

# VILLAGE OF LOS LUNAS ORDINANCE 481

AN ORDINANCE ADOPTING THE MUNICIPAL ZONING REGULATIONS AND ZONE MAP ATLAS FOR THE VILLAGE OF LOS LUNAS, NEW MEXICO; AND REPEALING ORDINANCE 276 AND SUBSEQUENT AMENDMENTS.

WHEREAS, The Village of Los Lunas is a legally and regularly created, established, organized, and existing municipal corporation under the general laws of the State of New Mexico; and

**WHEREAS**, The Village of Los Lunas wishes to promote the health, safety, morals, and general welfare of the community; and

WHEREAS, The Village of Los Lunas is committed to adapting its regulations to new land uses where feasible; and

WHEREAS, The Village of Los Lunas comprehensive zoning code does not adequately meet the community's needs. Nevertheless, the ever-changing and evolving needs of the population have indicated a demand for change in that the code must be in line with the community's vision, be easier to comprehend, administer, and enforce; and

WHEREAS, The Village of Los Lunas intends to repeal the current Village of Los Lunas Comprehensive Zoning Code, Ordinance 276, and the subsequent amendments Ordinance 280 (2002), Ordinance 285 (2002), Ordinance 290 (2002), Ordinance 302 (2003), Ordinance 313 (2004), Ordinance 324 (2005); Ordinance 340 (2007), Ordinance 356 (2008), Ordinance 360 (2009), Ordinance 370 (2011), Ordinance 402 (2014), Ordinance 407 (2016), Ordinance 408 (2016), Ordinance 429 (2017), Ordinance 439 (2018), Ordinance 444 (2019), Ordinance 445 (2019), Ordinance 451 (2019), Ordinance 452 (2019), Ordinance 453 (2020), Ordinance 461 (2021), Ordinance 463 (2022), Ordinance 465 (2022), Ordinance 467 (2023), Ordinance 476 (2024); and

WHEREAS, The Village of Los Lunas intends to adopt the zone map atlas designating the zone district of all properties within the exterior boundaries of the Village of Los Lunas except those properties which have been identified as requiring a quasi-judicial hearing.

WHEREAS, The Village of Los Lunas intends to enact the Village of Los Lunas Municipal Zoning Code and reasonable regulations within the exterior boundaries of the Village of Los Lunas as permitted by Ordinance No. 481.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS LUNAS, COUNTY OF VALENCIA, STATE OF NEW MEXICO

THAT, ORDINANCE 276 AND SUBSEQUENT AMENDMENTS, OF THE MUNICIPAL CODE BE REPEALED AND REPLACED AND AMENDING THE ZONE MAP ATLAS AS FOLLOWS:

## Title 17 ZONING

## ARTICLE I. GENERAL PROVISIONS

### 17.04.010 Title

This Title shall be known as the Village of Los Lunas Municipal Zoning Ordinance and is referred to as this "Title" or this "Ordinance."

## 17.04.020 Authority

This Title is created pursuant to the authority granted by the New Mexico Statutes Annotated, 1978, Chapter 3, and associated Articles. Regulations of this ordinance are designed to implement several powers, duties, and privileges established by the State Statute.

## 17.04.030 Purpose

The purpose of the Village of Los Lunas Municipal Zoning Ordinance is to:

- A. Facilitate orderly and coordinated development.
- B. Protect the health, safety, and general welfare of the public, and provide protection from possible nuisances and hazards to enhance quality of life and public health.
- C. Allow for the efficient administration of land use and development regulations established by this Ordinance and related, adopted regulations.

## 17.04.040 Applicability and Jurisdiction

This Ordinance applies to all private land within the Village's planning jurisdiction. The owners and occupants of all private land within the Village's planning jurisdiction shall comply with the regulations contained in this Ordinance applicable to the zone district in which the property is located. The Village's planning jurisdiction comprises the area within the corporate boundaries of the Village.

#### 17.04.050 Effective Date

The provisions in this Ordinance became effective on February 11, 2025.

