Appeals to actions taken by CDD. The P&Z may affirm, modify or reverse actions of the CDD and Zoning Administrator.
- F. Report to the Anthony Governing Body on matters requested by them.
- G. Review and recommend changes and amendments to the Comprehensive Plan to the Board of Anthony Governing Body.
- H. Review and make recommendations for approval or denial of subdivision plats and replats to the Anthony Governing Body, as provided for in the Land Subdivision Regulations of Anthony Governing Body.
- I. Carry out special studies and prepare plans for land use and development of public facilities as directed by the Anthony Governing Body.

Section 2.4 Duties of the Board of Governing Body.

The Board of Trustees for the City of Anthony, NM shall:

- A. Receive recommendation on requests for amendments to the Ordinance from the Planning and Zoning Commission, hear and make final determinations upon matters in the manner prescribed by and subject to the procedures established herein and other Ordinances. Receive and hear recommendations, and make final determination on requests for Zone Changes or initial zoning of lands, including the creation of Community Districts.
- B. Act as the Board of Appeals, receive and hear all written requests for Appeals by any person or persons aggrieved by the decision of the Planning and Zoning Commission concerning Variances, and other matters relating to the administration and enforcement of this Ordinance and make final disposition of such Appeals.
- C. Instruct the CDD and P&Z, from time to time, to make studies or initiate studies and draft reports concerning issues arising from this Ordinance and from other land use practices.
- D. Receive, review, modify and adopt amendments to the Comprehensive Plan.

Section 2.5 Application and Hearing Procedures

- A. **Generally.** A schedule of fees to be charged for the various applications and services under this Ordinance, which are designed to partially defer the costs of administering and enforcing this Ordinance, shall be established by resolution of the Governing Body. Applications for requested amendments to this Ordinance, Zone Changes, Variances, and Planned Unit Development permits shall be made and reviewed according to the following procedures:
 - 1. Prospective applications shall first confer with the Community Development Department staff, which shall initially review the proposed request and shall issue the approved application forms and methods prescribed by the Department.
 - 2. The applicant shall complete and submit the approved application forms provided by the City in accordance with prescribed methods, along with the required processing fee, in advance of the time and date established as the deadline.
 - 3. The CDD shall review the application and after consultation with and review by other agencies as appropriate shall prepare a recommendation to be presented within sixty days (60) before the P&Z. Said recommendation shall be supported and based on the provisions contained in this Ordinance, and the City of Anthony, NM Master Plan, and/or other applicable regulations.
 - 4. CDD may advise and make recommendation to the applicant in an effort to arrive at a favorable recommendation but will not prevent by any means the applicant from making their request. A recommendation not to approve shall be explained and made available to the applicant five days prior to the public hearing before the P&Z.
- B. **Public Hearing Notice Requirements.** This Ordinance, its amendments, Zone Changes, Planned Unit Development permits and Variances may become effective only after a public hearing has been held at which all interested parties and/or citizens shall have an opportunity to be heard. Signs, supplied by the Community Development Department, shall be posted a minimum of fifteen (15) working days on at least four (4) comers of the subject property, to notify adjacent property owners of the proposed land use request. Notice of the time and place of the public hearing shall be published at least fifteen (15) days prior to the date of the hearing in a newspaper with general circulation in the jurisdiction of the Anthony, NM Planning and Zoning Commission, and, for

information only, in a paper with general circulation in the geographic area where the site of the proposed action is located. Whenever a parcel, lot, or area of land is to be considered for a Zone Change, Variance, or Planned Unit Development permit, notice of public hearing shall be mailed by first-class mail to the owner, as shown by the records of the County Assessor, of lots or land within three hundred feet (300') of and in every direction from the area under consideration, excluding distances devoted to public rights-of-way. In case there are not at least ten (10) such owners within the three hundred feet (300') distance, then the distance will be extended until ten (10) such owners are included and notified, providing the area of notification does not exceed a one (1) mile radius.

C. Written Protest Provisions. Any parties and/or citizens who object to a proposed Zone Change, Planned Unit Development permit, or Variance may file a written protest with the CDD Director prior to the public hearing held by the Planning and Zoning Commission at which the proposed Zone Change, Planned Unit Development permit or Variance will be considered. The written protest shall list the names, addresses, and signatures of property owners affected by the proposed change; whether the owner's property is situated within three hundred feet (300') or more than three hundred feet (300') of the area proposed to be changed, such distance to be calculated as prescribed herein; and reasons why the property owners object to the proposed change.

D. Vote Requirements and Effective Dates. Effect of Protest of twenty percent (20%) or more of Land Within Area of Notice for Zone Change. Any proposed amendment to this Ordinance, Zone Change, Planned Unit Development permit, or Variance shall be approved by the following vote requirements:

1. Unless otherwise specifically provided herein or by New Mexico law, approval of a proposed action shall require a favorable vote from the majority of the Planning and Zoning Commission members present.
2. Decisions by the Planning and Zoning Commission on requests for Planned Unit Development permits and Variances shall be final and effective after 5 :00 p.m., of the tenth (10) working day following the day of the decision and shall thereafter effect changes on the Official Zoning Maps.
3. Approval of Zone Change requests and amendments to this Ordinance shall require a majority vote of the member of the Board of Trustees.
4. If the owners of twenty percent (20%) or more of the area of the lots and of land included in the area proposed to be re-zoned or within three hundred feet (300'), excluding public right-of-way, to be re-zoned, protest in writing the proposed change in zoning, the change shall not become effective unless the change is approved by a two thirds (2/3) vote of all the members of the Governing Body.

E. Appeals

1. Appeals of decision of the Planning and Zoning Commission must be filed within ten (10) working days after the date of that decision, The Appeal must be in writing, sitting the errors or omissions in the decision of the P&Z, and must be accompanied by the required fee.
2. An Appeal of a Planning and Zoning Commission decision to the Governing Body, prepared and filed in accordance with the procedures established herein, shall stay the effective date of the decision until a decision on the Appeal is made by the Governing Body.

F. Amendments. Any proposed amendment to this Ordinance shall require a recommendation from the Planning and Zoning Commission and shall then require a favorable vote from the majority of the Governing Body members for approval.

G. Limitations on Re-hearing. A proposed Zone Change, Variance or Planned Unit Development permit that has been denied by the Planning and Zoning Commission and/or Governing Body on a particular tract of land for a particular purpose cannot again be applied for within one (1) year from the date of the denial, unless the new request is determined to be substantially different from the original request (i.e., zoning district use, distance, area, etc.).

Section 2.6 Variances

Any development proposed that does not conform to any of the "standards of development" in this Ordinance must obtain a Variance. A Variance shall not be granted unless the Variance is found to meet the requirements of Paragraph E. In granting a Variance, any reasonable conditions may be imposed to minimize any adverse effects the Variance might otherwise have on property within the area of notification or on the City generally.

A. Applications for Variances. An application for a Variance shall be submitted to the City by the owner of the property that is the subject of the Variance request or by the owner's agent. A completed copy of the application, an appropriate site plan that meets the criteria set forth in this Ordinance, and a non-refundable filing fee shall be submitted to the Zoning Administrator.

B. Administrative Variances. The Zoning Administrator may grant an Administrative Variance request. The Governing Body may grant Administrative Variances for clear sight triangle Variances only, under the following circumstances:

The Variance would represent a deviation of twenty percent (20%) or less from a numerical standard.

2. The Zoning Administrator finds that the request meets the standards set forth in Paragraph E.

3. No written objections to the Variance are received within fifteen (15) calendar days from the date that notice is provided consistent with Section 2.5. The notice shall identify the property and state the nature of the Variance requested, and shall also state that if no written objections to the Variance are received within fifteen (15) calendar days of the date of the notice, the Variance may be granted administratively without a hearing, and that if written objections are received within that fifteen (15) day period, the Variance request will be submitted to the Planning and Zoning Commission for a public hearing upon payment of the Variance fee.

4. A denial by the Zoning Administrator under this paragraph may be appealed to the Planning and Zoning Commission.

C. The Zoning Administrator shall submit all applications for Variances that represent a deviation of more than twenty percent (20%), along with the required site plan and the Zoning Administrator's findings of fact and recommendations, to the Planning and Zoning Commission for the earliest hearing practicable.

D. A denial of a Variance by the Planning and Zoning Commission may be appealed to the Governing Body of the city of Anthony, NM.

E. The following findings are required for approval of any Variance:

1. Granting of the Variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the area of notice.
2. Granting of the Variance is justified because there is a physical hardship or extraordinary economic hardship for the applicant resulting from the size, shape, existing structures, or topographical or other physical conditions on the site or in the area of notice.
3. Granting the Variance will uphold the spirit and intent of this Ordinance and accomplish substantial justice.

Section 2.7 Zone Changes

- A. Generally.** The Planning and Zoning Commission may, from time to time, recommend changing the zoning classification of parcels of land within a Zoning District. These changes in zoning classification shall be for the purpose of meeting the land use needs of the residents of the City and shall conform to the intent of the Comprehensive Plan. Zone Changes may be initiated by the City Commission, Planning and Zoning Commission, Community Development Department, or by application of any person or party owning property to be considered for a Zone Change.
- B. Application for a Zone Change.** An applicant for a Zone Change shall complete and submit the approved application form in accordance with the procedures established herein. The applicant shall be the property owner, have some controlling interest in the property, or have the written consent and signature of the property owner. In addition, the application shall include the following information:
1. The legal description and address of the property for the Zone Change.
 2. The property's present and proposed zoning classification.
 3. The reasons for requesting the Zone Change.
 4. A general site plan showing arrangement of uses proposed and the relationship of the uses to abutting streets and properties. The general site plan is for information only and is not intended to be used in approval of subsequent building plans, unless required by the Planning and Zoning Commission at the hearing.
- C. Public Hearing.** No Zone Change shall be approved until a public hearing has been held thereon by the Planning and Zoning Commission and Governing Body in accordance with the procedures established herein, (Section 2.5B).
- D. Hearing and Decision by the Planning and Zoning Commission.** The Planning and Zoning Commission shall review, hear, and recommend approval or denial of a request for a Zone Change. In its deliberations, the Planning and Zoning Commission shall consider all oral and written statements from the applicant, the public, the City staff, and its own members. The Planning and Zoning Commission shall not recommend approval of a Zone Change request unless it finds the Zone Change is in the public interest and is in conformance with the goals of the Master Plan for City of Anthony, NM and is consistent with the character of the surrounding area. A denial of a Zone Change request by the Planning and Zoning Commission shall be final, unless the applicant files an Appeal to the Anthony Governing Body. Such Appeal shall be sent to the Community

Development Director within ten (10) working days after the Planning and Zoning Commission's decision, and shall state the error or errors in the decision of the Planning and Zoning Commission.

- E.** Limitations, Amendments, and Revisions. The Planning and Zoning Commission may recommend approval or denial of a request for a Zone Change, or table it for not more than one (1) regularly scheduled P&Z meeting, or for a period of time specified at the public hearing.
- F.** Final Approval or Denial. The Board of Trustees at a public hearing shall make final approval or denial of a Zone Change request.
- G.** Zoning Map. Upon approval of the Governing Body, the new zoning classification shall be recorded on the official zoning maps of the City.
- H.** Appeal. Appeal of a decision by the City of Anthony, NM Governing Body to approve or deny a Zone Change request must be filed by the affected party with the District Court within thirty (30) days of the date of the decision.

Section 2.8 Appeals

- A.** Generally. Any person or party aggrieved by the decision of the Planning and Zoning Commission regarding site plan approvals, Planned Unit Development permits, or Variances, or any decision or determination made by the Planning and Zoning Commission in the enforcement of this Ordinance may Appeal the decision or determination to the Governing Body who shall act as the Board of Appeals.
- B.** Appeal of a Planning and Zoning Commission Decision. Any person or party aggrieved by the decision of the Planning and Zoning Commission regarding site plan approvals or Planned Unit Development permits, or Variances may Appeal the decision to the Anthony Governing Body. The Appeal shall be submitted, reviewed, and heard in accordance with the following procedures:
 1. The Appeal shall be initiated by the filing of a written notice with the City Community Development Department prior to 5:00 p.m. on the tenth (10) working day following the date of the decision.
 2. The Notice of Appeal shall concisely and specifically set forth in writing the points on which it is urged the decision of the Planning and Zoning Commission should be set aside by the City of Anthony, NM Governing Body.
 3. Appeal hearings before the City of Anthony, NM Governing Body shall be de novo hearings, and may include review and consideration of the record and of any new evidence submitted to the Board prior to or during the hearing before the Board.
 4. The Appeal shall be heard by the City of Anthony, NM Governing Body thirty (30) days of the filing of the Notice of Appeal.
 5. Decisions on Appeals by the City of Anthony, NM Governing Body shall be made by a majority vote unless the decision being appealed required a greater than majority vote of the Planning and Zoning Commission. In which case the increased vote requirement shall be applicable to the decision by the Anthony Governing Body on the Appeal.

6. The Governing Body may approve, deny, or reverse the decision of the Planning and Zoning Commission, or make such modification upon the Appeal as it deems necessary, in order to protect the public interest. The decision shall be based on a finding of fact.

C. Quasi-Judicial Nature of Appeals.

1. Appeals of Variances and Planned Unit Development permits or Site Plans are quasi-judicial matters.
2. Hearings on appeals shall include the following procedures:
 - a. A person or group filing an Appeal shall include a written "Statement of Appearance" giving the name and address of the person making the Appeal, signed by the person or the person's agent. This statement will constitute an appearance of record.
 - b. The parties to a Quasi-Judicial matter shall be any of the following who have entered an appearance of record:
 - i. The applicant or applicant's agent;
 - ii. The owners, as shown on the records of the County Assessor, of lots comprising the application site, and lots, within the area of notice of the original action;
 - iii. Any neighborhood association with a demonstrable interest in the matter being appealed;
 - iv. The representatives of any department or agency of the City that may be affected by the application; and
 - v. Any person whom the P&Z or the City of Anthony, NM Governing Body determines to have an interest in the subject matter of the hearing.
 - c. A party shall be afforded the opportunity to present evidence and argument, to question and cross-examine witnesses on all relevant issues. The Planning and Zoning Commission, The City of Anthony, Governing Body, may impose reasonable limitations on the number of witnesses heard, and on the nature and length of testimony and questioning to avoid unnecessary and duplicative testimony and assure that testimony and questioning is relevant to the case.
 - d. The Zoning Administrator, and/or the Planning and Zoning Commissioners, and/or the Board of Appeals may question witnesses and may request to review documents presented. The Zoning Administrator shall keep a record of all proceedings in quasi-judicial matters heard by the Planning and Zoning Commission. The City Clerk shall keep a record of all proceedings in quasi-judicial matters heard by the Board of Appeals.
 - e. All testimony shall be made under oath or affirmation.

D. Appeal of a Decision or Determination of the City Community Development Department.

Any person or party aggrieved with the decision or determination made by the City staff in the enforcement of this Ordinance may Appeal the decision to the City Planning and Zoning

Commission. The Appeal shall be submitted, reviewed, and heard in accordance with the following procedures:

1. The Appeal shall be initiated by the filing of a written notice with the Community Development Department within ten (10) working days from the date of the decision being appealed.
2. The Notice of Appeal shall concisely and specifically set forth in writing the points on which it is urged the decision or determination of the City staff should be set aside by City Planning and Zoning Commission.
3. The Appeal shall be heard by the City Planning and Zoning Commission following the filing of the Notice of Appeal.
4. In making a decision on the Appeal, the City Planning and Zoning Commission shall consider only those concise and specific points on which the appellant, in the written Notice of Appeal, urges the Planning and Zoning Commission to set aside the decision of the City staff. The Planning and Zoning Commission shall consider all oral and written statement from any member or members of the City staff affected by the Appeal.
5. A decision to deny or approve the Appeal shall require a majority vote of all City Planning and Zoning Commission members. The decision shall be based on findings of fact that is made a part of the record of the meeting.

E. Public Notice. Public notice shall be given in the same manner as required for the action being appealed.

F. Appeal of a Decision by the City. Any person or party aggrieved with the decision of the City Commission may present the decision to any court of competent jurisdiction for court review within thirty (30) days in the manner required by State law.

G. Appeal to Governing Body. Appeals of decisions by the Planning and Zoning Commission to the City of Anthony Governing Body shall be accompanied by a non-refundable fee as specified by the City Planning and Zoning Commission.

ARTICLE 3. AMENDMENTS

Section 3.0 Authority of the Governing Body

The Governing Body may, from time to time and in accordance with Section 3-21-1, et. seq., n/a NMSA 1978, and pursuant to other New Mexico Statutes and Case Law, on its own motion, on the recommendation of the City Planning and Zoning Commission or on petition as provided for in this Section, amend, supplement or repeal all or any part of this Ordinance and/or the boundaries of district as established under this Ordinance.

Section 3.1 Public Hearing Required

No zoning regulation, restriction, or zoning district boundary shall become effective, amended, supplemented or repealed until after a public hearing, held by the Governing Body, at which all parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the public hearing shall be published as required by New Mexico Statutes and Anthony Ordinance's.

Section 3.2 Petition for Amendment

Any property owner, lessee, developer or any other person may, by a petition submitted through the City Community Development Department, request the Governing Body to consider amendments to any Section of the text of this Ordinance or any zoning district established under the Ordinance. The City Planning and Zoning Commission will review the requested amendment and make a recommendation to the Governing Body. The Governing Body will consider the requested amendments at a public hearing held in accordance with the requirements as set forth in Section 3.1 above.

ARTICLE 4. PERFORMANCE DISTRICT

Section 4.0 Purpose

The purpose of the Performance Zone District is to allow flexibility for land use activities in the rural areas of the City, while protecting residents and property values. In the Performance Zone District any use may be approved provided that all standards for that particular use are met and the use is consistent with the character of the surrounding areas. Standards for land uses are based on the intensity of the primary use of a parcel of land. The most intense uses with a potential impact on a larger area of the City, or its resources than, the residential or commercial uses will require approval through the Planned Unit Development process (PUD).

Section 4.1 Land Use Intensities

Specific classifications in the Land Use Classification Matrix in Article 10 of this Ordinance are controlling over the general descriptions of intensity classifications below. Standards for a particular land use are based on the intensity of that use. Land use intensity refers to relative measure of development impacts defined by characteristics such as, the number of dwelling units per acre and amount of site coverage. Land uses are categorized into the following activities:

A. Low Intensity:

- Residential
- Non-Residential

B. Medium Intensity:

- Residential
- Non-Residential

C. High Intensity:

- Residential
- RMP-Residential Mobile Home Park
- RMS-Residential Mobile Home Subdivision
- Non-Residential

D. Planned Unit Development Overlay Zone:

- Type 1: Mixed Use Residential
- Type 2: Non-Residential (Commercial and Industrial)

Section 4.2 Determination of Land Use Intensity

The classification of a particular land use must first be determined as a Residential or Non-Residential use. The use must go through the intensity review. The review asks questions that look at potential impacts created by the proposed land use. The following table is designed to determine a particular land use based on the intensity of the use.

SECTION 4.3 INTENSITY FOR RESIDENTIAL AND NON-RESIDENTIAL LAND USES

INTENSITY CRITERIA	Determination of Land Use Intensity		
<i>Does the use have the following impacts?</i>	<i>Low Intensity See Tables for specific standards.</i>	<i>Medium Intensity See Tables for specific Standards</i>	<i>High Intensity See Tables for specific standards.</i>
1) Minimum Lot Size for Residential Uses	6,000 ft ² with a maximum of 1 dwelling unit per lot on sewer or NMED standards for septic	9,000 ft ² with a maximum of 2 dwellings per lot on sewer or NMED standards for septic	13,500 ft ² + for 3 or more dwellings per lot on sewer or NMED standards for septic.
2) Maximum Building Size For Non-Residential Uses	5,000 ft ²	5,000 to 10,000 ft ²	Greater than 10,000 ft ²
3) Effluent Discharge	2,000 gallons per day or less for domestic waste per NMED standards	2,000 gallons per day or more; requires a discharge permit from State; domestic waste only, per NMED standards	2,000 gallons per day or more requires a discharge permit from the State or connection to commercial sewer; domestic and industrial waste, per NMED standards
4) Hazardous Materials	Not Allowed	Wholesale or re-sale; pre-pack sales; temporary storage incidental to primary use	Mixing, repacking or storage for transport as primary use
5) Air Emissions	NMED standards	NMED standards	NMED standards ³⁴

Section 4.4 PR-1, Low Intensity Residential

The purpose of the PR-1, Low Intensity Residential Land Use classification is to provide standards for a single- family site built home, manufactured home or mobile home.