## 17.04.060 Transition from Previous Regulations

- A. This Ordinance replaces the previous Los Lunas Municipal Zoning Ordinance originally adopted in 2001, as amended, in its entirety.
- B. Any development or land use application submitted, reviewed, and accepted as complete, or approved before the effective date of this Ordinance may be carried out in accordance with the zoning code, development standards, supplementary standards, and procedures in effect at that time. The provisions shall apply so long the application or approval has not expired and otherwise remains valid. If the prior application or approval expires, revoked, or otherwise becomes invalid (e.g. for failure to comply with time limits or the terms and conditions of approval) any subsequent development or land use for the site shall be subject to the procedures and standards of this Ordinance as currently in effect or as amended.
- C. To the extent a prior approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be considered nonconforming and subject to the provisions of Section 17.14.040, Nonconformities.
- D. If any use, lot, building, structure, sign, or site feature legally existed on the effective date of this Ordinance, Section 17.04.050, Effective Date, but does not fully comply with the standards of the Ordinance as amended, then that use, building, structure, lot, sign, or site feature shall be considered nonconforming and subject to the provisions of Section 17.14.040, Nonconformities.

## 17.04.070 Relationship to Comprehensive Plan

The Village of Los Lunas Comprehensive Plan, as amended, establishes the official policy of the Village concerning designated future land uses and guides decisions regarding the appropriate manner in which property within the Village should be zoned. This Ordinance is the primary tool used by the Village to implement the goals, policies, and strategies of the Comprehensive Plan.

## 17.04.080 Compliance Required

No permit, certificate, or approval of any use that is subject to this Ordinance shall be issued or granted without a finding of compliance with this Ordinance. Except as otherwise specified in this Ordinance through a special exception process as outlined in Article VI, Administration and Enforcement, land and building, structure, mobile or manufactured home used, occupied, substantially changed, constructed, erected, moved, or altered upon any premises except in compliance with the provisions of this Ordinance.

## 17.04.090 Interpretations and Conflicting Regulations

Unless otherwise specified in this Ordinance, if two or more regulations in this Ordinance conflict with each other, the more restrictive regulation shall apply, with the following exceptions.

- A. When any regulations contained in an Overlay Zone conflict with any other regulation in this Ordinance, the regulations of the Overlay Zone prevail regardless of whether the Overlay Zone regulations are more or less restrictive than the other regulations. Where the Overlay Zone is silent, the other regulations in this Ordinance shall prevail.
- B. When any regulation in the Supplementary Standards for Specific Uses regulations conflicts with any other regulation in this Ordinance, the Supplementary Standards for Specific Uses regulation shall prevail regardless of whether the Supplementary Use Regulation is more or less restrictive

- than the other regulation. Where the Supplementary Standards for Specific Uses regulations are silent, the other Development Standards shall prevail.
- C. When any adopted Area Plan regulation or standard conflicts with any other regulation in this Ordinance, the Area Plan regulation or standard shall apply to development within the specified area regardless of whether the Area Plan regulation is more or less restrictive than the other regulation. Where the Area Plan is silent, the other regulations in this Ordinance prevail.
- D. If any regulation in this Ordinance conflicts with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code) or any other building safety codes, the provisions in those codes shall prevail.
- E. If any regulation in this Ordinance conflicts with other applicable laws or regulations of the Village, or conflicts with applicable state or federal law, the more restrictive provision shall prevail, unless the provisions of state or federal law, as interpreted by the courts, prevent that result.

## 17.04.100 Relationship to Private Agreements and Covenants

This Ordinance applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development, or use, than a private agreement or restriction but shall have no impact on the applicability or enforceability of any private agreement or restriction between the parties to that agreement or restriction. The Village shall have no obligation to conform the terms or applicability of this Ordinance to any private agreement or restriction and shall have no obligation to enforce any private covenant or agreement, unless it is a party to the covenant or agreement. If the Village is a party to the covenant or agreement, enforcement shall be at the discretion of the Village.

## **17.04.110 Severability**

It is the intention of the Village Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such declaration shall not affect any of the remaining Title.

## **17.04.120 Definitions**

The following definitions are provided for terms used in Title 17 Zoning. Terms that are not defined in this Ordinance follow common usage as defined in standard dictionaries. For the purpose of this Ordinance, certain terms or words used in this Ordinance shall be interpreted as follows:

- A. "Person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual. The present tense includes the future tense.
- B. "Shall" is mandatory; "may" is permissive.
- C. The words and phrases defined in Section 17.04.120 shall have the following meanings indicated when used in this Ordinance.

A

**Accessory Dwelling Unit** - A dwelling unit that is accessory to a primary single-family dwelling unit on a single-family lot, and containing living, sleeping, kitchen, and bathroom facilities.

**Accessory Use** - A land use that is subordinate in use, area, or purpose to a primary land use located on the same lot.

Accessory Structure - A structure detached from and located on the same lot as a primary building, customarily used with and clearly incidental and subordinate to the primary building and is compatible with the primary principal use of the lot or building allowed under zoning regulations applicable to the property. Accessory structures shall include but are not limited to garages, sheds, pools, and carports, as regulated by Section 17.10.060(B); and shall not include mobile homes, motor vehicles, trailers, shipping containers, or other similar structures as determined by the Community Development Director.

**Accommodations, Bed and Breakfast** - A house with a permanent resident and up to six guestrooms which may be rented for overnight lodging with breakfast served to overnight guests only; guestrooms may be in an accessory dwelling unit. This use is subordinate and incidental to the main residential use of the house.

**Accommodations, Boarding House** - A residence consisting of at least one dwelling unit together with more than two rooms, but which do not constitute separate dwelling units, where at least one room is available for rent by a vendor to a vendee as a permanent residence for a period of at least 30 consecutive days and that is not intended for temporary lodging.

**Accommodations, Campground** - A parcel of land developed or used to provide campsites for occupancy by tents and/or recreational vehicles for temporary sleeping accommodations. May include recreational amenities, picnic tables, toilets, showering facilities, and water and electrical services.

**Accommodations, Hotel or Motel** - An establishment that provides guest rooms for temporary sleeping accommodation within completely enclosed portions of a building for rental at market rates. This use does not include Bed and Breakfast establishments, which are regulated separately for the purposes of this Ordinance.

Accommodations, Recreational Vehicle (RV) Park - A parcel of land upon which two or more recreational vehicles are parked and occupied as temporary living quarters for recreation or vacation purposes and a fee is charged for such accommodations. May include limited community facilities such as recreational amenities, picnic tables, toilets, showering facilities, laundry facilities, water and electric services, and play areas.

**Accommodations, Short-term Rental** - A dwelling unit or a portion of a dwelling that is rented by the vendor to a vendee for less than 30 consecutive days.

**Administrator** - The Community Development Director, or their designee, who is primarily responsible for administering and enforcing this Ordinance. The terms "staff" or "planning staff" may refer to individuals supporting the Administrator.

**Adult Entertainment** - An establishment where minors are excluded and that features nude dancing or other live or recorded performances that depict, describe, or relate to specified sexual activities. Adult entertainment is a primary use and is not accessory to any other use.

**Adult Retail** - A retail establishment where minors are excluded and 25 percent or more of its gross area is devoted to sell or rent adult material, including books, magazines, newspapers, videos, slides, photographic or written material, and other items or devices that are distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities. Adult retail is a primary use and is not an accessory to any other use.

## **Affordable Housing - See Title 18.**

**Agricultural** - Farming, including plowing, tillage, cropping, seeding, cultivating, or harvesting for the production of food products for humans or animals; grazing or raising of livestock; nurseries; etc.

**Appliance Repair** - An establishment where household and commercial appliances, such as refrigerators, washing machines, ovens, air conditioners, and similar are repaired and serviced. This facility provides diagnostic, maintenance, and repair services to restore appliances to proper working condition. The business may include a workshop area for repairs, storage for parts and tools, and a customer service area for drop-off and pick-up of appliances.

**Appraised Market Value** - The estimated monetary value of a building, structure, or other real property as determined by a third-party certified appraiser, based on current market conditions, property features, and comparable sales within the area.

**Annexation** - The process that municipalities use to expand their boundaries and municipal services, regulations, voting privileges, and tax authority to new territory. In New Mexico, there are three methods of annexing territory to a municipality:

- A. The arbitration method as provided in §3-7-5 through §3-7-10 NMSA 1978.
- B. The boundary commission method as provided in §3-7-11 through §3-7-16 NMSA 1978.
- C. The petition method as provided in §3-7-17 NMSA 1978.

Territory may be annexed to a municipality by any one of the three methods of annexation provided for in §3-7-5 through §3-7-18 NMSA 1978 except where limitations of annexation are provided by law. The provisions of this section apply to annexations of all municipalities except those that are otherwise specifically provided by law. The arbitration method of annexation may be used for municipal annexation of a traditional historic community only upon petition of a majority of the qualified electors of the territory within the traditional historic community.