PR-1, Low Intensity Residential	
Maximum Number of Dwellings	1 dwelling unit per lot
Minimum Lot Size	6,000 square feet; or NMED standards
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Minimum Setbacks	
Front yard	**25 feet
Rear yard	25 feet
Side yard	5 feet
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 20 feet of driveway width for non-dedicated streets or driveways within a lot Legal non-conforming lots may be developed with existing and improved access.
Street Access	50 feet wide right-of-way or easement with 24 feet of improved roadway.
Off Street Parking	Two parking spaces per lot minimum, excluding garage area. See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	Not Applicable
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Signs	Not Applicable
Site Plan	Required
Permitted Uses	See Article 10, Performance District Land Use Classification Matrix

Additional Standards. see Article 9. **Front yard setback for primary dwelling may be reduced to fifteen feet (15') providing the attached garage is setback twenty five feet (25') from property line.

Section 4.5 PR-2, Medium Intensity Residential

The purpose of the PR-2, Medium Intensity Residential classification is to provide standards for two dwelling units per parcel of land.

PR-2, Medium Intensity Residential	
Maximum Number of Dwellings	2 dwelling units per lot
Minimum Lot Size	9,000 square feet; or NMED standards
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Minimum Setbacks	
Front yard	25 feet
Rear yard	25 feet
Side yard	7 feet
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways.
Street Access	50 foot wide right-of-way or easement with 24 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	See Article 10, Performance District Land Use Classification Matrix

Additional Standards, see Article 9.

Section 4.6 PR-3, High Intensity Residential

The PR-3 High Intensity Residential classification provides standards for high density, multi-family residential land uses. Septic systems are not allowed for this land use unless approved by NMED. Other uses such as institutional, personal services, community buildings may be included as part of a housing development. Application and Hearing Procedures per Section 2.5 shall be followed for this land use category.

PR-3, High Intensity Residential	
Minimum Number of Dwellings	3 or more dwelling units per lot
Minimum Lot Size	
Triplex or 3 dwellings	13,500 square feet
Fourplex or 4 dwellings	18,000 square feet
Apartments complexes	18,000+ square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Setbacks	
Front yard	30 feet
Rear yard	30 feet
Side yard	10 feet
Maximum Height	45 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 30 feet of driveway width for non-dedicated streets or driveways within a lot.
Street Access	Must be located on Collector, Minor Arterial or Principal Arterial, 60' right-of-way with 36' improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Community buildings, public or private. See Article 10, Performance District Land Use Classification Matrix.

Additional Standards, see Article 9. Ten percent (10%) up to twenty thousand square feet (20,000 ft²) of the total development area shall be devoted to usable open space for recreational activities. Ponding and drainage may be used to contribute to usable open space.

Section 4.7 PR-MP, High Intensity Residential, Mobile Home Park

The R-MP classification is intended to establish standards that allows for singlewide or doublewide mobile homes equal to or greater than eight feet (8') in width or forty feet (40') in length, and eleven feet (11') in height and recreation vehicles as licensed by the State of New Mexico. Application and Hearing Procedures per Section 2.5 shall be followed for this land use category. Mobile homes as defined above and RVs are permitted in the one of the following conditions in the Performance District:

1. Approved mobile home park;
2. Mobile home park is under unified ownership and management; or
3. Central facilities for use of residents on site are approved .

PR-MP, High Intensity Residential, Mobile Home Park	
Minimum Park Size	NMED standards, if applicable
Minimum Space Size	3,500 square feet
Minimum Space Width	40 feet
Minimum Space Depth	70 feet
Minimum Setbacks	25 feet from property line with no perimeter wall or 10' with a perimeter wall, per Section 9.5
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 30 feet of driveway width for non-dedicated streets or driveways within a lot.
Street Access	60 foot wide right-of-way or easement with 36 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan/Subdivision Plat	See DAC Subdivision Regulations, Ordinance No. 166-96
Permitted Uses	Community buildings, public or private. See Article 10, Performance District Land Use Classification Matrix.

Additional Mobile Home Park Development Standards, See Article 9 Section 9.8 ten percent (10%) up to twenty thousand square feet (20,000 ft²) of the mobile home development area shall be devoted to usable space for recreational activities. Pond and drainage may contribute to open space.

Section 4.8 PC-1, Low Intensity Non-Residential Use

The purpose of the Low Intensity Non-Residential classification is to provide standards for Non-Residential land uses and agriculture that are categorized as having little or no impact on surrounding residential uses. Permitted uses include: agriculture, agricultural packing and warehousing, neighborhood commercial and personal services. Such uses are intended to serve the packing and shipping needs of farms and ranches nearby; and to provide retail goods and services as well as institutional uses to a neighborhood or a small area of the County.

PC-1, Low Intensity Non-Residential	
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Minimum Setbacks	
Front	30 feet
Rear	20 feet [10 feet between buildings]
Side	10 feet
	[Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to zero (0) feet.]
Maximum Building Size	5,000 square feet of total gross floor area
Maximum Height	40 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.
Street Access	50 foot wide right-of-way or easement with 24 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5.1
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	See Article 10, Performance District Land Use Classification Matrix for detailed list.

Additional Standards, see Section 6.5B and Article 9.

Section 4.9 PC-2, Medium Intensity Non-Residential Use

This classification provides standards for Medium Intensity Non-Residential land uses such as commercial or industrial uses that serve several neighborhoods, and agriculture uses that have some impact on residential uses. Such uses assist in the economic development of the County and provide goods and services to residents of rural areas of the County. However, due to traffic, water and wastewater needs, and other impacts on abutting residential lands, a larger buffer is required. This classification includes Community Commercial permitted land uses. Refer to the Doña Ana County Comprehensive Plan.

PC-2, Medium Intensity Non-Residential	
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Setbacks	
Front	35 feet
Rear	30 feet [10 feet between buildings]
Side	15 feet [Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to zero (0) feet.]
Maximum Building Size	20,000 square feet of total gross floor area
Maximum Height	45 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.
Street Access	Must be located along a Collector, County road or State Highway. 50 foot wide right-of-way or easement with 30 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5.1
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	See Article 10, Performance District Land Use Classification Matrix for detailed list.

Additional Standards, see Section 6.5B and Article 9.

Section 4.10 PC-3, High Intensity Non-Residential Use

This classification provides standards for High Intensity Non-Residential developments such as commercial or industrial uses that may have serious impacts on surrounding development. Each use, activity or operation classified as a High Intensity Non-Residential use shall comply with the applicable local, state, and federal standards, and shall not create a nuisance because of odor, vibration, noise, dust, smoke, visual or gas. This classification includes retail uses such as shopping centers serving a large area of the County or region; wholesale and major institutional uses.

PC-3, High Intensity Non-Residential	
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	125 feet
Minimum Lot Depth	125 feet
Minimum Setbacks	
Front	60 feet or 20 feet with a 6 foot masonry wall
Rear	35 feet [10 feet between buildings]
Side	35 feet
	[Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to zero (0) feet.]
Maximum Height	50 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.
Street Access	60 feet wide right-of-way or easement with 36 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	See Article 10, Performance District Land Use Classification Matrix for detailed list.

Additional Standards, see Section 6.5B and Article 9.

ARTICLE 5. LANDSCAPING AND BUFFERING REQUIREMENTS

Section 5.0 Purposes

Buffer plantings are intended to provide transition between contrasting land uses and architectural styles, to reduce the impact of building scale and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing and where required, a mix of plant materials shall be used to achieve the desired effect. Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Fences and walls for screening may be constructed of wood, concrete, stone, brick, and wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls are also used where noise pollution requires mitigation.

Section 5.1 Landscaping and Buffers

The buffer yard is a designated unit of yard or open area together with any plant materials, barriers, or fences required thereon. Both the amount of land and the type and amount of landscaping specified are designated to lessen impacts between adjoining land uses. By using both distance and landscaping, potential nuisances such as noise, glare, activity, dirt, unsightly parking areas, and so forth will be minimized. Where a Non-Residential use that is hereafter developed abuts a Residential (even if vacant, or Agricultural land use, buffer landscaping is required to minimize noise, lighting and sight impact of the Non-Residential activities in the residential area. Where a Medium or High Intensity Residential use is hereafter developed next to and abutting Low Intensity Residential, or Agricultural land use, buffer landscaping is required.

Landscaping and buffer landscaping will be required within the following districts:

1. Performance Medium Intensity Residential (PR-2)
 2. Performance High Intensity Residential (PR-3)
 3. Community Medium Intensity Residential (CR-2)
 4. Community High Intensity Residential (CR-3)
 5. Village Residential; Multi Family (VR-2)
 6. Performance Low Intensity Non-Residential (PC-I)
 7. Performance Medium Intensity Non-Residential (PC-2)
 8. Performance High Intensity Non-Residential (PC-3)
 9. Community Commercial and Industrial (CC-1,2,3 and CI-1,2,3)
 10. Village Commercial (VC-I,2 and VMU)
 11. Planned Unit Development Overlay Zones
- B.** Low Intensity Residential (PR-I, CR-1, CR-IM, VR-J, VR-IM) land uses are exempt from this Section.
- C.** Unless otherwise indicated, landscaping will consist of a minimum of fifteen percent (15%) of the total area of the proposed developed portion of the lot.
- D.** Buffers shall be provided and maintained as set forth below in the Landscaping Buffer Matrix.
- E.** For Non-Residential uses, a solid wall or a solid fence at least six-feet (6') high shall be erected on sides abutting or adjacent to a Low, Medium or High Intensity Residential use (PR-1, PR-2, PR-3, CR-1, CR-IM, CR-2, 3, VR-1,2), except for those sides abutting public right-of-way or private roads. 1, In order to allow for unobstructed vision, such wall or fence shall be three feet (3') high in the area within eleven feet (11 ') of a public way or planned public way.

2. **If** the wall plus retaining wall have an effective height of over eight feet (8') on the residential side, the Zoning Administrator or their designee shall decide the acceptable height.
- F.** Lighting shall be placed to reflect the light away from adjacent residential districts.
 - G.** No noise, odor, or vibration shall be emitted by uses outside the boundaries of a Non-Residential use. Such determination shall be made at the boundary of the Non-Residential use.
 - H.** Parking lot landscaping is intended to break up large expanse of pavement, create shade, buffer views of parking lots from adjacent streets and developments and enhance the overall appearance of each project. Landscaping of the parking area shall consist of a minimum of fifteen percent (15%) of the total landscape area required in Section 5.1.C. and shall include a minimum of one (1) tree per five (5) parking spaces. All parking lots and repaving projects of existing parking lots consisting of ten (10) or more required spaces shall be subject to these requirements.
 - I.** Trees, shrubs and other drought tolerant plant species that require minimal water should be used.
 - J.** The trees and/or shrubs shall form a largely opaque screen, however within a clear sight triangle the trees and shrubs shall be maintained to a height of no higher than three feet (3').
 - K.** The landscape buffer between any Residential and Non-Residential use shall not eliminate the applicable requirements for a fence or wall if parking is adjacent to the landscaping strip.
 - L.** A landscape plan indicating the type, size and location of landscaping along with topography and an irrigation plan showing the type and size of pipes and heads shall be submitted in conjunction with the application for the building permit.
 - M.** The irrigation system and the landscaping shall be installed before the completion of building construction and prior to the issuance of a Certificate of Occupancy unless a written agreement has been approved by the Zoning Administrator.
 - N.** The owner of the landscaped property shall be responsible to maintain it in a healthy, clean, trimmed, weed-free and litter-free condition. Dead plant material shall be replaced with new plant material immediately. All plant growth in required landscaped areas shall be controlled by pruning or trimming so that it will not interfere with the installation, maintenance or repair of any public utility, nor restrict pedestrian or vehicular traffic, nor constitute a traffic hazard.
 - O.** The Zoning Administrator or his/her designee may approve an alternative landscaping plan that locates the buffer landscaping away from the site plan boundary line if they find that all of the following apply:
 1. Noise, lighting and sight buffering of the residential district can be accomplished at least as well with the alternative plan.
 2. The alternative landscaping plan does not result in less landscaped area than would have been required with the normal buffer landscaping strip specified in Landscaping/Buffer Matrix.
 3. A solid wall or solid fence at least six feet (6') high is provided along all segments of the site plan boundary line that does not have the standard buffer landscaping strip.

Section 5.2 Landscaping and Buffer Definitions

For the purposes of this Section, "landscape" shall mean trees, shrubs, ground covers and an irrigation system that are defined below.

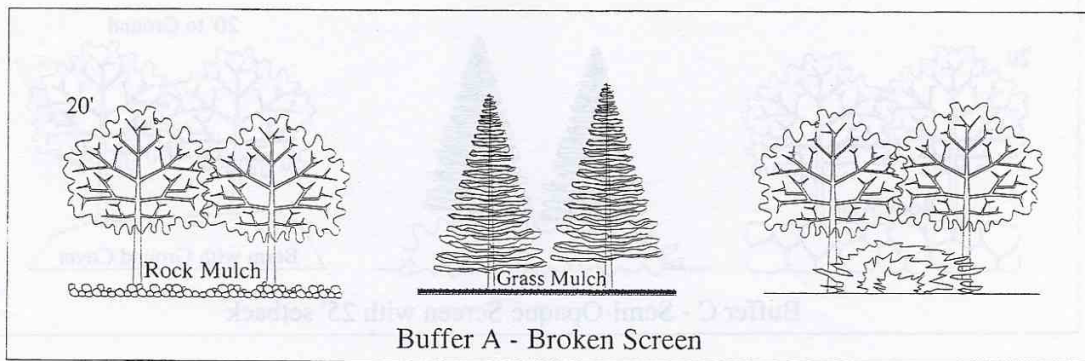
- A. "Trees" mean deciduous or conifer having a 2" to 2 1/2" caliper at the time of planting located throughout the required landscaped area. A multi-trunk tree shall have no less than 3-1" caliper trunks. A minimum of one (1) live tree shall be provided for every one thousand square feet (1000 ft²) of required landscaped area.
- B. "Shrubs" mean five-gallon size, to follow nurseryman standard, which are approximately one-foot (1 ') in height and one foot (1 ') in width at the time of planting located throughout the required landscaped area. A minimum of twenty (20) live shrubs shall be provided for every one thousand square feet (1,000 ft²) of required landscaped area.
- C. "Ground Cover" means grass, low shrubs or flowers but does not include asphalt, concrete or soil that is exposed and untreated located throughout the required setback area. One hundred square feet (100 ft²) of ground cover or ten (10) one-gallon size plants shall be provided for every one thousand (1,000 ft²) square feet of required landscaped area. Gravel and/or decorative stone shall be considered additional ground cover if used with the required plant material as specified in this Section.
- D. Substitution of plant materials may be made according to the following ratio:
 - 1. For every one (1) - two inch (2") tree required = ten (10) - five (5) gallon shrubs
 - 2. For every five (5) - gallon shrub required = five (5) one (1) gallon shrubs
 - 3. For every one (1) - two inch (2") tree required = 30 - 1 gallon shrubs
- E. Irrigation systems shall consist of an underground system, automatic or manual that includes a reduced principal backflow preventer, pipes, valves, and heads and be of an adequate size to properly irrigate proposed planting.

Section 5.3 Location Criteria

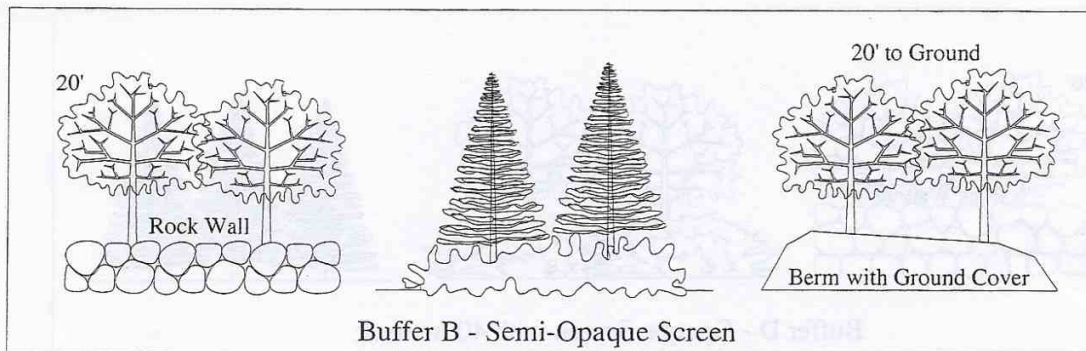
- A. Of the total area required to be landscaped, one-half (1/2) shall be located within the front yard setback area. For purposes of this Ordinance, the front of the property shall be defined as the area between the street curb and principal structure.
- B. Where buildings occupy corner lots, double fronting lots or triple fronting lots, the owner shall locate a minimum of one-fourth (1/4) of the required landscape percentage within each front.

Section 5.4 Buffer/Screen Type Required

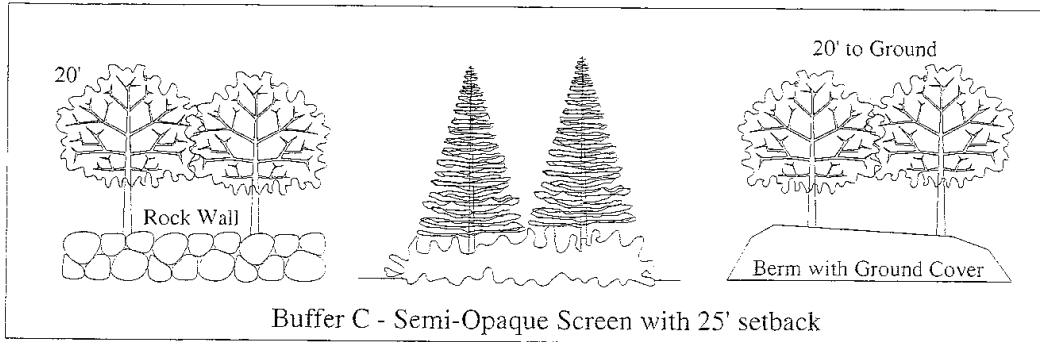
- A. **Buffer A:** A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet (20'). The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a combination wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Landscaping consisting of low water consumption plants is required. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. Suggested planting patterns that will achieve this standard are included below. A six foot (6') fence may be substituted for the above requirements.



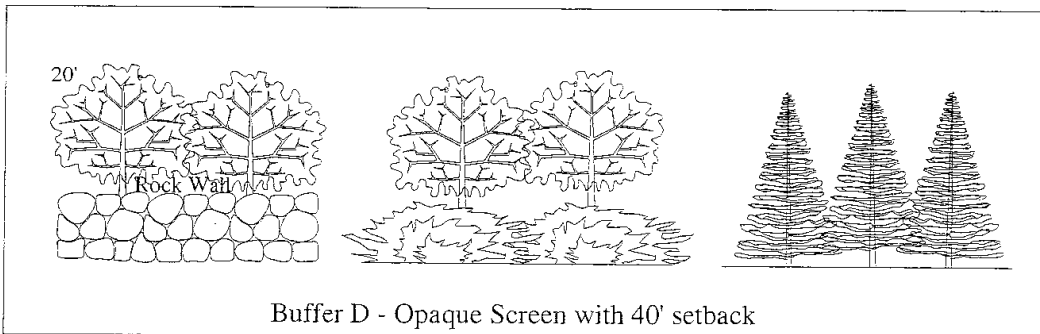
B. Buffer B: Semi-Opaque Screen: A screen that is opaque from the ground to a height of three feet (3'), with intermittent visual openings from above the opaque portion to a height of at least twenty feet (20'). The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of low water consumption plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. Suggested planting patterns that will achieve this standard are included below.



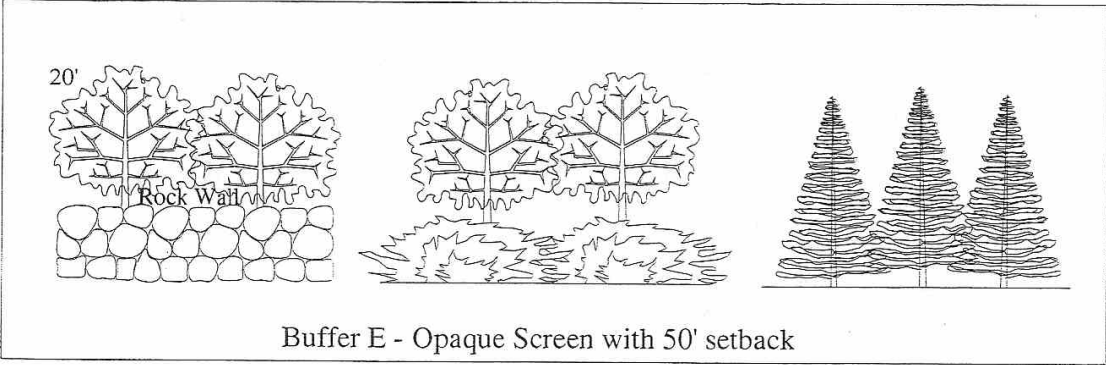
C. Buffer C: Semi-Opaque Screen with a setback of not less than twenty five feet (25'): A screen that is opaque from the ground to a height of three feet (3'), with intermittent visual openings from above the opaque portion to a height of at least twenty feet (20') and a setback of not less than twenty five feet (25'). The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of low water consumption plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. Suggested planting patterns that will achieve this standard are included below.