**Antenna** - Any system of wires, poles, rods, or similar devices use for the transmission or reception of electromagnetic signals external to or attached to the exterior of any building.

B

**Bakery** - A commercial establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Production of baked products for resale is not considered a home occupation.

**Bar** - An establishment where the principal business is the sale of alcoholic beverages to be consumed on the premises and the service of food is incidental to the consumption of such beverages.

**Beacon** - Light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source. Also includes any light with one or more beams that rotate or move that are intended to attract or divert attention. This term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

**Breezeway** - A roofed passageway, open on at least two sides, that connects the main structure on a site to another main structure or accessory structure on the same site.

**Brewery, Winery, or Distillery** - A facility licensed by the State of New Mexico to produce, package, and sell alcoholic beverages, which may offer tastings, on-site consumption, packaged sales to consumers, and distribution to retailers and wholesalers as regulated by §60-6A NMSA 1978.

- A. A brewery manufactures and packages beer.
- B. A winery produces and bottles wine.
- C. A distillery distills and bottles spirits.

**Buildable Area** - The portion of a lot exclusive of easements, minimum setbacks, and yard area requirements.

**Building** - A fully enclosed structure with a roof supported by columns or walls resting on its own foundation that is built and maintained for the support, shelter, or enclosure of persons, animals, or property of any kind.

**Building Façade** - The entire exterior wall area of a building, including windows, doors, parapets, canopies, and mansard, but not including a pitched roof.

**Building Elevation** - A scaled drawing or view of a building's exterior vertical surfaces, showing the design, materials, dimensions, and architectural details of one side of the structure. This includes the depiction of features such as doors, windows, rooflines, and any other elements that make up the façade.

C

Cannabis - See §26-2C-2 NMSA 1978 for cannabis definitions.

Care Facility, Assisted Living - A building, structure, or facility other than a private residence for persons over the age of 18 that reside for a period of more than 24 hours and is designed to assist residents with Activities of Daily Living (ADLs) such as dressing, oral hygiene, bathing, grooming, mobility, and toileting. The facility may provide hospice care but shall not provide acute care, continuous nursing care, skilled nursing care, or elevated medical services.

Care Facility, Community Residential Facility - A building, structure, or facility other than a private residence for persons that reside for a period of more than 24 hours and is designed to help the residents integrate into the community and used for letting rooms, providing meals, protective care, supervision, transportation, and assistance with Activities of Daily Living (ADLs) but not acute care, continuous nursing care, or skilled nursing care, to more than five persons. The residents typically include individuals with disabilities, mental health conditions, or other special needs. They may meet the definition of a handicapped person, or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988, or as amended, and court decisions interpreting that Act.

Care Facility, Daycare Center - A building, structure, or facility other than a private residence, that is licensed by the state and whose purpose is to provide care during the day for children or adults; not including overnight care.

Care Facility, Nursing Care Institution - A commercial building or facility maintained for the purpose of providing skilled nursing care and medical supervision under physician's orders at a level similar to that available in a hospital to more than three persons.

Care Facility, Overnight Shelter - A commercial building or facility maintained for the purpose of providing temporary or transitional sleeping accommodations at no charge to more than five persons. Such facilities may provide meals, personal assistance, social services, and protective care.

Care Facility, Respite Care - A commercial building or facility that provides temporary care for seniors, the ill, or people who have a disability which may provide overnight accommodation to three or more persons, with the intent of providing the primary caregiver temporary relief.

**Care Home, Daycare Home** - A private residence that is licensed by the state to provide care to eight or less children or adults; not including overnight care.

Care Home, Group Home - A residence for persons that reside for a period of more than 24 hours and is designed to help the residents integrate into the community and used for letting rooms, providing meals, protective care, supervision, transportation, and assistance with Activities of Daily Living (ADLs) but not acute care, continuous nursing care, or skilled nursing care, to not more than five persons. They shall meet the definition of a handicapped person, or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988, or as amended, and court decisions interpreting that Act.

Care Home, Respite Care Home - A private residence that provides temporary care for seniors, the ill, or people who have a disability which may provide overnight accommodation for no more than two persons, with the intent of providing the primary caregiver temporary relief.

Care Home, Supportive Housing - A residence that provides long-term housing and supportive services to individuals or families facing challenges such as homelessness, domestic violence, abuse, abandonment, or trauma. These establishments are designed to offer stability and promote self-sufficiency while providing access to job training, life skills development, and counseling, but not acute care, continuous nursing care, or skilled nursing care. Supportive housing facilities may include women's shelters, orphanages, and similar uses but not transitional housing. Residents may meet the definition of a handicapped person, or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988, or as amended, and court decisions interpreting that Act.

Care Home, Transitional Housing - A residence for persons that reside for a period, typically 6-24 months, and is designed to house individuals or families transitioning from homelessness, incarceration, or recovery programs to stable, permanent housing. Services may include job training, life skills development, and counseling, but not acute care, continuous nursing care, or skilled nursing care to not more than five persons. Residents may meet the definition of a handicapped person, or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988, or as amended, and court decisions interpreting that Act.

Caretaker's Unit - A single dwelling unit that is accessory to a primary commercial premise that is occupied by the employee who oversees the commercial operation and containing living, sleeping, kitchen, and bathroom facilities.

**Carport** - A permanent roofed structure designed to provide overhead coverage for standard-size passenger vehicles, trucks, recreational vehicles, and agricultural equipment unenclosed on at least three sides, located over a parking area and/or driveway, and designed to complement the architecture of the adjacent structure.

**Car Wash** - A commercial establishment containing special equipment for washing, waxing, and vacuuming of motor vehicles.

**Cemetery** - Designated land used for the burial of the dead, including burial plots. May include columbariums, crematoriums, mausoleums, and funeral establishments when operated within the same property as the cemetery.

**Circulation** - A system that allows for the movement and access to buildings, parking areas, loading areas, or other destinations by vehicles and pedestrians.

**Circus** - A travelling and temporary indoor or outdoor event featuring feats of physical skill, daring acts, wild animal, and performances by clowns, acrobats, and other entertainers.

**Carnival** - A traveling and temporary outdoor event featuring amusement rides, games, performances, and food vendors.

Clear Sight Triangle - An area of unobstructed vision at street intersections between three feet and eight feet above the gutter line forming a triangular shaped area at the street corner. three points and the corresponding lines that connect those three points shall define the area of the clear sight triangle for any given street comer. Point A shall be the corner of the curb of two intersecting streets, or if no curb exists, the corner of the two intersecting streets at the edge of the pavement. Points B and C shall be the appropriate distance along the curb line or street edges. Minimum sight distance is based on speed limit, per the AASHTO Green Book, 2011 or latest edition. When extraordinary conditions exist as determined by the Village Public Works Department, the Public Works Director has the authority to determine the appropriate clear sight triangle area.

**Commission** - The Village Planning and Zoning Commission of the Village of Los Lunas.

Conditional Use Permit - A permit issued by the Village Planning and Zoning Commission that authorizes the recipient to make use of their property in accordance with the requested conditional use listed in the zoning district designated on the property, as well as any additional limitations and requirements imposed by the Commission.

**Condominium** – A residential structure, typically in the form of a multi-family development containing individually owned dwelling units, and the remainder of which is designated for common ownership solely by the dwelling unit owners.

**Contractor Yard, Heavy** - A site used by contractors that includes the storage and handling of heavy materials, such as sand, gravel, concrete, or similar bulk items, and frequent heavy vehicle movement. The yard may also accommodate larger equipment, such as cranes, backhoes, or dump trucks.

Contractor Yard, Light - A site used by contractors primarily for office operations but may include light vehicle storage and the temporary storage of materials, tools, or equipment. This use includes trades such as plumbers, electricians, HVAC technicians, painters, woodworkers, landscapers, and similar professions. Heavy vehicle use is limited, and the storage of materials or use of heavy vehicles does not disrupt the surrounding area.

Convenience Store - A small retail establishment under 5,000 square feet that sells a limited selection of groceries and personal care items such as ready-to-eat foods, beverages, basic pantry staples (e.g., bread, milk, canned goods), toiletries (e.g., soap, toothpaste, shampoo, feminine hygiene products), and over-the-counter medications and shall not sell vehicle fuel. For developments that sell vehicle fuel, see "Motor Vehicle Fueling and Service Station" or "Truck Stop."