D. Buffer D: Opaque Screen with a setback of not less than forty feet (40'): A screen that is opaque from the ground to a height of six feet (6'), with intermittent visual openings from above the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of special separation. The opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of low water consumption plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. Suggested planting patterns that will achieve this standard are included below.



E. Buffer E: Opaque Screen with a setback of not less than fifty feet (50'): A screen that is opaque from the ground to a height of six feet (6'), with intermittent visual openings from above the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of special separation. The opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of low water consumption plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. Suggested planting patterns that will achieve this standard are included below:



Section 5.5 Landscaping/Buffer Matrix

New Use →	Low Intensity Residential (PR-1, CR-1, CR-1M, VR-1 and VR-1M)	Medium Intensity Residential (PR-2 and CR-2)	High Intensity Residential (PR-3, PR-MP, CR-3, CR-MP and VR-2)	Low Intensity Non-Residential (PC-1 and CC-1)	Medium Intensity Non-Residential (PC-2, CC-2 and VC-2)	High Intensity Non-Residential (PC-3, CC-3, CI-1, 2 and 3)	Vacant Land Ag., or Govt.
Existing Use ↓	Low Intensity Residential (PR-1, CR-1, CR-1M, VR-1 and VR-1M)	Medium Intensity Residential (PR-2 and CR-2)	High Intensity Residential (PR-3, PR-MP, CR-3, CR-MP and VR-2)	Low Intensity Non-Residential (PC-1, CC-1 and VC-1)	Medium Intensity Non-Residential (PC-2, CC-2 and VC-2)	High Intensity Non-Residential (PC-3, CC-3, CI-1, 2 and 3)	Vacant Land Ag., or Govt.
	Required Setbacks (Section 5)	Required Setbacks (Section 5)	Required Setbacks (Section 5)	Buffer B	Buffer B	Buffer C	Required Setbacks (Section 5)
	Buffer B	Buffer B	Buffer C	Buffer C	Buffer C	Buffer D	Required Setbacks (Section 5)
	Buffer C	Buffer B	Buffer A	Buffer C	Buffer C	Buffer D	Required Setbacks (Section 5)
	Buffer C	Buffer C	Buffer C	Buffer A	Buffer A	Buffer B	Required Setbacks (Section 5)
	Buffer D	Buffer D	Buffer D	Buffer B	Buffer A	Buffer B	Required Setbacks (Section 5)
	Buffer E	Buffer E	Buffer E	Buffer D	Buffer D	Buffer A	Required Setbacks (Section 5)

Section 5.6 Recommended Plant Species Areas for commercial, manufacturing and industrial site developments (i.e. parking lots, streets):

A. Common Name	Botanical Species/Name
Honey Locust	Glenditsia Triacamhos Inernnis
Red Oak Chinese	Quercus Species
Pistachio	Pistacia chinensis
Brandford Pear	Pyrus Species

B. Trees for residential, commercial uses, wide landscaped area uses:

<i>Common Name</i>	<i>Botanical Species/Name</i>
Afghan Pine	Pinus 'Afghan'.
Arizona Ash	Faxinus velutina
Arizona Sycamore	Platanus Wrightii
Arizona Cypress	Cupresus arizonica
Arizona Walnut	Juglans major
Black Locust	Robinia pseudoacacia
Bradford Pear	Pyrus species
Bur Oak	Quercus macrocarpa
California Sycamore	Platanus racemosa
Corkscrew Willow	Salix matsudana 'Tortuosa'
Coyote Willow	Salix exigua
Creosote Tree	Larrea Species
Deodar Cedar	Cedrus deodara
Desert Willow	Chilopsis Linearis
Flowering Peach	Prunus persica
Flowering Crab	Prunus armeniaca
Flowering Cherry	Prunus serrulata et al
Gambel Oak	Quercus gambeli
Globe Navajo Willow	Salix matsudana 'Navajo'
Golden Rain Tree	Koelreuteria species
Green Ash	Fraxinus Pennsylvania lanceolata
Mesquite	Prosopis glandulosa torreyana
Mexican Elder	Sambucus mexicana
Mimosa	Albizzia julibrissin
Modesto Ash	Fraxinus velutina 'Modesto'
Mountain Mohagany	Cerocarpus species
Netleaf Hackberry	Celtis reticulata
New Mexico Locust	Robinia neo-mexicana
New Mexico Olive	Forestiera Neomexicana
Single-Seed Juniper	Juniperus Monosperma

C. Shrubs for residential and Non-Residential Uses:

<i>Common Name</i>	<i>Botanical Species/Name</i>
Abelia	Abelia grandiflora
Acacia	Acacia species
Agave	Agave species
Apache Plume	Fallugia paradoxa
Bar Harbor	Juniperus Juniper

Blue Point Juniper
 Blue Chip Juniper
 Broadmoor Juniper
 Buffalo Juniper
 Burning Bush
 Cherry Sage
 Creosote Bush
 Crepe Myrtle
 Desert Broom
 Forsythia
 Four Wing Saltbush
 Fraser's Photinia
 Gold Spot Euonymous
 Gold Tip Pfitzer
 Green Euonymous
 Holly
 India Hawthorn
 Lilac
 Nandina (Heavenly Bamboo)
 Oregon Grape Holly
 Pampas Grass
 Pfitzer Juniper
 Pyracantha (Firethorn)
 Red-Leaf Barberry
 Rock Cotoneaster
 Sea Green Juniper
 Silverberry
 Sotol
 Spanish Broom
 Spartan Juniper
 Tam Juniper
 Texas Sage
 Three Leaf Sumac
 Torulosa Juniper
 Turpentine Bush
 Yucca

Juniperus Chinensis "Blue Point"
 Juniperus horizontalis "Blue Chip"
 Juniperus Sabina "Broadmoor"
 Juniperus Sabina "Buffalo"
 Euonymous alata
 Larrea species
 Lagerstroemia Indica
 Lagerstroemia indica
 Baccharis sarothroides
 Forsythia species
 Atriplex canescens
 Photinia Fraseri
 Euonymous Japonica "Aurea Marg."
 Juniper chinensis "Pfitzerana Aurea"
 Euonymous Japonica
 Ilex species
 Raphiolepis indica
 Syringa persica
 Nandina Domestica
 Mahonia Aquifolium
 Cortaderia selloana
 Juniper chinensis "Pfitzerana"
 Pyracantha Lalandei
 Berberis thunbergii "Atropurpurea"
 Cotoneaster horizontalis
 Juniper chinensis "Sea Green"
 Eleagnus pungens "Gruitlandii"
 Dasylirion Wheeleri
 Spartium junceum
 Juniperus Chinensis "Spartan"
 Juniperus Sabina "Tam"
 Artemisia species
 Rhus Trilobata
 Juniperus Chinensis "Torulosa"
 Haplappappus Laricifolis
 Yucca pendula

D. Ground Covers:

Common Name
 Creeping Mahonia
 English Ivy
 Green Santolina
 Grey Santolina
 Vinca Major
 Vinca Minor
 Virginia Creeper

Botanical Species/Name
 Mahonia repens
 Hedera Helix
 Santolina Chamaecyparissus
 Santolina virens
 Creeping Myrtle (Periwinkle)
 Dwarf Periwinkle
 Parthenocissus quinquefolia

E. Vines:

Common Name

Banks Rose
Canyon Grape
English Ivy
Trumpet Vine
Virginia Creeper
Wisteria

Botanical Species/Name

Rosa banksiae
Vitis arizonica
Hedera Helix
Campsis radicans
Parthenocisus quinquefolia
Wisteria species

F. Grasses:

Turf Lawn Species

Common Name

Bermuda
Kentucky Blue Grass
Manhattan Rye
Perennial :Rye
Fescue

BOTanical Species/Name

Cynodon dactylon
Poa Prantensis
Lolium "Manhattan"
Lolium Perenne
Festuca species

General Use Species:

Alkali Sacaton
Blue Grama Grass
Buffalo Grass
Indian Ricegrass
Needle and Thread Grass
Sand Dropseed

Low Water Consumption and Erosion Control

Grasses
orobolus aSpiroiides
Bouteloua gracilis
Buchlow dactyloides
Orysopsis hymenoides
Stipa comata
Sporobolus cryptandrus

Ornamental

Grasses:

Big Bluestem
Purple Threeawn
Sacaton
Threadgrass

Andropogon gerardii
Aristida purpurea
Sporobolus wrightii
Stipa tenuissi

ARTICLE 6. COMMUNITY DISTRICTS

Section 6.0 Purpose

The Community District designation implements Comprehensive Plan policies that recognize that rapidly urbanizing areas of the City require more direction for land use than rural areas. Those areas eligible for designation of Community District include: Anthony, Chaparral, Santa Teresa, Radium Springs, the areas around Hatch, Salem and areas between Sunland Park and the Texas State line. Other areas may be eligible if the criteria listed below are met.

Section 6.1 Establishment of Community District

Criteria for establishing a Community District shall include: 1) a platted subdivision with lots less than 5 acres, 2) the availability of community water or sewer, and 3) commercial or industrial buildings or uses. A Community District may be established by petition of thirty percent (30%) of the property owners in an eligible area or by the initiation of the Planning and Zoning Commission or by the Governing Body Commissioners. The establishment of the boundary of the Community District shall include the area currently served by community water or sewer and/or the area planned for service within the next ten (10) years. The boundary shall be established by public hearings, and may be expanded based on development of expanded sewer or water services or the establishment of subdivisions with lots smaller than one acre.

Section 6.2 Criteria for Petition by Landowners

Owner of at least thirty percent (30%) of the property to be included in the Community District shall submit a petition to the Planning and Zoning Commission to hold a public hearing. The Planning and Zoning Commission may recommend additional areas to be included in the Community Zoning District based on planned expansion of water and sewer service, planned subdivisions, or planned commercial or industrial activities.

Section 6.3 Criteria for Petition by Landowner for New Development-Multi-Phased, with Infrastructure to Master Plan

A developer with vacant land may petition for a Community District designation. The vacant land should be planned with adequate community water and sewer facilities; contain proposals for various land uses and be planned for development in phases over the next ten (10) years. Minimum size of Community District shall be determined by the extent of the planned water and sewer system to be built in the first phase of development.

Section 6.4 Procedures for Establishing Community Districts and Zones

The procedure for establishing Community District and Zones shall follow the Public Hearing and Notice Requirements set forth in Section 2.5E and 2.7. Community District Zoning Regulations shall not be applied until those procedures have been completed and zoning maps have been adopted.

Section 6.5 Land Use Classifications and General Standards

- A. Land uses for the Community District are:
1. Residential:
 - CR-AG, Community Residential: Agriculture
 - CR-1, Community Residential: Single Family

- **CR-1M**, Community Residential: Single Family, Mobile Homes
 - **CR-2**, Community Residential: Medium Intensity -
 - **CR-3**, Community Residential: Apartments and High Intensity -
 - **CR-MP**, Community Residential: Mobile Home Park
2. Commercial:
- **CC-1**, Community Commercial: Neighborhood Commercial
 - **CC-2**, Community Commercial: Commercial Activities
 - **CC-3**, Community Commercial: Regional Commercial
 - **CMU**, Community District: Mixed Use
3. Industrial:
- **CI-1**, Community Industrial: Light Intensity Industrial
 - **CI-2**, Community Industrial: Medium Intensity Industrial
 - **CI-3**, Community Industrial: Heavy Intensity Industrial
4. Planned Unit, Development Overlay Zone (PUD):
- Type 1: Mixed Use Residential
 - Type 2: Non-Residential (Commercial and Industrial), except Borrow pits, batching plants and asphaltic mix plants.

B. General Minimum Development Standards

In addition to the standards applicable for particular zoning categories and to general development standards contained in Article 9, the following standards are applicable for all development within the Commercial and Industrial land use classifications within the Performance, Community and Village Districts:

1. Wastewater Standards. New Mexico Environment Standards for liquid wastewater requirements shall apply to all permitted uses, as applicable.
2. Commercial Towers are classified as a Planned Unit Development, Type 2. For standards, see Article 8, Section 8.1.B.II.
3. Gross Floor Area of all buildings and structures with a roof may equal up to sixty percent (60%) of the total lot area, so long as all other development standards are met.
4. Zero (0) Setbacks for loading docks or areas abutting railroad spur track is permitted.
5. Storage: inside building or screened area only.
6. Adult Entertainment uses must be located one thousand feet (1,000') from the property line of any church, school, public park or recreational facility, residential zoning district, or residential use.

Section 6.6 CR-AG, Community Residential: Agriculture

The CR-AG classification is intended for farming, ranching and related uses except for those uses that because of their nature and impact on adjoining property are classified as Planned Unit Development or some other classification designated by this Ordinance.

CR-AG, Community Residential, Agriculture	
Maximum Number of Dwellings	2 per lot or parcel
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	Not Applicable
Minimum Lot Depth	Not Applicable
Minimum Setbacks Front Rear Side	Agriculture related buildings, barns, work shops, and sheds 50 feet 50 feet 20 feet All agriculture buildings in this classification (except residences) shall be a minimum of fifty feet (50') from all adjacent front and rear property lines except that when adjacent to public ways they shall be not less than one hundred feet (100').
Minimum Setbacks for Crops and Orchards	Turn rows adjacent to public roads not less than ten feet (10') from the public right-of-way.
Maximum Height	40 feet
Buildings	Cannot be used as living quarters. Ten feet (10') minimum spacing between buildings. No encroachment in required setbacks. See Article 9, Section 9.4.
Fences Permitted by this Classification	All types up to six feet (6') high, except for razor-ribbon, constantina or other types that may present a hazard to the public. Such types may be used with approval from CDD Administrator.
Private Access Driveway	See Design Development Standards
Street Access	Not Applicable
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	Minimum of 15% of lot area. See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Single Family Dwelling Units & other permitted uses	Setbacks per Low Intensity Residential Standards. Maximum height: 35 feet
Permitted Uses	Agriculture, including ranching, barns and related agriculture structures, single family residential, community recreation and quasi-public uses, and Home Occupations. See Article 10, Land Use Classification Matrix for detailed list.
Uses Not Included	Agricultural Processing, Dairies, Feed Lots, Slaughterhouses, Commercial Poultry Raising and Processing Swine Products.

Section 6.7 CR-1, Community Residential: Single Family Residential

The CR-1 classification is intended as a residential zone for single family site built homes only in the Community District, and related uses necessary to serve residential areas.

CR-1, Community Residential: Single Family	
Maximum Number of Dwellings	1 dwelling unit per lot
Minimum Lot Size	6,000 square feet; or NMED standards
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Minimum Setbacks	
Front yard	**25 feet
Rear yard	25 feet
Side yard	5 feet
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. Legal non-conforming lots may be developed with existing and improved access.
Street Access	50 foot wide right-of-way or easement with 24 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	Not Applicable
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Signs	Not Applicable
Site Plan	Required
Permitted Uses	Agriculture, farming and ranching (including barns and other agriculture-related structures) Bed and breakfast facilities Churches and school Community buildings (public or private) Greenhouses and nurseries Group homes, nursing homes, and day care centers Home Occupations (see Article 8, Section 8.3) Recreation and sports facilities Single Family Residence, site built only Minor utility buildings and substations, private or public

Additional Standards, see Article 9.

**Front yard setback for primary dwelling may be reduced to fifteen feet (15') providing the attached garage is setback twenty five feet (25') from property line.

Section 6.8 CR-1M, Community Residential: Single Family, Mobile Homes

The CR-1M classification is intended as a residential zone of single family site built homes, manufactured homes or mobile homes (ground-installed) or blocked and screened in the Community District, and related community services that serve a neighborhood.

CR-1M, Community Residential: Single Family, Mobile Homes	
Maximum Number of Dwellings	1 dwelling unit per lot
Minimum Lot Size	6,000 square feet; or NMED standards
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Minimum Setbacks	
Front yard	**25 feet
Rear yard	25 feet
Side yard	5 feet
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. Legal non-conforming lots may be developed with existing and improved access.
Street Access	50 foot wide right-of-way or easement with 24 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	Not Applicable
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Signs	Not Applicable
Site Plan	Required
Permitted Uses	Agriculture, farming and ranching (including barns and other agriculture-related structures) Bed and breakfast facilities Churches and school Community buildings (public or private) Greenhouses and nurseries Group homes, nursing homes, and day care centers Home Occupations (see Article 8, Section 8.3) Recreation and sports facilities Single Family Residence, site built and mobile homes Minor utility buildings and substations, private or public

Additional Standards, see Article 9.

**Front yard setback for primary dwelling may be reduced to fifteen feet (15') providing the attached garage is setback twenty five feet (25') from property line.

Section 6.9 CR-2, Community Residential: Medium Intensity

The CR-2 classification is intended to provide for a mixture of single family, duplex, triplex and fourplex residences in the Community District and related residential support uses.

CR-2, Community Residential: Medium Intensity	
Maximum Number of Dwellings	4 dwelling units per lot
Minimum Lot Size	
Single Family	6,000 square feet; or NMED standards
Duplex or 2 dwellings	9,000 square feet; or NMED standards
Triplex or 3 dwellings	13,500 square feet; or NMED standards
Fourplex or 4 dwellings	18,000 square feet; or NMED standards
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Minimum Setbacks	
Front yard	25 feet
Rear yard	25 feet
Side yard	7 feet
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. Legal non-conforming lots may be developed with existing and improved access.
Street Access	50 foot wide right-of-way or easement with 24 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Bed and breakfast facilities Churches and school Community buildings (public or private) Group homes, nursing homes, day care centers in residential areas Home Occupations (see Article 8, Section 8.3) Recreation and sports facilities Minor utility buildings and substations, private or public

Additional Standards, see Article 9.

Section 6.10 CR-3, Community Residential: Apartments and High Intensity

The CR-3 classification is intended to provide for multi-family apartment complexes at relatively high density of dwelling units per acre, and related land uses, with community water and sewer services. Related public and quasi-public services and support facilities necessary to serve multi-family uses are permitted.

CR-3, Community Residential: High Intensity	
Maximum Number of Dwellings	Not Applicable
Minimum Lot Size	Not Applicable
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Minimum Setbacks	
Front yard	25 feet
Rear yard	25 feet
Side yard	7 feet
Maximum Height	45 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	See Design Development Standards
Street Access	60 foot wide right-of-way or easement with 36 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	<ul style="list-style-type: none"> Apartments, triplexes, fourplexes Bed and breakfast facilities Churches and schools Community buildings (public or private) Group homes, nursing homes, and day care centers Home Occupations (see Article 8, Section 8.3) Mini-storage units Minor utility buildings and substations, private or public Recreation and sports facilities

Additional Standards, see Article 9. Ten percent (10%) up to twenty thousand square feet (20,000 ft²) of the mobile home development area shall be devoted to usable space for recreational activities. Buffer yard may be used for this area. Pond and drainage may contribute to open space.

Section 6.11 CR-MP, Community Residential: Mobile Home Park

The CR-MP classification is intended to establish a zone that allows for mobile homes equal to or greater than eight feet (8') in width or forty feet (40') in length, and eleven feet (11') in height and recreation vehicles as licensed by the State of New Mexico. Mobile homes as defined above and RVs are permitted in the one of the following:

1. Approved mobile home park; community water and sewer is required.
2. Approved subdivision with community water and sewer.
3. Approved RV park or campground.

CR-MP, Community Residential: Mobile Home Park	
Maximum Number of Dwellings	1 unit per space
Minimum Space Size	3,500 square feet
Minimum Space Width	40 feet
Minimum Space Depth	70 feet
Minimum Setbacks	25 feet from property line with no perimeter wall or 10' with a perimeter wall, per Section 9.5.
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	See Design Development Standards
Street Access	60 ft wide right-of-way or easement with 36feet of improved roadway.
Off Street Parking	2 spaces per dwelling unit
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Community buildings (public or private) Group homes, nursing homes, and day care centers Home Occupations (see Article 8, Section 8.3) Minor utility buildings and substations, private or public Office and laundry facilities for use of residents in the park Recreation and sports facilities RV parks, Single family mobile homes

Development Standards for Mobile Home Parks, see Article 9.8 and for additional development standards, see Article 9. Ten percent (10%) up to twenty thousand square feet (20,000 ft²) of the mobile home development area shall be devoted to usable space for recreational activities. Pond and drainage may contribute to open space.