**Cool Season Grass** - Grass types that grow well in cooler temperatures (e.g. Kentucky Bluegrass, Fescue, Perennial Ryegrass) and require large volumes and frequent applications of water.

**Correctional Facility** - A facility where people awaiting trial or persons serving a sentence after being found guilty of committing a crime are kept; includes a prison, jail, and adult or juvenile detention center.

**Council** - The Village Council of the Village of Los Lunas.

**Crematorium** - A commercial establishment or structure that burns the remains of deceased people or animals.

D

**Data Center** - A facility, building, or structure designed or modified to store, manage, process, and transmit digital data that houses computer and network equipment, systems, servers, appliances, and other components related to digital data operations. The use may provide service to authorized users or persons other than the company operating the data center. The development may include but not limited to other associated infrastructure support equipment such as electric power, cooling systems, accessory structures, or wireless transmission facilities.

**Density** - The number of dwelling units per acre determined by dividing the property area by the minimum lot size.

**Density Bonus** - A density increase over the otherwise allowable maximum density allowed under a residential zone district.

**Dentist's Office** - A healthcare facility specializing in oral health, providing services such as routine cleanings, examinations, cavity fillings, tooth extractions, and cosmetic procedures. Dentist offices are generally small, staffed by dentists, hygienists, and support personnel, and are focused exclusively on outpatient care related to dental and oral health.

**Designated Use Permit** - A permit issued by the Village Council that authorizes the recipient to make use of their property in accordance with the requested designated use listed in the zoning district designated on the property, as well as any additional limitations and requirements recommended by the Village Planning and Zoning Commission to the Council, who has the authority to impose restrictions and make the final decision.

**Developer** - An individual or business that improves land within the Village for the purpose of constructing buildings or infrastructure projects, and who may or may not be the owner of the property.

**Development Plan Application** - A permit issued by the Community Development Department that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Development Review Committee, Planning and Zoning Commission, or the Village Council as applicable.

**Development Review Committee (DRC)** - A committee of Village staff that reviews development and land use applications. The DRC has the authority to approve certain developments and site plans as outlined in this Ordinance.

**Director** - For the purposes of this Ordinance, this means the director of the Village of Los Lunas Community Development Department or their designee.

**Dog Breeding** - The intentional practice of mating male and female dogs for the purpose of producing new offspring.

**Drainage Facility** - The structures designed and used to collect, convey, hold, divert, or discharge surface and stormwater runoff including storm drainpipes, canals, and detention/retention ponds.

**Drive-through Facility** - An establishment that offers goods and services directly to customers waiting in vehicles, including but not limited to financial institutions, restaurants, pharmacies, dry cleaners, and similar uses. Does not include car washes, gas stations, alcohol, or cannabis sales.

**Dry Cleaner** - A commercial facility that provides cleaning of clothes and garments using a nonaqueous organic solvent instead of water.

**Dwelling, Temporary** - A portable dwelling not attached to a permanent foundation or connected to municipal utilities other than in a recreational vehicle park, used during temporary events, such as friends and family accommodation, construction, emergency, disaster, natural, or otherwise, and occupied only by persons authorized by the property owner, including friends, family, or persons having construction or security responsibilities over such site. The total number of persons three years of age and older that may occupy the temporary dwelling is one person per adequate sleeping arrangement.

**Dwelling** - A building or part of a building containing living, sleeping, kitchen, and bathroom facilities installed on a permanent foundation; does not include boat, storage shed, motorized or non-motorized recreational vehicles, bed and breakfast, boarding house, campground, hotel or motel, recreational vehicle park, or short-term rental.

 $\mathbf{E}$ 

Electric-Assisted Bicycle - See §66-1-4.5(A) NMSA 1978 for the electric-assisted bicycle definition.

**Electric Vehicle Charging Station** - An electric power device that recharges batteries of electric-powered or hybrid-powered vehicles. Electric Vehicle Charging Station is incidental to the primary use of the property.

Energy Storage System - A facility designed to capture and store energy from the electrical grid or other energy generation sources for later use. Energy storage systems (ESS) may use a variety of technologies, including but not limited to electrochemical batteries (e.g., lithium-ion or solid-state batteries), mechanical storage (e.g., flywheels or pumped hydro), or thermal storage. Energy stored is discharged back to the grid or used when demand is high, or when generation is low. Utility-scale energy storage is defined as systems with a nameplate capacity greater than 600 kWh.