Section 6.12 CC-1, Community Commercial: Neighborhood Commercial

The CC-1 classification is intended to establish a zone for neighborhood commercial activities a small-scale freestanding businesses.

CC-1, Community Commercial: Neighborhood Commercial	
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Minimum Setbacks	
Front	25 feet
Rear	15 feet
Side	7 feet
Maximum Height	40 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	See Design Development Standards
Street Access	50 feet right of way or easement with 24 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Neighborhood commercial, offices and personal services. See Article 10, Land Use Classification Matrix for detailed list.

Additional Standards, see Section 6.5.B and Article 9.

Section 6.13 CC-2, Community Commercial: Community Commercial

The CC-2 classification is intended to provide for a range of commercial activities that serve a community or several neighborhoods in the Community District, and allow larger commercial businesses.

CC-2, Community Commercial: Community Commercial	
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Setbacks	
Front	35 feet
Rear	35 feet
Side	10 feet
Maximum Height	45 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.
Street Access	Must be located along a Collector, County road or State Highway. 50 foot wide right-of-way or easement with 30 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Community commercial, larger commercial businesses to serve several neighborhoods. See Article 10, Land Use Classification Matrix for detailed list.

Additional Standards, see Section 6.5B and Article 9.

Section 6.14 CC-3, Community Commercial: Regional Commercial

The CC-3 classification is intended to provide for a wide range of regional commercial activities generating large amounts of employment and traffic in the Community District, serving a wide region of the County.

CC-3, Community Commercial: Community Commercial	
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	150 feet
Minimum Lot Depth	200 feet
Minimum Setbacks	
Front	40 feet
Rear	35 feet
Side	10 feet
Maximum Height	50 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.
Street Access	60 feet wide with 36 feet of improved roadway, or State Highway, US Interstate Highway or Major Arterial is required.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Regional commercial, shopping centers or free standing retail store. See Land Use Classification Matrix for detailed list of uses, Article 10.

Additional Standards, see Section 6.5.B and Article 9.

Section 6.15 CI-1, Community Industrial: Light Intensity

The CI-1 classification is intended to provide for Light Intensity Industrial activities that serve a community or several communities within the Community District.

CI-1, Community Industrial: Light Intensity	
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	150 feet
Minimum Lot Depth	150 feet
Minimum Setbacks	
Front	35 feet
Rear	25 feet
Side	7 feet
	[Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to zero (0) feet.]
Maximum Height	40 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.
Street Access	60 feet right-of-way with 36 feet improved roadway; Collector or Minor Arterial.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Light Intensity Industrial See Article 10, Land Use Classification Matrix for detailed list.

Additional Standards, see Article 6.5B and Article 9.

Section 6.16 CI-2, Community Industrial: Medium Intensity

The CI-2 classification is intended to provide for Medium Intensity Industrial activities that serve a community or several communities in the Community District.

CI-2, Community Industrial: Medium Intensity	
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	150 feet
Minimum Lot Depth	150 feet
Minimum Setbacks	
Front	35 feet
Rear	25 feet
Side	7 feet
	[Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to zero (0) feet.]
Maximum Height	40 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.
Street Access	60 feet right-of-way with 36 feet improved roadway; Collector or Minor Arterial.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Medium Intensity Industrial See Article 10, Land Use Classification Matrix for detailed list.

Additional Standards, see Article 6.5B and Article 9.

Section 6.17 CI-3, Community Industrial: Heavy Industrial and Manufacturing

The CI-3 classification is intended to provide for Heavy Intensity Industrial activities in the Community District.

CI-3, Community Industrial: High Intensity	
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	150 feet
Minimum Lot Depth	150 feet
Minimum Setbacks	
Front	35 feet
Rear	35 feet
Side	10 feet
	[Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to zero (0) feet.]
Maximum Height	50 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.
Street Access	60 feet right-of-way with 36 feet improved roadway; Collector or Minor Arterial.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Heavy Industrial and Manufacturing See Article 10, Land Use Classification Matrix for detailed list.

Additional Standards, see Article 6.5B and Article 9. Environmental Report required per Article 2, Section 2.2.

Section 6.18 CMU, Community District: Mixed Use

The CMU (Mixed Land Use) classification allows small-scale commercial activities mixed with residential uses (site built structures only). Commercial and residential uses are allowed within the same structure. It conserves traditional development patterns while allowing for infill and development of new uses that are compatible in scale and intensity with existing development.

CMU, Community District: Mixed Use	
Maximum Number of Dwellings	1
Minimum Lot Size	6,000 square feet or NMED Standards, if applicable
Minimum Lot Width	Not Applicable
Minimum Lot Depth	Not Applicable
Minimum Setbacks	
Front	25 feet
Rear	25 feet
Side	7 feet
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	25 feet width for non-dedicated streets or private drives within a lot for two-way and 20 feet for one-way traffic.
Street Access	50 foot wide right-of-way or easement with 24 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Single Family Residences, site built Small scale commercial uses Arts and Craft Studios Bakery Book Stores, Newsstands Barber Shops, Beauty Shops Dress Making Shops Coffee Shops and Snack Bars Cultural Center Delicatessens Dry Goods or notion stores See Article 10, Land Use Classification Matrix for detailed list.

Additional Standards see Section 6.5B and Article 9. The Zoning Administrator or his / her designee may approve other similar uses. Building setback requirements will be based on Village District Standards.

ARTICLE 7. VILLAGE DISTRICT

Section 7.0 Purpose

The Village District is intended to identify the boundary of a small historic platted town site that has a development pattern of lots smaller than one-half (1/2) acre. A Village may include: residential areas, churches, small scale commercial, and community services such as schools, fire stations, and water services. It is anticipated that a Village District boundary will not be expanded once established, in order to designate the historic character of the original Village and conserve the quality of development.

Section 7.1 Establishment of the Village District

Criteria for establishing a Village District may include: 1) a town site platted prior to 1930 with some lots smaller than one-half (1/2) acre and/or 2) a Village District may be requested by petition of fifty percent (50%) of the property owners in an eligible area or by the initiation of the Planning and Zoning Commission or by the Governing Body of the City of Anthony, NM. The establishment of the boundary of the Village District shall include the area of the original platted town site. The boundary shall be established by public hearings and may not be expanded.

Village District regulations shall not be applied until public hearings have been held and property owners have been notified. Zoning maps showing zone district boundaries must be adopted according to procedures in Section 2.5, Application and Hearing Procedures and Section 2.7, Zone Changes.

Section 7.2 Land Use Classifications

The following land uses and zoning categories are permitted for the Village District provided that standards for the use are met:

A. Residential:

- VR-1, Village Residential: Single Family
- VR-IM, Village Residential: Single Family, Mobile Homes
- VR-2, Village Residential: Multi-Family
- VR-AG, Village Residential: Agriculture
- VMU, Village District: Mixed Land Use

B. Commercial:

- VC-1, Village Commercial: Neighborhood Activities
- VC-2, Village Commercial: Commercial Activities

Section 7.3 List of Eligible Communities

Historic villages that are eligible for Village District Boundaries include: Anthony, Berino, Brazito, Chamberino, Garfield, Hill, La Mesa, La Union, Leasburg, Mesquite, Organ, Radium Springs, Rincon, San Miguel and Vado.

Section 7.4 VR-1, Village Residential: Single Family Residential

The VR-1 classification is intended to provide for a residential zone of single family site built homes in the Village District. It conserves traditional development patterns while allowing for infill and development of new uses that are compatible in scale and intensity with existing development.

VR-1, Village Residential: Single Family	
Maximum Number of Dwellings	1 dwelling unit per lot
Minimum Lot Size	6,000 square feet; or NMED standards
Minimum Lot Width	Not Applicable
Minimum Lot Depth	Not Applicable
Minimum Setbacks Front yard Rear yard Side yard	May be set at same distance as buildings on either side of lot to be developed. Zero (0) lot lines may be permitted for site built homes. All requirements of Building Code apply.
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	25 feet of driveway width for non-dedicated streets or driveways within a lot.
Street Access	Roadway accepted by the P&Z, the BOCC or Zoning Administrator by means of a filed easement at least 40 feet wide with a road maintenance agreement.
Off Street Parking	Two parking spaces per lot minimum, excluding garage area. May be reduced to one per lot by Zoning Administrator in order to meet older platting pattern.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	Not Applicable
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Signs	Not Applicable
Site Plan	Required
Permitted Uses	Agriculture Home Occupations (see Article 8, Section 8.3) Single Family Residence, site built only

Additional Standards, see Article 9.

Section 7.5 VR-1M, Village Residential: Single Family, Mobile Homes

The VR-1M classification is intended as a residential zone of single family site built homes, manufactured homes and mobile homes in the Village District. Compatible Non-Residential uses similar in scale and intensity with residential uses are also permitted.

VR-1M, Village Residential: Single Family, Mobile Homes	
Maximum Number of Dwellings	1 dwelling unit per lot
Minimum Lot Size	6,000 square feet; or NMED standards
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Minimum Setbacks	
Front yard	25 feet
Rear yard	25 feet
Side yard	5 feet
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	25 feet of driveway width for non-dedicated streets or driveways within a lot.
Street Access	Roadway accepted by the P&Z, the BOCC or Zoning Administrator by means of a filed easement at least 40 feet wide with a road maintenance agreement.
Off Street Parking	Two parking spaces per lot minimum, excluding garage area. May be reduced to one per lot by Zoning Administrator in order to meet older platting pattern.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	Not Applicable
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Signs	Not Applicable
Site Plan	Required
Permitted Uses	Agriculture Home Occupations (see Article 8, Section 8.3) Single Family Residences: site built, mobile home or manufactured home

Additional Standards, see Article 9.

Section 7.6 VR-2, Village Residential: Multi-Family

The VR-2 classification is intended to provide for multi-family residences and related facilities in the Village District.

VR-2, Village Residential: Multi-Family	
Maximum Number of Dwellings	Not Applicable
Minimum Lot Size	
Duplex or 2 dwellings	9,000 square feet; or NMED standards
Triplex or 3 dwellings	13,500 square feet; or NMED standards
Fourplex or 4 dwellings	18,000 square feet; or NMED standards
Apartment Complex	23,000 square feet; or NMED standards
Minimum Lot Width	Not Applicable
Minimum Lot Depth	Not Applicable
Minimum Setbacks	
Front yard	May be same as setbacks for existing structures on either side or rear of lot to be developed.
Rear yard	
Side yard	
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.
Street Access	60 foot wide right of way or easement with 36 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Signs	Not Applicable
Site Plan	See Article 2, Section 2.2
Permitted Uses	Duplexes Triplexes Fourplexes Apartments See Article 10, Land Use Classification Matrix, Community/Village Districts for detailed list.

Additional Standards, see Article 9. Ten percent (10%) up to twenty thousand square feet (20,000 ft²) of the mobile home development area shall be devoted to usable space for recreational activities. Buffer yard may be used for this area. Pond and drainage may contribute to open space.

Section 7.7 VC-1, Village Commercial: Neighborhood Activities

The VC-1 classification is intended to establish a zone for neighborhood commercial activities in the Village District.

VC-1, Village Commercial: Neighborhood Activities	
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Minimum Setbacks	
Front	25 feet
Rear	15 feet
Side	5 feet
Maximum Height	35 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.
Street Access	50 feet wide with 30 feet of improved roadway.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Neighborhood commercial See Article 10, Land Use Classification Matrix, Community/Village Districts for detailed list.

Additional Standards, see Section 6.5B and Article 9.

Section 7.8 VC-2, Village Commercial: Community Activities

The VC-2 classification is intended to provide for commercial activities that serve a community or several communities in the Village District.

VC-2, Village Commercial: Community Activities	
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Setbacks	
Front	25 feet
Rear	15 feet
Side	7 feet
From Streets:	
Arterials	35 feet
Collectors	40 feet
All others	25 feet
Maximum Height	40 feet
Accessory Buildings	See Article 9, Section 9.4
Private Access Driveway	Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal. 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.
Street Access	60 feet wide right-of-way with 36 feet of improved roadway, or designated Collector or Minor Arterial based on functional classification.
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	See Article 5
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Permitted Uses	Community commercial See Article 10, Land Use Classification Matrix, Community Village Districts for detailed list.

Additional Standards, see Article 6.5B and Article 9.

Section 7.9 VR-AG, Village Residential: Agriculture

The VR-AG classification is intended for farming, ranching and related uses except for those uses that because of their nature and impact on adjoining property are classified as Planned Unit Development or some other classification designated by this Ordinance.

VR-AG, Village Residential: Agriculture	
Maximum Number of Dwellings	2 per lot or parcel
Minimum Lot Size	NMED Standards, if applicable
Minimum Lot Width	Not Applicable
Minimum Lot Depth	Not Applicable
Minimum Setbacks	Agriculture related buildings, barns, work shops, and sheds
Front	50 feet
Rear	50 feet
Side	20 feet
	All agriculture buildings in this classification (except residences) shall be a minimum of fifty feet (50') from all adjacent front and rear property lines except that when adjacent to public ways they shall be not less than one hundred feet (100').
Minimum Setbacks for Crops and Orchards	Turn rows adjacent to public roads not less than ten feet (10') from the public right-of-way.
Maximum Height	40 feet
Accessory Buildings	Cannot be used as living quarters. Ten feet (10) minimum spacing between buildings. No encroachment in required setbacks. See Article 9, Section 9.4.
Fences Permitted by this Classification	All types up to six feet (6') high, except for razor-ribbon, constantina or other types that may present a hazard to the public. Such types may be used with approval from CDD Administrator.
Private Access Driveway	See Design Development Standards
Street Access	Not Applicable
Off Street Parking	See Article 9, Section 9.11 et seq.
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.
Landscaping and Buffering	Not Applicable
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.
Lighting	See Article 9, Section 9.9
Signs	See Article 9, Section 9.10
Site Plan	See Article 2, Section 2.2
Single Family Dwelling Units and other permitted uses, No Single wide mobile home.	VR-1 Residential Standards apply.
Permitted Uses	Agriculture, including ranching, barns and related agriculture structures, single family residential, community recreation and quasi-public uses, and Home Occupations. See Article 10, Land Use Classification Matrix for detailed list.
Uses Not Included	Agricultural Processing, Dairies, Feed Lots, Slaughterhouses, Commercial Poultry Raising and Processing Swine Products.

Additional Development Standards: All lots created after the effective date of the Doña Ana County Subdivision Regulations (Ordinance No. 166-96) shall comply with the standards and regulations of this Ordinance.

Section 7.10 VMU, Village District: Mixed Land Use

The VMU (Mixed Land Use) classification allows small-scale commercial activities mixed with residential uses (site built structures only). Commercial and residential uses are allowed within the same structure. It conserves traditional development patterns while allowing for infill and development of new uses that are compatible in scale and intensity with existing development.

VMU, Village District Mixed Use																			
Maximum Number of Dwellings	1 primary dwelling unit per lot																		
Minimum Lot Size	6000 square feet or NMED Standards, if applicable																		
Minimum Lot Width	Not Applicable																		
Minimum Lot Depth	Not Applicable																		
Minimum Setbacks	May be set at same distance as buildings on either side of lot to be developed. Zero (0) lot lines may be permitted for site built homes and commercial structures.																		
Maximum Height	35 feet																		
Accessory Buildings	See Article 9, Section 9.4																		
Private Access Driveway	25 feet width for non-dedicated streets or private drives within a lot for two-way and 20 feet for one-way traffic. See Design Development Standards.																		
Street Access	50 foot wide right-of-way or easement with 24 feet of improved roadway.																		
Off Street Parking	Minimum of two spaces. May be reduced to one per lot by Zoning Administrator in order to meet older platting pattern. See Article 9, Section 9.11 et seq.																		
Erosion Control	See Erosion Control Regulations, Ordinance No. 194-2000. May require compliance with NPDES per the EPA.																		
Landscaping and Buffering	See Article 5																		
Ponding Requirements	Must comply with DAC Design Storm Criteria Guidelines and the Design Standards as amended for 100-year flood.																		
Lighting	See Article 9, Section 9.9																		
Signs	See Article 9, Section 9.10																		
Site Plan	See Article 2, Section 2.2																		
Permitted Uses	<p>Single Family Residences, site built Small scale commercial uses</p> <table border="0"> <tr> <td>Arts and Craft Studios</td> <td>Farmer's Market</td> </tr> <tr> <td>Bakery</td> <td>Gift shops</td> </tr> <tr> <td>Book Stores, Newsstands</td> <td>Ice Cream Parlors</td> </tr> <tr> <td>Barber Shops, Beauty Shops</td> <td>Museums</td> </tr> <tr> <td>Dress Making Shops</td> <td>Photography Studios</td> </tr> <tr> <td>Coffee Shops and Snack Bars</td> <td>Restaurants</td> </tr> <tr> <td>Cultural Center</td> <td>Single Family Residential</td> </tr> <tr> <td>Delicatessens</td> <td>Specialty Shops</td> </tr> <tr> <td>Dry Goods or notion stores</td> <td>Theaters</td> </tr> </table> <p>See Article 10, Land Use Classification Matrix for detailed list.</p>	Arts and Craft Studios	Farmer's Market	Bakery	Gift shops	Book Stores, Newsstands	Ice Cream Parlors	Barber Shops, Beauty Shops	Museums	Dress Making Shops	Photography Studios	Coffee Shops and Snack Bars	Restaurants	Cultural Center	Single Family Residential	Delicatessens	Specialty Shops	Dry Goods or notion stores	Theaters
Arts and Craft Studios	Farmer's Market																		
Bakery	Gift shops																		
Book Stores, Newsstands	Ice Cream Parlors																		
Barber Shops, Beauty Shops	Museums																		
Dress Making Shops	Photography Studios																		
Coffee Shops and Snack Bars	Restaurants																		
Cultural Center	Single Family Residential																		
Delicatessens	Specialty Shops																		
Dry Goods or notion stores	Theaters																		

Additional Standards, see Article 9.

ARTICLE 8. SPECIAL ZONE OVERLAYS AND BUSINESS LICENSES

Section 8.0 Purpose

The purpose of this article is to set forth standards and procedures for special overlay zones. The overlay zones may be applied in any district: Performance District, Community District or Village District. The standards are intended to provide for specific land use impacts and special environmental considerations such as flood protection.

Section 8.1 Planned Unit Development Overlay Zone

The PUD Overlay Zone is intended for those land uses that will by their nature, have a greater impact on the environment and will affect larger areas of the city. This classification is intended to provide an alternative to the conventional approach to land use regulations by permitting flexibility and innovation in design, placement of buildings, use of open spaces, and off-street parking areas and to encourage a more creative approach to the utilization of the land.

A. Types of PUD Classifications:

Type 1: When an applicant, for whatever reason, wishes to deviate from the standard regulations or when an applicant proposes to use different land use classifications within the same site such as a variety of residential housing types and some retail or commercial.

Type 2: When a commercial or industrial land use is proposed that will have the potential to create negative impacts on the environment, infrastructure or adjacent and nearby properties. Such uses include:

a. Performance District:

Adult entertainment: provided that such uses must be located a minimum of one thousand feet (1,000') from a property line of a school, church, public park or recreational facility, residential zoning district, or residential use;

- i. Adult entertainment
- ii. Agricultural Process;
- iii. Airports and Heliports;
- iv. Automobile Garage
- v. PUD, Type 2 Uses:

Truck repair sales and service (trucks with 3 axles and more);

Battery storage and recycling facilities;

Borrow pits, batching plants, asphalt mix;

Cemeteries;

Crematorium;

Commercial Towers;

Convention and exhibit halls;

Dairies and related occupations;

Drilling of oil, gas wells or other shaft mining;

Energy generation facilities;

Explosive materials, manufacturing or storage;

Fat rendering plants;

Feedlots;

Fertilizer plant manufacturing;

Foundries;

Ground transportation terminals;
 Hazardous materials or hazardous waste facilities, including but not limited to storage, manufacturing or repackaging of hazardous waste or materials;
 Hospitals;
 Industrial, Light and Heavy uses;
 Junkyards and dismantling;
 Landfills;
 Manufacturing
 Petroleum refineries and storage;
 Poultry raising, slaughtering and processing (commercial);
 Prisons;
 Rock quarries and mineral extraction;
 Smelters;
 Stadiums;
 Storage of bulk materials such as asphalt, brick, cement, gasoline, grease, oil, paint, plaster and roofing;
 Stockyards or slaughterhouses;
 Stone milling or processing;
 Swine production;
 Toxic chemical storage, transfer and manufacturing;
 Waste incinerators, including medical waste incinerators;
 Water treatment plants and sewer treatment plants; and
 Similar uses may be included based on interpretation by the Zoning Administrator.

b. Community District Zone:

- i. All uses listed for Performance District PUD, Type 2, except Agricultural processing; Borrow pits, batching plants and asphaltic mix plants.
- j. Land uses listed under PUD, Type 2, are permitted only upon approval of the PUD by the Planning and Zoning Commission. Other land uses may be included in a PUD, if the applicant includes them in the PUD site plan.

B. Procedures, Requirements and Standards

An applicant for a PUD shall meet the same procedures, requirements and standards as a Zone Change; however, the P&Z will make a final determination, unless their decision is appealed to the City of Anthony Governing Body and the final decision shall be made in the form of an order and recorded in the Office of the City Clerk.

1. **Land.** The tract of land is under unified ownership or control and shall be planned as a whole. If the tract is to be developed in phases, a phasing schedule shall be provided and each phase shall be reviewed on its own merits.
2. **Comprehensive Plan.** The PUD shall be in harmony with the City of Anthony Comprehensive Plan goals and policies.
3. **Lot Size.** A Type 1 PUD: proposed Residential PUD or a Residential PUD mixed with commercial and/or industrial uses shall consist of an area that is not less than five (5) acres.

4. **Density.** For Residential uses in a Type I PUD: where a variety of housing types may be provided, the total number of dwelling units allowed shall be determined by either the density standard of the original zoning district classification of the area that is now proposed for the Planned Unit Development or the density standard as recommended by the City's Land Use Section of the Comprehensive Plan. The Planned Unit Development may exceed these maximum density standards by ten percent (10%) if it can be demonstrated by the applicant that such an excess will not adversely affect public infrastructure such as roads, water, sewer or drainage facilities.
5. **Setback Regulations.** Building setbacks from all property lines that form the perimeter of the total area devoted to the Planned Unit Development shall result in a development that will blend well with adjacent developments by matching the setback requirements or buffer, as set forth elsewhere in this Ordinance, of the original zoning district classification of the area that is now proposed for the Planned Unit Development; or the setback requirements applicable to the adjacent zoning districts, whichever is greater.
6. **Height Regulations.** Heights of buildings and structures shall result in a development that will blend well with adjacent developments by matching the height requirements, as set forth elsewhere in this Ordinance, of the original zoning district classification of the area that is now proposed for the Planned Unit Development; or the height requirements applicable to the adjacent zoning districts. Height standards for antenna and communication towers or electric transmission lines shall meet standards set in Item II below.
7. **Open Space.** Common open space, varying in amount and location, shall be provided to off-set any substantial increase in dwelling unit density or building height or any substantial decrease in building setback distances within the site.
8. **Streets, Utilities, Services, and Public Facilities.** Because of the uniqueness of each PUD proposal, the specifications and standards for streets, utilities, services, and public facilities may be different from those normally required in this Ordinance and other Ordinances if it can be demonstrated by the applicant that such modification of specifications and standards will not adversely affect the interests of the general public. In addition, the PUD proposal shall illustrate how the streets, utilities, services, public facilities, and traffic circulation will function and serve the entire development. All proposals shall meet the applicable development standards in Article 4 of these regulations unless otherwise justified by engineering analysis.
9. **Off-Street Parking.** The PUD and the land use therein shall provide the necessary amount of off-street parking areas and shall illustrate how such areas will adequately serve the entire development.
10. **Access.** Adequate vehicular and pedestrian access must be provided. A traffic impact analysis will be required to project auto and truck traffic generated by the uses proposed. Improvements to adjacent streets may be required such as acceleration and/or deceleration lanes, widening of intersections, signs, and pro-rata cost of traffic signals. The capacity of adjacent streets to accept the projected increase in traffic must be stated as part of the traffic impact analysis.

II. Towers and Antennas

- a. **Commercial Freestanding or Guyed Towers.** A tower is commercial in nature unless its use is exclusively incidental to another primary legal use existing on the property. A bond to insure the removal of the tower upon abandonment of use shall be required for all commercial towers. Any public hearing required under this Section shall be in conformity with Section 2.5 of this Ordinance.
- i. **Application Procedures.** A site plan, and structural design plans prepared by a licensed engineer, shall be submitted for any proposed commercial tower or antenna structure. Any commercial tower and antenna with a combined height of three hundred feet (300') or more shall require a public hearing to determine whether the proposed height is appropriate for the proposed location.
- ii. **Location.** Commercial towers up to a height of three hundred feet (300') shall be allowed by right on a parcel zoned or approved for industrial use (not to include a legal non-conforming use), and in areas where all properties within the applicable area of notice contain or are zoned or approved for commercial and industrial uses, are vacant, or contain only agricultural uses, unless residential zoning has been applied to one or more properties (such as through Community District or Village District zoning). Commercial towers shall not be allowed where all existing zoning or uses within the area of notice, including the property at issue, are residential. Properties included within a residential subdivision for which a completed application package is pending, or for which a final plat has been approved within two years prior to the application for a commercial tower or antenna use, shall be considered existing residential uses. If the area of notice is an area of mixed residential and non-residential uses, a public hearing shall be held to determine whether the proposed location is appropriate for the height proposed for the tower and antenna structure.
- iii. **Setbacks and Buffering.** Towers and antennas shall be considered a High Intensity Non-Residential use for determining the appropriate setback and buffering requirements (see Section 5.3); however, a tower or antenna next to another High Intensity Non-Residential use shall only be required to meet minimum setbacks, and to provide secured opaque fencing of at least eight feet (8') in height around the base of the tower, including any guy wires. Where a public hearing is required to determine whether the proposed tower is appropriate for the proposed location, setbacks and buffering may be increased to further diminish the negative impacts of the structure on the surrounding area.
- iv. **Co-location.** Co-location of multiple antennas on a single tower structure shall be encouraged, consistent with the following guidelines. A plan to add an additional antenna to a previously approved tower shall be prepared by a licensed engineer. An additional antenna shall not increase the width of the tower beyond the approved design for a monopole structure, or beyond the base width of the original tower structure, and shall not increase the overall tower height of a site located in a mixed use area more than twenty feet (20').
- b. **Commercial Antennas Mounted to Existing Structures.** Commercial antennas may be mounted on or attached to any existing non-residential structure. A copy of the written document granting permission from the owner of the structure must be submitted with the site plan for review before a building permit may be issued. Any additional superstructure that will be added to accommodate any and all antenna arrays must meet Uniform Building Code requirements.

- c. **Personal (Private) Free Standing or Guyed Towers.** One personal tower with antennas (to be used exclusively for purposes incidental to an existing legal use of the property) shall be allowed by right on each parcel if the following conditions are met.
 - i. **Height.** For use on a residential structure for residential purposes the total height shall be limited to seventy five feet (75') from the ground, and for use on a non-residential structure for non-residential purposes the total height shall be limited to ninety feet (90') from the ground.
 - ii. **Design.** The Zoning Administrator prior to new construction or modification of a tower or antenna structure must approve an informal site plan. All engineering data for the tower shall be submitted if requested. All structures shall be constructed to meet the Uniform Building Code, and shall be designed and constructed to withstand a minimum of eighty (80) mile per hour wind loads.
 - iii. **Setbacks.** The structure shall meet the applicable setbacks from the property lines, or a minimum setback of ten feet (10'), whichever is greater, and shall be located behind the front line of the foremost dwelling unit located on the parcel.
 - d. **Private Antennas Mounted to Existing Structures.** Private antennas may be mounted to existing buildings which meet the Uniform Building Code standards, providing that the total height of any tower and antenna structure does not exceed seventy five feet (75') from ground level for residential use, and ninety feet (90') from ground level for non-residential use, and the tower and antenna structure meets all applicable setbacks from the property line.
- 12. **Other Information.** Any other information that the Community Development Department deems necessary to properly assess the request for the PUD district.

C. Requirements Prior to Construction

A detailed site development plan shall be submitted either concurrently with the requirements necessary when applying for a PUD district, as set forth hereinabove, or separately or in phases, prior to the actual construction of the development. The detailed site development plan submittal shall meet and follow the same procedures, requirements, and standards as that of a Zone Change request.

- 1. The required development plan shall be substantially the same as that submitted for the initial PUD classification request. In addition to the information previously submitted, the development plan shall include specific details such as, but not limited to: type and placement of buildings and structures, internal building setback and separation of structure distances; building and structure heights; location, number, and operation of off-street parking spaces; street construction, performance, and maintenance standards and operations; traffic circulation patterns; pavement and right-of-way widths; utility and facility type, location, and service; easement type, location, and service; size and location of open space areas; dwelling unit densities; and any other information that the Community Development Department deems necessary to properly assess the request.

D. Decisions and Conditions

- 1. Approval. The PUD Zone request shall be approved after a public hearing has been held where additional conditions may be imposed to insure the public interest; and where the site development plan, submitted in accordance with the procedures, requirements, and standards set forth herein, has been presented to prescribe the general and/or specific uses, placement of buildings and structures,

amount and locations and performances, off-street parking areas, and other previously described items essential to the development's operation and performance.

2. **Building Permit.** A building permit shall be issued only if the building or structure, for which the permit is to be issued, is in conformance with the approved development plan and only if all site and facility improvements are in place adjacent to and in front of the location of the building or structure.
3. **Term.** An approved detailed site development plan shall remain in effect for three years. If no construction has taken place within the area of the site plan, within three years, the owner/applicant shall re-submit the site plan, or a revised site plan for public hearings by the Planning and Zoning Commission for review and approval.

E. Major and Minor Revisions to PUD Site Plans.

1. **Minor Revisions:** A minor revision to a site plan includes rearrangement of buildings, walks or parking and landscaped areas that do not affect the access points, internal or external traffic circulation; does not increase the number of parking spaces required; does not increase the number of size of buildings; does not affect the drainage and grading plans. The Zoning Administrator may approve a minor revision of a site plan after review by the Building Inspection and Engineering Departments.
 - a. The approved revision to a site plan shall be filed with the original site plan case file and copies shall be provided to Building Inspection, Engineering and other appropriate State agencies.
2. **Major Revisions:** A major revision is any change in land use or buildings use from the approved site plan and/or Zone Change request; any increase in the number of buildings, or number of parking spaces required; any change in access points; internal or external circulation; any increase in the amount of storm water drainage retention required; any change in grading that would affect drainage capacity or adjacent properties.
 - a. The Zoning Administrator shall submit copies of the major revision to all affected agencies and to the Planning and Zoning Commission for review and approval. Public notice and public hearing procedures required for Zone Change shall apply to hearings for major revisions to a site plan. The approved revised site plan shall be placed in the PUD/site plan case file and copies shall be distributed to all affected agencies.

Section 8.2 Special Flood Hazard Area

The Flood Insurance Rate Map (FIRM) identifies areas of Special Flood Hazard Areas (SFHA). Development may take place within the SFHA, providing the requirements of the Dona Ana County Flood Damage Prevention Ordinance No. 161 -95 is followed. For development occurring in an area outside of an identified SFHA, but experiences similar flooding hazards, it is highly recommended that the same development criteria of Ordinance No. 161 -95 be followed. Additional information regarding flooding may be found on FEMA's website, www.fema.gov.

A. Development Standards in All Areas of SFHA:

- J. **Residential Construction.** New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A New Mexico registered professional engineer or land surveyor shall submit an Elevation Certification to the County Floodplain Administrator.
2. **Non-residential Construction.** New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A New Mexico registered professional engineer or land surveyor shall submit an Elevation Certificate of Flood proofing Certificate or both to the County Floodplain Administrator.
3. **Manufactured Home.** Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The manufactured home chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches (36") in height above grade and are securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
4. **Recreational Vehicles.** Recreational vehicles shall be located on a site for fewer than one hundred eighty (180) consecutive days; are fully licensed and ready for highway use; or meet elevation and anchoring requirements for "manufactured homes".
5. **Enclosures.** New construction and substantial improvements with fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access or storage in an area other than a basement and are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a New Mexico registered professional engineer or land surveyor to meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one square inch for every foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above foot grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Section 8.3 Home Occupations

A. Home Occupations shall be categorized as either Major or Minor Home Occupations.

1. Such businesses shall be clearly incidental and subordinate to the primary residential use of the property. The proprietor shall be a lawful resident of the property where the business is to be located.
2. Proprietors shall be in compliance with this Ordinance and all current local, state, and federal regulations. Failure to do so may result in revocation of the Business Registration Permit by the Community Development Department.
3. Any business-related activities that at any given time either create an appreciable negative sensory impact, excessive interference or vehicular traffic, or a negative, detrimental, or a potentially hazardous situation within the surrounding area of the business shall not be permitted.

4. Any outdoor business-related activities other than shipping and receiving shall not be permitted. Any business-related activities or parking shall not be permitted in the public right-of-way or in the required setbacks of the property. Sufficient off-street parking shall be provided by the home business.
5. A client may consist of one (1) or more individuals engaging in a single business transaction of mutual interest.
6. A self-drawn site plan must receive approval from the Community Development Department and the County Fire Marshal's Office.

B. Minor Home Occupations are permitted in all residential zones and shall adhere to the following additional restrictions:

1. Only lawful residents of the dwelling unit where the business is located may be employed or otherwise utilized in the home business.
2. Multiple Home Occupations may exist within a single lot, provided that their combined operations do not exceed five hundred square feet (500 ft²) or twenty five percent (25%) of the floor area, whichever is less. There shall be no more than one (1) client visitation on the lot at any given time.
3. Businesses may utilize either the primary dwelling or one (1) accessory structure. A single home business may not utilize both structures.
4. The following businesses shall be permitted as Minor Home Occupations:
 - a. Professional offices and services. Such categorization may include accounting, appraisal, architectural, consulting, counseling, engineering, legal, real estate businesses, and other similar businesses. Among those businesses that shall not be considered for Home Occupation status includes dentists, medical practitioners primarily involved with anatomical or alternative medicines, and veterinarians.
 - b. Service-related businesses. Such categorization may include answering services, computer related services, direct sales and mail order businesses, dressmaking and tailoring, and other similar businesses. Among those businesses that shall not be considered for Home Occupation status includes massage parlors, pet grooming businesses or kennels, restaurants, bakeries, or tattoo parlors.
 - c. Tutorial services.
 - d. Small item repair businesses, such as watch, clock, jewelry, and small, portable musical instruments, and other similar businesses. Among those businesses that shall not be considered for Home Occupation status includes automotive-related repair and bodywork, bicycle and motorcycle repair/servicing, large musical instrument repair, and large or small appliance repair.
 - e. Small arts, crafts, and leatherwork.
 - f. Similar uses to those mentioned above, as interpreted by the Zoning Administrator or designee, with conditions attached when necessary.
 - g. Business-related outside storage shall not be permitted.

- i. Shipments and deliveries via vehicles weighing greater than ten thousand pounds (10,000 lbs) tare and having more than six (6) wheels shall be prohibited.

C. Major Home Occupations are only allowed on parcels of three-quarter (3/4) acre or greater and shall adhere to the following additional restriction

1. The business shall employ on site no more than two (2) employees who do not lawfully reside at the business location.
2. Business activities may be performed within either the primary dwelling, one (1) accessory structure, or both. Business-related operation and storage in either building shall be confined to an area not to exceed five hundred square feet (500 ft²) or twenty five percent (25%) of the floor area, whichever is less.
3. No more than one (1) major and one (1) minor Home Occupation shall be permitted on a single parcel.
4. Outside storage shall not exceed four hundred square feet (400 ft²), shall be screened from view by an opaque fence or wall at least six feet (6') high, shall be constructed of approved fencing materials listed in this Ordinance, and shall not be located either in front of, or on either side of, the primary dwelling. Materials shall not be stacked higher than the fence.
5. One (1) on-site sign, not to exceed six square feet (6 ft²), shall be permitted either on the ground or attached to the building that contains the business. No part of the sign shall be over eight feet (8') high measured from top of the sign to ground level. If ground-based, it shall maintain minimum six foot (6') front and side setbacks.
6. Client visitations shall not exceed three (3) clients on the lot at any given time.
7. The business shall not exceed two (2) one-ton capacity business vehicles on site.
8. Shipments and deliveries involving commercial carriers shall be permitted under the following conditions:
 - a. Carriers shall only utilize single-axle, Class VI (AAMA Standard) and smaller, straight, bobtail or stake-bed vehicles not exceeding a gross combined vehicle weight of twenty six thousand five hundred pounds (26,500 lbs) tare or twenty four feet (24') in total length.
 - b. Any combination of shipments and deliveries shall not exceed four (4) times per calendar month. Shipping and receiving shall only be permitted between the hours of 10:00 a.m. and 2:30 p.m.
9. The following businesses shall be permitted as Major Home Occupations:
 - a. Those businesses permitted under provision *B4.a* through f of this Section.
 - b. Catering, subject to NMED review.
 - c. Child or adult care, with no overnight provisions.
 - d. Computer hardware assembly and repair.
 - e. Locksmith service.

f. Light welding.

g. Photography studio, subject to NMED review.

h. Small appliance repair.

1. Similar uses to those mentioned above, as interpreted by the Zoning Administrator or designee, with conditions attached when necessary.

Section 8.4 Airport Zone

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Section 8.5 Vender's License 1

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ARTICLE 9. GENERAL MINIMUM DEVELOPMENT REQUIREMENTS

Section 9.0 Purpose

All development within the incorporated areas of City of Anthony, NM shall comply with the standards and guidelines as set forth in this Ordinance, other applicable Ordinances and regulations. The following standards apply to development in all Districts, unless Variances have been granted by the Planning and Zoning Commission.

Section 9.1 Utilities and Yards

- A. Wastewater Standards.** New Mexico Environment Department Standards for liquid wastewater requirements shall apply to all permitted uses.
- B. Water Standards.** New Mexico Water Law and standards for permitting wells shall apply to projects not served by community water system; applicant must get permit from State Engineer. Applicants for a building permit or site plan permit must submit proof that potable water is available from either a community system or a permitted well.
- C. Yard Requirements and Exceptions.**
1. A fifteen foot (15') street setback shall be permitted on one (1) front yard of corner lots and double frontage lots and on two (2) front yards of triple frontage lots.
 2. New dwellings may be erected as close to a front property line as the average distance established by the existing dwellings, provided the lots on the same side of the block are at least forty percent (40%) developed.
 3. On platted lots of record, a minimum setback of five feet (5') shall be permitted on the side yard of lots having a front lot line width of less than fifty one feet (51').
 4. Landscaping and erosion control; all zoning districts and uses. Unless left in its natural vegetative state, there shall be yard grass or other measures to control water or wind erosion on all disturbed areas of development and constructed lots, tracts or parcels. A wind and water erosion control plan may be required at the request of the Zoning Administrator.
- D. Front Yard Parking.** Parking areas shall not cover over one-third (1/3) of any open area between the front of a building or structure and the front property line in a one (1) family/two (2) family development; except in cases of cul-de-sac, two-thirds (2/3) of a front yard can be used; and on existing lots, fifty one feet (51') in width or less, a twenty foot (20') wide parking area is permitted.
- E. Minimum Distances Between Structures.** There shall be no less than ten feet (10') between detached buildings measured from eave to eave of structures located on the same lot, tract, or parcel.
- F. Easement Encroachments.** There shall be no permanent structures located on or over easements without written approval of the Zoning Administrator and the entity/party for which the easement is provided.
- G. Cul-de-sacs.** The minimum width of a front lot line on a cul-de-sac shall be forty feet (40'), provided the front building line shall have a minimum width of sixty feet (60').

- H. **Flag Lots.** The width of a front lot line of a flag lot shall be twenty five feet (25') and serve as a driveway. Such a driveway shall not exceed one hundred fifty feet (150') in length without an approved turnaround, unless approved by the Fire Marshal, and shall access only one (1) lot. The land used as a driveway in a flag lot shall not be included in calculating the minimum lot area.
- I. **Architectural Features Height Exceptions.** Spires, belfries, and similar structures may be constructed to a height ten feet (10') above that normally permitted by right.
- J. **Odd Shaped Lots.** The Zoning Administrator shall determine the setback and yard coverage standards for odd shaped lots.
- K. **Development and Platting Standards.** All lots created after the effective date of the Subdivision Regulations (), shall comply with the standards and regulations of this Ordinance.
- L. Rear yard or side yard setbacks abutting railroad tracks shall be a minimum of forty feet (40'), unless an earthen berm or other sound barrier is provided along the property line adjacent to railroad tracks.
- M. Travel trailers and recreational vehicles intended for long-term residence (longer than three (3) months continuous residence) must be located in approved mobile home parks or recreational vehicle parks.
- N. Temporary location of mobile homes and recreation vehicles will be permitted outside mobile home parks or recreational vehicle parks under the following conditions:
1. Property owner is building a site built home and has a valid building permit.
 2. Property owner obtains a temporary use permit for the mobile home or recreational vehicle from the CCD.
 3. Temporary permits are valid for one (1) year and may be renewed for an additional year if work is proceeding on the site built home.
 4. Within thirty (30) days after the property owner receives a Certificate of Occupancy, the mobile home must be removed from the premises or the recreational vehicle must be disconnected from utilities and the recreational vehicle may be stored on the property.
- O. Garage, yard sales or similar uses are limited to three (3) sales in a one (1) year period at a single address, and each sale shall be limited to three (3) consecutive days.
- P. The more intensive use on a parcel for mixed or combination land uses in the Performance District shall be applied by the Zoning Administrator in reviewing site plans for development of a combination/mixed use.
- Q. Minimum lot sizes for schools and churches shall be two (2) developable acres, except in Village Districts.
- R. Commercial trucks with more than six (6) wheels and weight limitations, and detached tractor/cabs cannot park in residential areas. Agricultural vehicles parked on farms (as defined by Tax Assessor's records) are exempt from this provision. One (1) tractor /cab or stake bed truck used by a resident of the project may be allowed on lots of three-quarter (3/4) acre or larger. Such trucks may not be parked in the front, forward of the front line of the residential structure.

Section 9.2 Access to Public Way and Private Roadway Easements

- A. No new development or construction that requires a permit under the International Building Code, as adopted by Ordinance, shall be allowed on any lot unless it has legal access. All development shall include a minimum of fifty percent (50%) of the necessary additional right-of-way to conform to the required width as defined in this Ordinance if property is adjacent to the road right-of-way or road easement.
- B. All development shall include a minimum of fifty percent (50%) of the necessary additional right-of-way to conform to the required width as defined in this Ordinance if property is adjacent to the road right-of-way or road easement.
- C. Development connecting to or adjacent to a County arterial or collector shall provide adequate acceleration/deceleration lanes using standard engineering design practices based on the American Association of State Highway and Transportation Officials (AASHTO) regulation: A policy on Geometric Design of Highways and Streets or other appropriate/approved methods. The Zoning Administrator and Compliance Coordinator shall determine what an adequate design for acceleration/deceleration access lanes shall be, or other improvements based on appropriate engineering standards.
- D. Other than construction of a single-family dwelling on an existing lot, all development, including the creation of a lot through the claim of exemption process shall require that roads linking the development to a County or State maintained road shall be a minimum of fifty feet (50') of right-of-way or road and utility easement with a minimum width of twenty four feet (24') of improved roadway, unless a lesser width is approved by the Zoning Administrator. Based on an analysis by a Professional Engineer, the Zoning Administrator may reduce the required width to not less than thirty feet (30') of right-of-way or road and utility easement and twenty feet (20') of improved roadway if it is determined the lesser standard is sufficient for the potential traffic based on the potential number of lots served by the right-of-way and allowed uses, under current zoning. Composition of road surface shall be by design to withstand the proposed loading. Width and design may vary depending upon the use. Drainage swales and drainage structures shall be part of the road design.
- E. Driveways shall be spaced a minimum of one hundred fifty feet (150') from an intersection or a driveway used for off-street parking. For lots where this is not possible, driveways shall be spaced as far from the intersection as practical. Conflicts with adjoining driveways, exits, and entrances will be spaced to create the safest possible conditions for traffic movement and shall be justified by engineering analysis. Driveways linking residential development to a County or State maintained road or private easement shall meet the following standards: the drivable width shall be twenty five feet (25') wide for two- way traffic and twenty feet (20') for one-way traffic, the maximum length shall not exceed one hundred fifty feet (150') and shall serve not more than] driveway and/or 4 (four) dwelling units unless the site plan is approved by County Fire Marshal.
- F. Private roadways easements shall be maintained by adjacent property owners. New private roadways easements shall include a statement that adjacent property owners area responsible for maintenance. Such road maintenance agreements must be filed when a building permit or mobile home permit is issued.
- G. Existing substandard road easements in designated "colonias" are subject to the requirements for maintenance as outlined in the preceding paragraph.

- H.** All development shall provide for a clear sight triangle at all intersections with or between all public and private roads and off-street multiple parking area entrances, exits, driveways to and from public and private roads, and at any unique geometrical situations involving horizontal, vertical, and skewed intersections or driveways (see example in Appendix E). The County Transportation Department may rely upon the American Association of State Highway and Transportation Officials (AASHTO), publication, *Policy on Geometric Design of Highways and Streets*, dated] 990 (and amendments thereto), in determining the appropriate design requirements for the particular intersection at issue.
1. A clear sight triangle (as shown in Appendix E) shall be an area of unobstructed vision, beginning at a point three feet (3') above the finished grade of the road at the lowest adjacent point on the edge of the pavement and bounded by one of the following:
 - a. The front and side property lines of a comer lot and a line connecting points thirty feet (30') from the intersections of the property or roadway easement lines of the lot;
 - b. The front and side lines of a private driveway, exit, or entrance and a line connecting points fifteen feet (15') from the intersection of the corner of the lines of the private driveway, exit or entrance; or
 - c. The front and side lines of a public or off-street multiple parking area driveway, exit or entrance and a line connecting points thirty feet (30') from the intersection of the comers of the lines of the public or off-street multiple parking are driveway, exit, or entrance.
 2. Within the clear sight triangle, no structure, including but not limited to signs or walls, shall be constructed or erected higher than three feet (3') from the edge of the pavement, except that barbed wire or other fences that do not obstruct the view of the roadway shall be allowed. No trees, shrubs, or other vegetation that would normally grow to a height of three feet (3') from the edge of the pavement shall be planted within the clear sight triangle.

Section 9.3 Residential Development Standards

- A.** Maximum number of dwelling units (site built homes or mobile homes) shall be no more than one (1) dwelling unit per lot in a Low Intensity Residential Land use classification.
- B.** A combination of principal and accessory buildings may occupy no more sixty percent (60%) of the total area, providing all other development standards are met.
- C.** The maximum accessory building footprints for all accessory buildings, except as applicable in paragraph D of this Section, shall be limited to ten percent (10%) of the total (gross) lot area and shall not exceed a combined total of five thousand square feet (5,000 ft²) except where a Special Use Permit has been issued.
- D.** An accessory building of two hundred square feet (200 ft²) or less, no taller than eight feet (8') in height and not permanently affixed may be located five feet (5') from a rear or side yard setback and shall be limited to one per parcel.

Section 9.4 Accessory Buildings: Residential Land Use Classifications

- A.** Accessory buildings for agriculture use in residential land use classifications are subject to CR-AG standards and shall have an agricultural assessment per the County Assessor's Office.

- B.** The maximum accessory building height on parcels less than 0.75 acres shall not exceed the height of the principal building or twenty feet (20") whichever is greater. The maximum accessory building height on parcels 0.75 acres and larger shall not exceed thirty five feet (35').
- C.** The maximum accessory building footprints for all accessory buildings combined shall be limited to ten percent (10%) of the total (gross) lot area and shall not exceed five thousand square feet (5,000 ft²), except where a Special Use Permit has been issued.
- D.** Except as herein provided, no accessory building shall project beyond the primary dwelling unit along any street, road, or public/private easement for all lots that are one-half (1/2) acre or less.
- E.** Accessory buildings shall be located at least ten feet (10') apart from all other buildings and all other structures with a roof shall meet setback requirements.
- F.** Structures that do not meet the definition of accessory buildings shall be approved by the Zoning Administrator (through the same notice and hearing process established in Section 2.6.B.3 for Variances), as long as the structure or structures are no larger than is reasonably necessary to serve a use allowed on the lot. The determination of what is reasonably necessary shall be based upon generally accepted standards associated with the proposed use. Any accessory structure with a roof shall not be allowed within the setbacks applicable to the parcel except as allowed under Section 9.3.D.
- G.** No lot shall be divided, either through subdivision or through a claim of exemption to the Subdivision Regulations, if an existing accessory building or structure on the lot would exceed the standards under this Section if so divided, unless said building is modified or removed to comply with the standards.
- H.** Open and uncovered swimming pools, hot tubs or spas may occupy a required rear yard setback provided they are not located closer than five feet (5') to the rear or side lot or property line or from any building, provided that all Building Codes are adhered to and are surrounded by an approved wall or fence. When approved by the Building Official, an automatic safety cover meeting ASTM F 1346 Standard Performance Specifications may be used as an alternative to the approved wall or fence to satisfy the requirements for barriers surrounding swimming pools, on premises of Group R Division 3 Occupancies (single family residential). All hot tubs and spas shall have an approved safety cover.
- I.** Applicants wishing to exceed the standards of this Article may apply to the Zoning Administrator for a Special Use Permit following the procedures in Section 2.6.B.3 and 4 of this Ordinance, along with a non-refundable application fee.

Section 9.5 Fences, Walls, and Other Structures

- A.** Solid wall or opaque fence at least six feet (6') high shall be erected as screening between the site and abutting areas specified in Section 5.2 Buffer/Screen Type and Section 5.3 Buffer Matrix; however,
 1. Such wall or fence shall be three feet (3') high in the area within eleven feet (11') of a public right-of-way.
 2. If the wall or fence plus retaining wall would have an effective height of over eight feet (8') on the residential side, the Zoning Administrator or his/her designee shall decide the required height.
 3. A solid wall or opaque fence may be built within the required setback provided it does not exceed six feet (6') in height and does not, in the opinion of the Zoning Administrator, create a traffic hazard at intersections of streets and driveways.

4. Legal Non-Conforming Uses. Within] 80 days after passage of these regulations, expansion of existing legal non-conforming uses of the following types shall, be screened on all four sides from view by fencing, landscaping or a combination thereof: Junkyards, Wrecking Yard, Used Automotive Sales Lots, Automotive or Truck Repair, Open Storage (any material).
5. Fencing shall be constructed of one (1) of the following two (2) types:
 - a. Opaque, solid materials at least six feet (6') high of one (1) of the following materials: brick, adobe, slump block, wood, rock, concrete, or concrete block.
 - b. Open materials such as chain-link fence or slat-rail fencing or similar materials may be used in combination with landscaping plant screening on approval by the Zoning Administrator or his/her designee.
6. Fences or walls shall not be built within or across roadway easements.

Section 9.6 Outside Storage

Outside storage of any materials that totals two hundred square feet (200 ft²) or more on any given lot, tract or parcel within the Performance District and Community Districts of City of Anthony shall be enclosed by a six foot (6') solid wall or opaque fence on all sides.

Section 9.7 Special Use Permits (SUP)

A Special Use Permit shall be applied for if an applicant wishes to deviate from the Accessory Building size limitations and/or density requirements for the Keeping of Livestock. To obtain a SUP, an owner or owner's representative must file an application along with a non-refundable application fee and follow the procedures of Section 2.5. Unless otherwise specified in this Ordinance, the applicant must prove that the request is reasonable for a use allowed on the property, and that the proposed use will not have a negative impact on adjacent or surrounding properties due to the size of the lot, proposed placement of any building or activity associated with the use, the percentage of total lot development or use, any proposed buffering, the character of the area, or other similar factors.

Section 9.8 Development Standards for Mobile Homes Parks

- A. All Mobile Home Parks shall have vehicular access from a dedicated right-of-way. Secondary access shall be provided where there are more than thirty one (31) spaces. Secondary access must be twenty feet (20') wide and must be improved.
- B. Each mobile home space when occupied shall have direct access to an internal street. Direct access to exterior public streets shall be prohibited.
- C. Street layout shall be designed for preservation of natural features, to follow topography to the greatest extent possible consistent with subdivision regulations, and to encourage the orientation of mobile homes in such a manner as to permit the use of solar energy systems. (Changes shall be approved by the Fire Marshal).
- D. All streets within a mobile home park shall be surfaced with asphalt and/or concrete to minimum width of thirty six feet (36') back-of-curb to back-of-curb. Alternate street designs may be considered provided that adequate off-street parking and emergency be provided.

- E. No street within a mobile home park shall dead end except for cul-de-sac streets, which shall have a minimum unobstructed turning radius of fifty feet (50') at the termination point, and comply with current County fire protection standards.
- F. There shall be a network of off-street pedestrian walks, or pathways, connecting mobile home spaces with each other with mobile home park (MHP) facilities and shall comply with current ADA standards.
- G. All spaces and streets shall be designed to ensure proper drainage. The City Engineer shall approve a complete drainage plan.
- H. Two (2) off-street parking spaces per lot mobile home space shall be required. Guest parking spaces shall be provided in the MHP at a ratio of two tenths (0.2) of a space per mobile home space. All roadway design standards shall comply with current City of Anthony subdivision road standards.

Section 9.9 Lighting

- A. Exterior lighting is required for all employee and visitor parking areas, walkways and building entrances and exits, and ingress and egress.
- B. No light standard shall exceed ten feet (10') in height unless the light standard has a light cutoff of ninety degrees (90°) or less, in which case the maximum height shall be thirty feet (30').
- C. No light source shall be fixed to any building so that rays are perpendicular to the building face.
- D. All direct rays of the light source shall be confined to the site.

Section 9.10 Signs

A sign permit shall be required before the erection, re-erection, construction, alteration, placement, or installation of all signs regulated by this Ordinance. Where signs are illuminated electrically, a separate electrical permit shall be obtained. In no such case shall a sign violate the clear sight triangle requirements.

A. Signs in the Performance District, Community and Village Districts.

1. Billboards:

- a. Billboards may be located along controlled access highways (1-25, 1-10) on Non-Residential properties. In the Performance District, billboards are also permitted along major arterials as defined in this Ordinance.
- b. The recommended allowed dimensions of a billboard face are 12' length x 6' height (72 square feet, "eight-sheet poster:") plus frame; 24' length x 12' height (288 square feet, "poster") plus frame; and maximum size is 48' length x 14' height (672 square feet, "small painted bulletin") plus 40 square feet for cutouts.
- c. Billboards over 288 square feet are allowed only along limited access highways. No billboard may be larger than 672 square feet exclusive of cutouts and aprons. Cutouts shall not exceed 10 percent (10%) of the total sign area. Aprons shall be painted the same color as the sign poles.

- d. Two billboard faces, back to back, or "V" shaped with no more than a forty five (45°) degrees angle of separation, are allowed on a structure. Vertical and horizontal stacking of billboard faces is prohibited.
 - e. Billboards shall be supported by one (1) or two (2) metal poles or metal sheathed wood poles or any other construction material providing the construction plans are stamped by a New Mexico licensed engineer. Billboards as attached signs are prohibited.
 - f. Billboards must be spaced at least one thousand feet (1000') apart radially along major arterials, and at least one thousand feet (1000') apart radially along limited access highways. This radial spacing includes billboards located in other towns, cities, and counties.
 - g. A sign permit is required for billboards.
 - h. The maximum height of billboards shall not exceed forty five feet (45'). Billboards shall not exceed thirty feet (30') in elevation above the grade level of the roadway that they serve.
- 2. Construction sign.** One (1) attached (wall) or freestanding (pole) sign per street frontage on the lot, up to thirty two square feet (32 fe) per sign. The sign must be removed within thirty (30) days after the completion of construction. A sign permit is required for signs larger than thirty two square feet (32 ft²), no sign permit required for signs less than thirty two square feet (32 ft²).
- 3. On-premise sign:**
- a. Up to 2 square feet of attached (awning, canopy, roof, projecting, wall, window) sign for each linear foot of wall that the sign will be placed on, with at least thirty two square feet (32 ft²) of sign allowed for a business. Signs may be placed on any wall of a building. Sign permit required except for window signs.
 - b. One (1) freestanding (ground, pole, portable) sign of up to 100 square feet is allowed per lot with less than 300 feet to 600 feet of street frontage. Sign permit required.
 - c. One (1) freestanding (ground, pole, portable) sign of up to 150 square feet is allowed per lot with 300 feet to 600 feet of street frontage. Sign permit required.
 - d. One (1) freestanding (ground, pole, portable) sign of up to 200 square feet, or two (2) freestanding signs of up to 100 square feet of each is allowed per lot with more than 600 feet of street frontage. Sign permit required.
 - e. Monument sign: One (1) freestanding sign mounted on or within a base (above grade), which is detached from any building. Maximum sign area shall be limited to 24 square feet, at a height of 6 feet. Sign permit required.
- 4. Future use sign.** One (1) attached (wall, window) or freestanding (pole) sign per lot, up to thirty two square feet (32 ft²) per sign. The sign must be removed within seven (7) day after the use announced takes place on the property. Sign permit required for signs thirty two square feet (32 ft²) or larger in size. No sign permit required for signs less than thirty two square feet (32 ft²).
- 5. Personal opinion sign and political signs.** One (1) attached (wall, window) or freestanding (pole) sign per lot, up to sixteen square feet (16 ft²). Signs relating to elections can only be displayed within ninety (90) days before the election, to seven (7) days after. No sign permit required.

6. **Real estate sign.** One (1) attached (wall, window) or freestanding (pole) sign per street frontage on a lot, up to thirty two square feet (32 ft²) per sign. The sign must be removed within seven (7) days after the sale or lease of the commercial space. A sign permit is required for signs containing thirty two square feet (32 ft²) or more. No sign permit is required for signs containing less than thirty two square feet (32 ft²).

7. Temporary commercial displays:

- a. Up to four (4) fourteen (14) day temporary periods are allowed for a year.
- b. A temporary commercial display may incorporate the following items: Banners, pennants and streamers, balloons, are not to exceed thirty feet (30') from the ground to the top of the balloon. Balloons cannot be placed on top of a building, one (1) portable sign, not flashing.
- c. A sign permit is required for a temporary commercial display. A one hundred dollar (\$100) bond will be posted by the display builder or business, to ensure that the display will be removed when the sign permit expires. If the display is not removed within two (2) days after the sign permit expires, the City may remove the display.

E. Freestanding Signs. Freestanding signs must be placed at least five feet (5') behind all property lines, and at least thirty feet (30') behind property lines fronting a controlled access highway. Freestanding signs must be placed outside the clear sight triangle. The maximum heights shall be limited to twenty feet (20') of On-premise signs and ten feet (10') for all other freestanding signs.

F. Exempted Signs. The following types of signs are allowed in all areas, and they do not require sign permits.

1. Directional signs listing entrances, exits and parking locations - one (1) freestanding sign per curb cut plus one (1) additional sign per five thousand square feet (5,000 ft²) of lot space, up to four feet (4') tall and six square feet (6 ft²).
2. Drive-through restaurant menu and ordering boards - one attached (wall) or freestanding (pole, ground) sign allowed per lot, up to twenty four square feet (24 ft²).
3. For sale, for rent and for lease signs on vehicles, boats, trailers and other items of personal property, buildings, land or other real estate.
4. Garage sale sign - may only be displayed while the event is in progress, and must not be placed in public rights-of-way or on public property. A garage sale sign may have up to three square feet (3 ft²) of face area.
5. Historical markers, plaques and cornerstones.
6. Legitimate holiday decorations.
7. National, state and local flags.
8. Newspaper and mailboxes.

9. Open house sign - may only be displayed while the event is in progress, and must not be placed in public rights-of-way or on public property. An open house sign may have up to 6 square feet (6 ft²) of face area.
10. Public utility warning and underground utility identification signs.
11. Signs, notices, placard, certificates and official papers authorized or required by any statute, government agency or court.
12. Signs for rest rooms; logos of credit cards accepted; trading stamps; trade association and Chamber of Commerce membership; business hours; gasoline and car wash signs for pumps, oil racks, vacuum cleaners and supply racks; vending and newspaper machines.
13. Signs painted on vehicles and trailers that are currently operating and registered, used in the legitimate business activities and not for advertising.
14. Street numbering, address and family name signs, and signs on mail and newspaper boxes that identify the logo of the subscriber's newspaper.
15. Window signs advertising home tours, fairs, carnivals, fiestas and other similar events.

D. Prohibited Signs. The following signs are prohibited, unless otherwise noted.

1. Signs that have changing light, color or motion effects, whether deliberate or resulting from a defect in the sign. This includes:
 - a. Blinking, flashing, chasing and strobe lights and exposed neon.
 - b. Alternating color lights and signs.
 - c. Rotating beacons and skylights.
 - d. "Eye catcher" and other metallic devices designed to reflect daylight and flash that exceed fifteen percent (15%) of the total sign area.
 - e. Signs with animated and rotating parts.
 - f. Signs that emit smoke, steam or other visual matter.
2. This restriction does not apply to:
 - a. Rotating barber poles at an approved barber shop.
 - b. Flashing and chasing lights on concessions and rides at fiestas, fairs and similar special events.
 - c. Warning signs placed by government authorities.
 - d. Strings of flashing and chasing lights displayed during the December holiday season. Such lights may not outline or highlight a sign. Display of the time and temperature. Time and temperature readings must be accurate.

- e. Display of time and temperature. Time and temperature must be accurate
 - f. The use of scotchlite or reflective tape.
3. Signs placed in or over the public right-of-way or public property may be removed by the City..
 4. Signs placed on vehicles or trailers that indicate the primary use of it as a sign. This does not include vehicles and trailers contributing to the course of legitimate (non-advertising/identification) business activities, and legally permitted portable signs.
 5. Signs attached on rocks, trees, outcroppings or other natural features.
 6. Signs placed on light or utility poles, retaining walls, fences or other similar features. A development sign incorporated into a wall is allowed.
 7. Banners, pennants, streamers and other fluttering devices, except on a temporary display basis as described above.
 8. Attached signs placed above the top of the roofline of a building.
 9. Freestanding signs placed inside the clear sight triangle, or placed where they might obscure a clear view of traffic warning or control signals and signs, pedestrian cross-walks and handicapped curbside ramps.
 10. Signs that block doors, opening windows, air vents, stairs and ramps.
 11. Signs built and displayed without sign permits, if a permit is required.
 12. Any sign not expressly allowed in this Sign Code.
- E. **Sign Permits.** Prior to receiving a building permit for a billboard from City of Anthony, NM proof of approval for the proposed sign by the State of New Mexico (if applicable) must be provided to the City by the applicant. The following information shall be provided when applying for a sign permit:
1. In a addition to the signs stipulated above as requiring sign permits, the following actions shall also be done only upon the applicant having received a sign permit:
 - a. Expansion to the face area or height of an existing sign.
 - b. Change in location of an existing sign.
 - c. Change in the dimensions of an existing sign.
 2. Sign permits shall contain the following information:
 - a. Sign owner's name, address, zip code and telephone number.
 - b. Sign builder's name, address, zip code and telephone number.
 - c. Property owner's name, address, zip code and telephone number.
 - d. Proposed sign dimensions, area, placement and height.
 - e. Frontage of the lot along the street (freestanding signs).
 - f. Distance from the proposed billboard to the two closest existing billboards.
 - g. Site plan.
 3. Sign maintenance and removal:
 - a. Signs shall be built and maintained in conformity with the structural standards of the most current Uniform Sign Code.

- b. Signs must be kept clean and in good repair, both structurally and in appearance. All braces, bolts, clips, fastenings, and supporting frames must be securely affixed to the support structure or wall. Signs shall be kept free of rust, rot, insect infestation, bird nests and other deterioration. Billboard posters shall be kept free of peeling, fading and other deterioration.
- c. If the message portion of a sign is not maintained, is peeled, or becomes faded and unreadable, the message portion shall be replaced within forty five (45) days or the sign shall be removed. If structural elements of the sign structure separate, or collapse, or all into severe disrepair, the sign shall be replaced within forty five (45) days or the sign shall be removed. This Section shall not be considered an alteration of the prohibition on the replacement of a nonconforming sign.
- d. If a sign is considered to be unsecured, unsafe or in danger of falling, or it is damaged, destroyed, taken down or removed for any purpose other than copy change, the sign must be removed or repaired and made to comply with all standards in the Sign Code.

F. Nonconforming Signs.

- 1. A nonconforming sign may not be altered, changed in shape or size, raised, or replaced unless such action brings the sign into closer conformity with this Ordinance.
- 2. A nonconforming sign may not be moved unless it is brought into compliance with all standards of the Sign Code.
- 3. Nonconforming signs that do not comply with this Section's prohibition of signs in the public right-of-way and prohibition of freestanding signs in the clear sight triangle must be moved to comply with those sections of the Sign Code within one hundred eighty (180) days of adoption of this Ordinance.
- 4. No nonconforming sign or billboard shall advertise or identify an object, person, institution, business, product, service, event or location that is no longer in existence or no longer relevant; also, no such sign shall be left bearing a message that is illegible in whole or part. Such conditions must be remedied within ninety (90) days of notice to the sign owner by the City. If such condition is not remedied within ninety (90) days of such notice to the owner by the City, the sign shall be considered abandoned and it shall be removed by the sign owner, property owner, or City. Reusing a sign declared abandoned according to this Section is illegal.
- 5. If any sign is installed, displayed or maintained in violation of the Sign Code, or the applicable code it was erected under, or if a sign is in need of repair, alteration or removal, a notice will be sent to the sign owner, lessee or property owner. If such notice is not acted on within seven (7) days, the city may initiate proceedings to revoke the sign permit (if any was issued) and removed the sign.

Section 9.11 Off-Street Parking and Loading Requirements

Parking requirements shall be based on the use or type and intensity of Residential and Non-Residential use, facility or business. Uses not specified herein shall follow the parking requirements within the category most appropriate to that use. Off-street parking is permissible in all front yards except as other wise specified. Number of spaces shall be rounded to the nearest whole number. All parking shall be provided on the same lot as the structure served except as otherwise allowed in this Code.

- A. **Location and Control of Parking Facilities.** The off-street parking facilities shall be located on the same lot or parcel of land as the building they are intended to serve, except that in cases of practical

difficulty for uses other than dwellings. The Zoning Administrator may consider a satellite lot meeting the following conditions:

1. All or part of a satellite lot must be adjacent to or within two hundred feet (200') from the main building or use measured along the shortest available pedestrian route of access.
2. The satellite lot must be in the same ownership or control as the building or use it is intended to serve and must be maintained as long as the building or use exists. Such ownership or control may be by deed or by a long-term lease that runs concurrently with the building or use. Where a satellite lot is to be used for off-street parking, the applicant for a building permit shall submit with his/her application an instrument duly executed and acknowledged that subjects the satellite lot to parking in connection with the principal building or use. If a building permit is authorized, the building inspector shall cause same instrument to be recorded in the Office of the County Clerk. The recording fee shall be paid by the applicant.

B. Access to Parking Facilities. Access driveways shall be provided for ingress and egress from all parking and loading facilities and shall be designed in a manner that will not interfere with the movements of vehicular and pedestrian traffic. Forward travel from a dedicated street shall be required for all uses except in connection with one (1) or two (2) family dwellings. All access driveways shall comply with all other applicable standards.

C. Computation of Required Parking Spaces. For the purpose of computing off-street parking spaces that are required by this Code, the following rules shall apply:

1. Floor areas shall mean gross floor area, unless otherwise specified for a particular use.
2. In auditoriums, sports arenas, churches and other places of assembly in which benches or pews are used in place of seats, each eighteen (18") inches of length of such benches or pews shall be counted as one (1) seat.

Section 9.12 Off-Street Parking Spaces Required

A. Residential

1. One-family and two-family dwellings - Two (2) spaces per unit.
2. Multiple-family dwelling, Three or more:
 - a. Dwelling units for elderly - Seven-tenths (0.70) space per unit.
 - b. Efficiency dwelling units - One (1) space per unit.
 - c. One (1) bedroom dwelling units - One and one half (1 1/2) spaces per unit.
 - d. Two (2) or more bedroom dwelling units - Two (2) spaces per unit.
 - e. One (1) additional space per five (5) units.

B. Miscellaneous, Room for Rent Situations

1. Rooming, boarding or lodging house - One (1) space per sleeping room.
2. Private clubs, fraternities, sororities and lodges, with sleeping rooms - One (1) space for each member/resident.

3. Motel, motor hotel, motor lodge, hotel or tourist court - One (1) space for each sleeping room, plus additional spaces required for auxiliary uses, such as restaurants, lounges, and shops.

C. Homes Emphasizing Special Services, Treatment, or Supervision

- I. Adult foster care home, private care home, or personal care home/facility - One (1) space for every seven (7) residents or portion thereof or one (1) space for each employee or portion thereof, whichever parking requirement is greater.
2. Registered home, group day care center, residential day care center, or child care center or day care center - Two (2) spaces plus a minimum of one (1) fifteen foot (15') wide stacking lane, twenty seven feet (27') long and fifteen feet (15') wide for greater than ten (10) students.

D. Offices And Personal Service Establishments

1. Professional services, such as medical and dental office, hairdressers, barbers, beauticians and other similar uses - One (1) space for each one hundred square feet (100 ft²) of gross floor area.
2. Small office establishments, such as law, accounting, engineering, real estate offices, and other similar uses - Two (2) spaces plus one (1) space for each three hundred square feet (300 ft²) of gross floor area.
3. Large business offices, such as telephone and electric companies, and other similar offices - One (1) space for each company-owned vehicle, plus one (1) space for each three hundred square feet (300 ft²) of gross floor area.
4. Low volume service establishments, such as dry cleaning, equipment rentals, small and large item repair shops, and similar uses - One (1) space for each three hundred square feet (300 ft²) of floor space.
5. High volume service establishments, such as coin-operated laundry and other similar uses - One (1) space for each three hundred square feet (300 ft²) of floor area.
6. Funeral homes - One (1) space per fifty square feet (50 ft²) of floor area **in** funeral service areas plus one (1) space for each two hundred fifty square feet (250 ft²) of office space. Parking lane(s) shall be provided fifteen feet (15') **in** width, and a total length of one hundred feet (100').
7. Drive-up window service establishments - One (1) space per two hundred square feet (200 ft²) of floor area plus one (1) stacking lane fifteen feet (15') **in** width and two hundred feet (200 ft²) **in** length for each drive-up window.

E. Retail Establishments

1. Large volume retail sales of small domestic products and groceries and shopping center - One (1) space for each two hundred feet (200 ft²) of gross floor area.
2. Small volume retail sales of domestic and specialized products such as plumbing, electrical and hardware stores, furniture stores, parts stores, cabinet stores, carpet stores, clothing and shoe stores and similar business - A minimum of three (3) spaces plus one (1) space for each employee, whichever is greater.

3. Retail sales of vehicles, heavy equipment, and other large products, such as automobiles, mobile homes, recreational vehicles, farm equipment sales, and similar businesses - One (1) space for each company vehicle, in addition to one (1) space for each three hundred fifty square feet (350 ft²) of gross interior floor area, or five (5) spaces, plus one (1) space for each employee, whichever is greater.
4. Open air markets, such as farm or craft markets, flea markets, produce markets and other similar businesses - One (1) space for each display stand or area and one (1) space for every two hundred square feet (200 ft²) designated as the entire display area.
5. Storage areas in retail businesses - When a building used for retail sales has an area larger than twenty percent (20%) of its gross floor area, being used specifically for storage of products sold within the store eighty percent (80%) of the total are used for storage may be subtracted from the gross floor area used for off-street parking computations.

F. Restaurants and Entertainment Establishments

1. Food and beverage establishments, such as restaurants, cafes, bars and lounges, coffee shops, doughnut shops, and similar uses - One (1) space for each seventy five square feet (75 ft²) of gross floor area, in addition to one (1) space for each two (2) employees on the maximum shift. One (1) space for each two hundred square feet (200 ft²) of outdoor patio area. Drive-up window establishments are required to provide a stacking lane of at least fifteen feet (15') in width and two hundred feet (200') in length.
2. Entertainment and amusement enterprises, such as auditoriums, theaters, sports arenas, dance halls, private clubs and lodges, meeting halls, skating rinks, adult entertainment and similar uses - One (1) space for each seventy five square feet (75 ft²) of gross floor area, in addition to one (1) space for each employee on the maximum shift.
3. Court or alley entertainment uses that involve courts and alleys such as tennis courts, handball courts, bowling alleys, and similar uses - Four (4) spaces for each court or bowling lane, in addition to one (1) space for each employee on the maximum shift.
4. Golf Courses - One (1) space for each ten linear feet (10') of practice tees, and four (4) spaces for each green, in addition to parking requirements for auxiliary uses such as restaurants, bars and clubs.

G. Schools, Churches, Community Centers and Hospitals

1. College or high school - One (1) space per five (5) seats or bench seating spaces (seats in main auditorium or field house only) or one for each two (2) students, whichever is greater, plus one (1) space for each administrator and faculty member.
2. Elementary or junior high school - One (1) space per ten (10) seat in main assembly room or two (2) spaces per classroom, whichever is greater, plus one (1) space for each administrator and faculty member.
3. Community buildings, libraries, museums, administration buildings, art galleries and centers - One (1) space per two hundred fifty square feet (250 ft²) of floor area.
4. Churches - One (1) space for every four (4) seats in the primary assembly room.

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5. Hospitals and nursing homes – One (1) space for each two (2) beds, in addition to one (1) space for each employee on the maximum shift.

H. Industry, Manufacturing, Warehouse, and Wholesale Establishments

1. Production line industries employing large numbers of office and production worker – One (1) space per maximum number of employees per shift, plus one (1) space for each company-owned truck/vehicle, in addition to one (1) visitor space for each one thousand square feet (1,000 ft²) of floor area, up to twenty thousand square feet (20,000 ft²).
2. Warehouses which primary use is storage and require few employees – One (1) space per employee plus one (1) space per two thousand square feet (2,000 ft²) of floor area up to thirty thousand square feet (30,000 ft²), plus one (1) space for all company-owned truck/vehicles.
3. Wholesale establishments which primary use is wholesale sales – One (1) space for each five hundred square feet (500 ft²) of floor area.
4. Storage areas – One (1) space for each one thousand square feet (1,000 ft²) of floor area. In cases of wholesale establishments where more than thirty percent (30%) of the total floor area is used for storage, seventy percent (70%) of the given storage area shall be used for parking computations.

I. Parking Spaces for the Handicapped

Total Spaces in Minimum Designated Parking Lot	Minimum Designated Parking Spaces
0-25	1
26-35	2
36-50	3
51-100	4
101-300	8
301-500	12
501-800	16
801-1000	20
More than 1001	20 + 1 for each additional space
The designated parking spaces shall be located so as to provide the most convenient access to entryways or to the nearest curb. All spaces shall comply with ADA accessibility guidelines.	

Section 9.13 Flexibility in Administration Required

- A. In view of the unique need of any given development, the inflexible application of the parking standards set forth in Section 9.11 et. seq. of this Section may result in a development either with inadequate parking space or parking space far in excess of its needs. Therefore, the Zoning Administrator may permit deviations from the requirements of Section 9.11 et. seq. or may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standards set forth in this Section.
- B. The Zoning Administrator may allow deviations from the parking requirements set forth in Section 9.11 when the Administrator finds that:
 - 1. A residential development is primarily oriented toward the elderly; and
 - 2. A business is primarily oriented to walk-in trade.
- C. Whenever the Zoning Administrator allows or requires a deviation from the parking requirements set forth in Section 9.11 et. seq. the Administrator shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

Section 9.14 Size of Parking Spaces and Aisle

- A. Parking stalls and aisles shall be provided according to the following requirements in all zoning districts, see Parking Diagrams in Appendix F:

PARKING ANGLE	STALL WIDTH	BASE	DEPTH	STALL/WIDTH OF AISLE	
				1-Way	2-Way
30°	9'	18'	18.2'	11'	24'
45°	9'	12.73'	19.8'	13'	24'
60°	9'	10.39'	20.95'	18'	24'
90°	9'		20'	25'	25'
PARALLEL PARKING					
10°	10'	22'	12'	24'	

- B. Each full size space shall be not less than 9' x 19' in length. Each compact space shall be 8' x 16' in length. Compact spaces must be marked and shall be limited to ten percent (10%) of the total spaces.

Section 9.15 General Design Requirements

- A. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one (1) or two (2) dwelling units.

- B.** Parking area of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangers of hazardous turning movements.
- C.** Every parking area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties of public rights-of-way. Such area shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation or other structure.
- D.** Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

Section 9.16 Parking Area Surfaces

- A.** Parking areas for businesses with gross floor area exceeding two thousand square feet (2,000 fe) shall be graded and paved with at least a one and one-half inch (1 1/2") thickness of Hot-Mix pavement.
- B.** Parking areas for businesses requiring ten (10) or less parking spaces under this Section can be graded and surfaced with surface material other than Hot-Mix pavement, provided that protection against potholes, erosion, and dust can be assured.
- C.** Parking spaces shall be appropriately demarcated with painted lines or other markings.
- D.** Parking areas shall be properly maintained in all respects. In particular and without limiting the foregoing, parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

Section 9.17 Exterior Lighting in Parking Area

s A. See Section 9.9.

Section 9.18 Joint Use of Required Parking Spaces

- A.** One (1) parking area may contain required spaces for several different use, except as other wise provided in this Section, the required spaces assigned to one (1) use may not be credited to any other use.
- B.** To the extent that developments agreeing to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday, but is generally ninety percent (90%) vacant on weekends, another development that operates only on weekends could be credited with ninety percent (90%) of the spaces on that lot. If a church parking lot is generally occupied only fifty percent (50%) of capacity on days other than Sunday, another development could make use of fifty percent (50%) of the church lot's spaces on those other days.
- C.** If the joint use of the same parking spaces by two (2) or more principal uses involves satellite parking spaces, then the provisions of Section 9.9 are also applicable.
- D.** A written agreement between the affected property owners is required for all joint uses of parking areas thereby assuring retention for such purposes and stating hours of operation. The agreement is to be approved as to content and form by the City Attorney and Planning Director and filed with the building permit application, if one is to be issued.

Section 9.19 Enlargement of Original Business or Use

- A. Whenever an original building or use is changed resulting in thirty percent (30%) enlargement or more of the original floor area, the entire building shall then and thereafter comply with the parking requirements set forth herein. Whenever a building is enlarged in floor area, less than thirty percent (30%) of the original floor area, additional spaces shall be provided on the basis of only the enlargement.
- B. Whenever there is a change of use of the lot or the building that increases parking requirements, the parking standards in the Ordinance must be met.

Section 9.20 Loading Space Requirements

- A. Off-street loading space shall be provided and maintained for every building or part thereof occupied by manufacturing, storage, warehouse store, market, hotel, mortuary, hospital, laundry, dry cleaning establishment, or other similar uses requiring the receipt or distribution by vehicles of materials or merchandise. Spaces to be provided shall be in accordance with the following requirements:
- B. One (1) space for the first ten thousand square feet (10,000 ft²) or less of gross floor area.
- C. One (1) additional loading space for each ten thousand square feet (10,000 ft²) of gross floor area in excess of ten thousand square feet (10,000 ft²).
- D. Minimum dimensions for each loading space is twelve feet (12') by forty five feet (45') and minimum overhead clearance of fourteen feet (14') from the surface to the loading area.
- E. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way or any parking space or parking lot aisle.
- F. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street area be used to satisfy the area requirements for loading and unloading facilities.

Section 9.21 Fire Lane Requirements

- A. Authority to Design-Maintenance Responsibility.** The Fire Marshal or his/her designee is authorized to designate fire lanes on property of shopping centers and other private or public property, as defined in this Section, where such areas must be kept free of parked vehicles and other obstructions to provide ready access in such areas in case of fire or other emergency. The designation by the Fire Marshal of such fire lanes shall never be held to make the city responsible for the maintenance of such fire lanes on private property, but the owner of such property shall continue to be responsible for the maintenance of such area. The official records of the designation and location of any such fire lanes shall be kept in the Office of the Fire Marshal.
- B. Construction on Private Property-Shopping Center Construction. Before site plans of proposed shopping center construction or construction on private property, as defined in this Ordinance, are submitted to the Building Inspection Department for issuance of building permits, such plans shall be submitted to the Fire Marshal for his/her review and approval of the adequacy of the fire lanes provided therefore. The specific requirements of this Section as applicable to a specific

structure may be modified by the Fire Marshal in recognition of varying occupancies, size, and a hazard of buildings and the provision of other means of access or fixed fire protection.

- C. Submission of Site Plan to Fire Marshal.** The Fire Marshal or his/her designee may require the owners of existing shopping centers and existing facilities on private property, as defined in this Ordinance to submit site plans for his/her use in determining whether to designate fire lanes on the property. The Fire Marshal may require that the fire lane for existing buildings be established to provide access for fire suppression operations by improving existing conditions. Fire lanes established for new and existing structures shall conform to fire lane requirements applicable at the time of construction. If no fire lane requirements were applicable at the time of construction, the Fire Marshal or designee may require establishment of fire lanes to conform with the requirements of this Section, insofar as is practicable without requiring any construction, structural modification or substantial financial hardship.
- D. Parking Signs - Posting required; Parking in posted area prohibited; Exemption.** Upon the designation of a fire lane pursuant to this Section, the Fire Marshal or his/her designee shall give notice of such designation to the owner of such shopping center and other areas, as defined in this Section, directing the owner to cause signs to be posted, at the expense of the owner, at designated locations, littered, "No Parking At Any Time - Fire Lane (Tow Away Zone)." Such signs shall be of a standard size and color, of standard lettering and mounting, conforming to specifications established by the Traffic Engineer and Fire Marshal and their designees. It is unlawful to park any vehicle other than authorized emergency vehicles in a designated fire lane when such signs are in place.
- E. Unlawful to park; Exemption.** It is unlawful to park any vehicle other than an authorized emergency vehicle in any fire lane established pursuant to this Section. Except as may be specifically permitted by the Fire Marshal or his/her designee. (i.e. Armored vehicle may park in the fire lane for brief periods of time during the performance of their duty after obtaining a permit from the Fire Marshal's Office.)
- F. Towing Authorized.** Unauthorized vehicles parked in designated fire lanes that block fire department or other emergency vehicle access may be towed at owner's expense to designated storage facility by the authority of the Fire Marshal or his/her designee Anthony Police Department.
- G. No Parking Signs-Removal Declared Unlawful.** It is unlawful for any person, without lawful authority, to attempt to remove any signs designating a fire lane established pursuant to this Section.
- H. Display of Unauthorized signs unlawful; Declaration of Nuisance.** It is unlawful for any person to place, maintain or display any unauthorized sign that purports to be or is an imitation of or resembles an official sign designation a fire lane. Every such prohibited sign is declared to be a public nuisance and the Fire Marshal is empowered to remove the same or cause it to be removed. Un designated fire lanes in compliance with the fire lane requirements shall meet the stipulations of sections and of this Section. Failure to comply with proper fire lane establishment procedures shall, in addition to this Section of this Ordinance, shall be prosecuted according to the limitations of this Code.
- I. Fire Lane Standards.** Fire lanes designated by the Anthony Police Department, in accordance to all City standards, shall be posted in the following manner.

1. Curb Markings:

- a. The curb adjacent to an officially designated fire lane shall be painted red.

- b. The legend "FIRE LANE" shall be stenciled in white with four inch (4") uppercase letters on top and face of the curb adjacent to a fire lane. This legend shall be repeated at intervals of fifty feet (50').
- c. No Parking Areas not officially designated as fire lanes shall not be painted red or marked in such a fashion as to be confused with an official fire lane.



2. Signs:

- a. The standard color of an official fire lane sign shall be as follows:
 - i. The background shall be reflective white.
 - ii. The lettering and border shall be red.
 - iii. The standard legend and lettering of an official fire lane shall be as shown on the attached drawing (see Appendix F).
- b. The standard fire lane sign shall be posted as follows:
 - i. One sign shall be posted at each end of an official fire lane. Each sign shall have a single head arrow showing the appropriate direction of the fire lane.
 - ii. A fire lane longer than one hundred fifty feet (150') shall have intermediate signs posted at even intervals. Intermediate signs shall have a double head arrow indicating the fire lane is continuous. The intermediate signs may be posted as necessary, but in no case shall the intervals between fire lane signs be greater than one hundred feet (100').
 - iii. The fire lane sign shall be securely fastened to suitable pole or support, with a minimum vertical clearance above the sidewalk of seven feet (7').
 - iv. When poles are used to mount fire lane signs, they shall be placed two feet (2') and six inches (6") behind the face of the curb. In accordance with Uniform Fire Code, no pole or obstruction may be placed within three feet (3') of a fire hydrant.
 - v. Fire lane signs shall be posted parallel to the curb to which they apply.
 - vi. When the distance between the curb and a building, light standard, or other structure is eight feet (8') or less, the fire lane signs may be posted on the face of the building, light standard, or other structure. The bottom of the sign shall be located seven feet (7') above the adjacent sidewalk.



ARTICLE 10. PERFORMANCE DISTRICT: LAND USE CLASSIFICATION MATRIX

The purpose of the matrix is to assist the user of this Ordinance in identifying the classification for a specific land use. Where the same primary use of land is listed in more than one (1) category, different standards may apply depending on the size of building or lot size. Where a land use is listed under only one (1) classification, it is only allowed in that classification. PUD means Planned Unit Development Overlay Zone.
 Roadside produce stands, block parties and/or tent revivals are classified as Temporary Vendor Permits

PERFORMANCE DISTRICT LAND USE CLASSIFICATION MATRIX



 Land Classification  Primary Use of the Property	Use	Low Intensity Residential	Medium Intensity Residential	High Intensity Residential	Low Intensity Non-Residential	Medium Intensity Non-Residential	High Intensity Non-Residential	PUD (Type)	Site Plan	Public Hearing (all PUDs)
	Adult Entertainment								X (2)	X
Agriculture Building	X	X			X				X	
Agricultural packaging and warehousing					X 5,000 sq. ft. building maximum	X 10,000 sq. ft. building maximum	X Over 10,000 sq. ft. building		X	
Agricultural processing facilities							X	X (2)	X	X
Airports and heliports								X (2)	X	X
Animal hospitals, veterinary clinics, and kennels						X	X		X	X
Apartment complex				X				X (1)		X
Auction yards							X		X	X
Automobile garages, painting or auto body work								X (2)	X	X

PERFORMANCE DISTRICT LAND USE CLASSIFICATION MATRIX



 Land Classification  Primary Use of the Property	Use	Low Intensity Residential	Medium Intensity Residential	High Intensity Residential	Low Intensity Non-Residential	Medium Intensity Non-Residential	High Intensity Non-Residential	PUD (Type)	Site Plan	Public Hearing (all PUD's)
Automobile and truck repair, sales and services.								X (2)	X	X
Auto related repair and service, but not auto painting or body work					X	X	X		X	
Banks and other financial institutions					X	X	X	X (1)	X	X
Barns and other structures	X	X							X	
Bars and lounges					X	X	X		X	
Battery storage facilities								X (2)	X	X
Bed and breakfast facilities				X	X				X	
Billboards and off premise signs						X	X	X (1)	X	X
Borrow pits, batching plants, and asphaltic mix plants								X (2)	X	X
Business services, such as copying, offices, office equipment services and similar uses					X	X	X	X(1)	X	X
Cemeteries and crematoriums								X (2)	X	

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PERFORMANCE DISTRICT LAND USE CLASSIFICATION MATRIX

 Land Classification  Primary Use of the Property	Use	Low Intensity Residential	Medium Intensity Residential	High Intensity Residential	Low Intensity Non-Residential	Medium Intensity Non-Residential	High Intensity Non-Residential	PUD (Type)	Site Plan	Public Hearing (all PUD's)
Child & adult care, commercially operated					X	X	X		X	
Churches and schools					X	X	X	X (1)	X	X
Commercial uses not elsewhere classified					X	X	X	X (1)	X	X
Commercial laundries						X	X	X (1)	X	X
Commercial towers								X (2)	X	X
Community buildings, public/ private					X	X	X	X (1)	X	X
Convention or exhibition halls								X (1)	X	X
Construction equipment, related sales, services, storage, and distribution facilities						X	X		X	
Convenience stores, gas stations or car washes					X	X	X			
Dairies and related operations								X (2)	X	X
Day care centers					X	X		X (1)	X	X
Drilling of oil, gas wells, or other shaft mining								X (2)	X	X
Duplex		X		X				X (1)	X	X

PERFORMANCE DISTRICT LAND USE CLASSIFICATION MATRIX

 Land Classification  Primary Use of the Property	Use	Low Intensity Residential	Medium Intensity Residential	High Intensity Residential	Low Intensity Non-Residential	Medium Intensity Non-Residential	High Intensity Non-Residential	PUD (Type)	Site Plan	Public Hearing (all PUD's)
Hazardous materials, hazardous waste facilities, including, but not limited to storage, manufacturing or repackaging of hazardous waste or materials								X (2)	X	X
Health services, public or private						X	X	X (1)	X	X
Home occupations (see Section for list of permitted businesses)	X	X	X						X	
Hospitals								X (2)	X	X
Hotels, motels, or lodging houses						X	X	X (1)	X	X
Institutional uses such as libraries, educational, cultural, or health facilities					X	X	X	X (1)	X	X
Junkyards and dismantling								X (2)	X	X
Kennels and grooming services					X	X	X		X	
Landfills for solid/liquid waste								X (2)	X	X
Major facilities for distribution of electric, natural gas, water, sewer, cable						X	X	X (2)	X	X
Manufacturing								X (2)	X	X

PERFORMANCE DISTRICT LAND USE CLASSIFICATION MATRIX

 Land Classification  Primary Use of the Property	Use	Low Intensity Residential	Medium Intensity Residential	High Intensity Residential	Low Intensity Non-Residential	Medium Intensity Non-Residential	High Intensity Non-Residential	PUD (Type)	Site Plan	Public Hearing (all PUD's)
Restaurants					X	X	X	X (1)	X	X
Retail sales and repair services					X	X	X	X (1)	X	X
Rock quarries and mineral extraction								X (2)	X	X
Roofing operations						X	X		X	
RV parks		X		X	X	X		X (1)	X	X
Schools & churches					X	X	X	X (1)	X	X
Semi-truck parking and leasing services						X	X	X(2)	X	X
Single family, site built residence	X	X						X (1)	X	X
Single family, mobile home	X	X	X			X		X (1)	X	X
Smelters								X (2)	X	X
Stables, riding and/or boarding					X	X	X	X (1)	X	X
Stadiums								X (2)	X	X
Storage of bulk materials such as asphalt, brick, cement, gasoline, grease, oil, paint, plaster, & roofing								X (2)	X	X
Stockyards or slaughter houses								X (2)	X	X
Stone milling or processing								X (2)	X	X

PERFORMANCE DISTRICT LAND USE CLASSIFICATION MATRIX

→ Land Classification ↓ Primary Use of the Property	Use	Low Intensity Residential	Medium Intensity Residential	High Intensity Residential	Low Intensity Non-Residential	Medium Intensity Non-Residential	High Intensity Non-Residential	PUD (Type)	Site Plan	Public Hearing (all PUD's)
Swine production								X (2)	X	X
Toxic chemical storage, transfer, & manufacturing								X (2)	X	X
Triplex			X	X				X (1)	X	X
Minor utility buildings & substations, private or public		X		X	X	X	X	X (1)	X	X
Waste incinerators, including medical waste incinerators								X (2)	X	X
Water and sewer treatment plants								X (2)	X	X
Wholesale sales and storage						X	X	X (1)	X	X
Wrecking services						X	X	X (2)	X	X

PERFORMANCE DISTRICT LAND USE CLASSIFICATION MATRIX

Land Classification Use Primary Use of the Property	Low Intensity Residential	Medium Intensity Residential	High Intensity Residential	Low Intensity Non-Residential	Medium Intensity Non-Residential	High Intensity Non-Residential	PUD (Type)	Site Plan	Public Hearing (all PUD's)
Swine production							X (2)	X	X
Toxic chemical storage, transfer, & manufacturing							X (2)	X	X
Triplex		X	X				X (1)	X	X
Minor utility buildings & substations, private or public		X	X	X	X	X	X (1)	X	X
Waste incinerators, including medical waste incinerators							X (2)	X	X
Water and sewer treatment plants							X (2)	X	X
Wholesale sales and storage					X	X	X (1)	X	X
Wrecking services					X	X	X (2)	X	X

ARTICLE 11. COMMUNITY AND VILLAGE DISTRICT: LAND USE CLASSIFICATION MATRIX

The purpose of the matrix is to assist the user of this Ordinance in identifying the classification for a specific land use. Where the same primary use of land is listed in more than one (1) category, different standards may apply depending on the size of building or lot size. Where a land use is listed under only one (1) classification, it is only allowed in that classification. PUD means Planned Unit Development Overlay Zone. ***Roadside produce stands, block parties and/or tent revivals are classified as Temporary Vendor Permits.*** The Asterisk * means a use is permitted in both the Community and Village Zones.

COMMUNITY AND *VILLAGE DISTRICT LAND USE CLASSIFICATION MATRIX

Land Use Classification → Primary Use of the Property ↓	R-1/AG	R-IM	R2	R-3	R-MP	CMU/VMU	C-1	C-2	C-3	I-1	I-2	I-3	PUD TYPE 1 or 2
Adult Entertainment								X	X				
Agriculture	X	X	X	X	X								
Agricultural Packaging And Warehousing									X	X	X		
Agricultural Processing Facilities										X	X	X	
Airports and Heliports													X (2)
Animal Hospitals, Veterinary Clinics, and Kennels							X	X	X				
Apartment Complex				X									X (1)
Auction Yards									X	X	X		X (1)
Automobile Garages, Painting or Auto Body Work									X	X	X		
Automobile and Truck repair, Sales and Services									X	X	X		
Auto Related Repair and Service, but not Auto Painting or Body Work							X	X					

COMMUNITY AND *VILLAGE DISTRICT LAND USE CLASSIFICATION MATRIX

Land Use Classification → Primary Use of the Property ↓	R-1/AG	R-1M	R2	R-3	R-MP	CMU/ VMU	C-1	C-2	C-3	I-1	I-2	I-3	PUD TYPE 1 or 2
Bakeries and Catering Services						X	X	X	X				
Banks and other financial institutions							X	X	X				X (1)
Barns and other agric. Structures	X	X	X	X	X								
Bars and Lounges							X	X	X				X (1)
Battery Storage Facilities													X (2)
Bed and breakfast facilities	X	X	X	X									
Billboards and off-premise signs								X	X	X	X	X	X (1)
Borrow pits, batching plants, and asphaltic mix plants											X	X	X (2)
Business services, such as copying, offices, office equipment services and similar uses							X	X	X				X (1)
Cemeteries and crematoriums													X (2)
Child and adult care, commercially operated							X	X	X				X (1)
Churches and schools	X	X	X	X			X	X					X (1)
Commercial uses not elsewhere classified							X	X	X				X (1)
Commercial Laundries							X	X	X				X (1)
Commercial Towers													X (2)

COMMUNITY AND *VILLAGE DISTRICT LAND USE CLASSIFICATION MATRIX

Land Use Classification Primary Use of the Property	R-1/AG	R-1M	R2	R-3	R-MP	CMU/VMU	C-1	C-2	C-3	I-1	I-2	I-3	PUD TYPE 1 or 2
Community buildings, public or private	X	X	X	X	X		X	X	X				X (1)
Convention or exhibition halls						X							X (2)
Construction equipment, related sales, services, storage, and distribution facilities									X	X	X	X	
Dairies and related operations													X (2)
Drilling of oil, gas wells, or other shaft mining													X (2)
Duplex			X	X									X (1)
Energy generation operations													X (2)
Entertainment facilities, but not adult						X	X	X	X				X (1)
Explosive materials, manufacturing or storage													X (2)
Farming and ranching	X	X											
Farmers markets							X	X	X				
Fat rendering plants													X (2)
Fertilizer plants													X (2)
Flea Markets							X	X	X				
Food and fiber processing										X	X	X	X (2)

COMMUNITY AND *VILLAGE DISTRICT LAND USE CLASSIFICATION MATRIX

Land Use Classification Primary Use of the Property	R-1/AG	R-1M	R2	R-3	R-MP	CMU/VMU	C-1	C-2	C-3	I-1	I-2	I-3	PUD TYPE 1 or 2
Foundries										X	X	X	X (2)
Fourplex			X	X									X (1)
Funeral homes and funeral chapels								X	X				
Greenhouses and nurseries	X	X					X	X	X				
Group homes, nursing homes, and day care centers in residential areas	X	X	X	X	X								X (2)
Ground transportation terminals								X	X	X	X	X	X (2)
Hazardous materials, hazardous waste facilities, including, but not limited to storage, manufacturing or repackaging of hazardous waste or materials													X (2)
Health services, public or private							X	X					X (1)
Home occupation (see Section 8.3 For list of permitted businesses)	X	X	X	X	X								
Hospitals								X	X	X	X	X	X (2)
Hotels, motels, lodging houses								X	X				X (1)
Institutional uses such as libraries, educational, or cultural							X	X	X				X (1)
Junkyards and dismantling												X	X (2)
Landfills for solid or liquid waste													X (2)
Major facilities for distribution of electric, natural gas, water, sewer, cable								X	X	X	X	X	X (2)

COMMUNITY AND *VILLAGE DISTRICT LAND USE CLASSIFICATION MATRIX

Land Use Classification → Primary Use of the Property ↓	R-1/AG	R-1M	R2	R-3	R-MP	CMU/VMU	C-1	C-2	C-3	I-1	I-2	I-3	PUD TYPE 1 or 2
Manufacturing										X	X	X	X (2)
Medical facilities (see health services)													
Mini-storage units				X			X	X	X				
Mobile home parks and mobile home subdivisions					X								X (1)
Mobile home and RV sales and services								X	X	X	X		
Off-site parking areas for commercial and industrial uses							X	X	X	X	X	X	X (1)
Personal services including Laundromats, drycleaners, mailing services, beauty shops and similar uses.						X	X	X	X				X (1)
Pet grooming services							X	X	X				
Petroleum refineries and storage													X (2)
Poultry raising, slaughtering and processing (commercial)													X (2)
Prison													X (2)
Professional and scientific offices and services							X	X	X	X			
Recreation and sports facilities	X	X	X	X	X		X	X	X				X (1)
Recycling centers									X	X	X	X	
Restaurants						X	X	X	X	X			X (1)
Retail sales and repair services							X	X	X				X (1)

COMMUNITY AND *VILLAGE DISTRICT LAND USE CLASSIFICATION MATRIX

Land Use Classification → Primary Use of the Property ↓	R-1/AG	R-IM	R2	R-3	R-MP	CMU/ VMU	C-1	C-2	C-3	I-1	I-2	I-3	PUD TYPE 1 or 2
Rock quarries and mineral extraction													X(2)
Roofing operations								X	X	X			
RV parks					X			X	X				X (1)
Schools and churches	X	X	X	X			X	X					X (1)
Single family, site built	X	X	X			X							X (1)
Single Family, mobile home		X			X								X (1)
Smelters													X (2)
Stadiums													X (2)
Storage of bulk materials such as asphalt, brick, cement, gasoline, grease, oil, paint, plaster, and roofing													X (2)
Stockyards or slaughter houses													X (2)
Stone milling or processing													X (2)
Swine production													X (2)
Toxic chemical storage, transfer and manufacturing													X (2)
Triplex			X	X									X (1)
Minor utility buildings and substations, private or public	X	X	X	X	X		X	X	X	X	X	X	X (1)
Waste incinerators, including medical waste incinerators													X (2)

COMMUNITY AND *VILLAGE DISTRICT LAND USE CLASSIFICATION MATRIX

Land Use Classification →	R-1/AG	R-1M	R2	R-3	R-MP	CMU/VMU	C-1	C-2	C-3	I-1	I-2	I-3	PUD
Primary Use of the Property ↓													TYPE 1 or 2
Water and sewer treatment plants													X (2)
Wholesale sales and storage									X	X	X		X (1)
Wrecking Services									X	X	X	X	X (2)

ARTICLE 12. KEEPING OF LIVESTOCK

The following regulations are established for the keeping of livestock in all zoning districts, unless the standards or regulations for a particular zoning district or category differ, in which case the more specific regulations or provision for that zoning district shall apply. The keeping of livestock shall be allowed, as long as minimum lot size requirements, development standards, care, maintenance and other requirements are met (see Section 12.2). This Ordinance shall not be deemed to supersede or otherwise affect the enforceability of any private covenants restricting or allowing the keeping of livestock on a particular parcel. Density restrictions in this Ordinance shall not be applied to lots that are subject to less restrictive covenants that are of record in the City Clerk's Office prior to the filing of these amendments and benefit at least one other lot. If the provisions of this Ordinance conflict with the provisions of any other Ordinance or other law, the more restrictive provision shall apply. Commercial uses proposed to exceed these densities shall submit an application for a Planned Unit Development under Article 8 of this Ordinance. Agricultural uses shall be exempt, except within Community Districts and Village Districts, where a PUD application shall be required.

Section 12.1 Lot Size Regulations

- A. A minimum lot size of three-quarters of an acre (0.75) or thirty two thousand six hundred seventy square feet (32,670 FT²) shall be required for the keeping of livestock, other than mature stallions, bulls, buffalo and beefalo, which shall be prohibited from lots containing less than two (2) acres. An SUP application shall be required if an applicant wishes to exceed the density standards, see Section 9.7.
- B. These requirements shall not apply on parcels when the youth are involved in a sanctioned 4-H and/or Future Farmers of America (FFA) program and the livestock are housed on the property on a temporary basis.

Section 12.2 Minimum Development Standards Applicable

- A. The minimum standards for the keeping of livestock shall follow the USDA'S *Guide for the Care and Use of Agricultural Animal's in Agricultural Research and Teaching*.
- B. In accordance with State law, no animal dwelling unit shall be kept closer than one hundred feet (100') to any private domestic water well or closer than two hundred feet (200') to any public water well.
- C. A lot used for the keeping of livestock shall have appropriate improvements to ensure that: 1) the animals are secured on the lot; 2) the animals have adequate and appropriate protection from the elements; 3) the animals have area for exercise; 4) the animals have access to clean drinking water and feeding facilities; and 5) negative impacts on adjacent properties are minimized.

Section 12.3 Compliance with Health and Environmental Regulations

In keeping livestock consistent with the provisions of this Article, all health and sanitation laws and regulations of the State Environment Department, the State Health Department, the State Livestock Bureau and all other State and Federal agencies must be met. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, safe, and sanitary condition at all times.