**Equestrian Center** - A facility where horses, mules, donkeys, or ponies are hired, bred, shown, or boarded, and for the display of equestrian skills and the hosting of events, including but not limited to show jumping, dressage, and similar events, and including accessory stables and exercise areas.

**Extraterritorial Planning Area** - The 2-mile area of the Village's planning jurisdiction that lies outside the municipal limits of the Village.

F

**Family** - An individual; two or more persons related by blood, marriage, legal guardianship, or adoption, plus household staff; a group of not more than five unrelated persons living together in a dwelling that do not meet the definition of group home; or a group of five persons or more that has a right to live together pursuant to the federal Fair Housing Act Amendments of 1988, or as amended, and court decisions interpreting that Act.

**Farmers' Market** - A recurring public assembly of farmers or their representatives selling the food they produced directly to consumers. May also include the sale of crafts.

**Film Production** - A temporary use that involves filming a movie, television show, commercial, or other type of televised media as the primary use of the property. Film production includes temporary structures, such as sets, lighting rigs, sound stages, and the parking of large vehicles.

**Financial Institution** - A building or portion of a building devoted to providing financial and/or banking services to customers or clients (e.g. banks, credit unions, savings banks, savings and loan associations, lending establishments, and investment companies).

**Foot Candle** - The amount of light that will illuminate a surface that is one foot from a uniform light source to an intensity of one lumen per square foot.

Fully-shielded Light Fixture - As defined by one or more of the following:

- A. A luminaire that is certified by the manufacturer as "full cut off" [as defined by IESNA (Illuminating Engineering Society of North America)] and supported by a photometric test report from a third-party testing agency and installed according to the manufacturer's instructions.
- B. A luminaire approved by the International Dark-Sky Association (IDA) as dark sky friendly and bearing the IDA fixture seal of approval and installed according to the manufacturer's instructions.
- C. A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
- D. A luminaire that is shielded by building canopies, overhangs, roof eaves, and similar types of construction which prevents direct or reflected emission of light above the horizontal structure.

**Funeral Home** - A commercial establishment where deceased people are prepared for burial or cremation, where the body may be viewed, and where funeral services may be held.

G

**Grade** - The average level of the finished surface of the ground adjacent to the exterior walls or foundation of a building or structure.

**Greenhouse** - A permanent or temporary structure, typically made of glass or transparent materials, designed for the cultivation and production of plants, vegetables, flowers, and other horticultural products.

**Gross Floor Area** - The total area of a building, including basement, ground floor, garage, mezzanine, and upper floors, expressed in square feet and measured from the outside dimensions of the building.

H

**Health Club or Gym** - A commercial establishment designated and equipped for the activities of exercise, physical fitness, and sports.

**Holiday Decoration** - Non-commercial signs or displays, including lighting, temporarily displayed on traditionally accepted civic, patriotic, and/or religious holidays.

**Homemade Food** - A food item or non-alcoholic beverage produced and packaged at a processor's private farm, ranch, or residence for direct sale to consumers as defined by §25-12 NMSA 1987 or as amended. Food requiring compliance with any section of the New Mexico Food Service Sanitation Act and the New Mexico Food Act are not considered homemade food.

**Home Occupation** - A commercial activity that is conducted by a person on the same lot as the dwelling unit in a residential district where the operator resides and is clearly incidental to that dwelling.

**Homeowners Association (HOA)** - A private community organization separate from the Village of Los Lunas established to enact, maintain, and enforce Covenants, Conditions, and Restrictions (CC&Rs) within a designated development. An HOA solely enforces its own regulations, separate from this Ordinance. Additionally, the Village of Los Lunas does not enact, maintain, or enforce HOA CC&Rs.

**Horticultural Sales** - The growing, producing, and selling of fruits, vegetables, flowers, and nursery stock, including ornamental plants, trees, and sod.

**Hospital** - A healthcare facility providing comprehensive medical, surgical, and diagnostic services, typically including emergency care, inpatient and outpatient treatment, specialized care units, and advanced medical equipment. Different from primary care, dentist offices, medical clinics, or major medical clinics, hospitals offer 24-hour care, have a larger capacity for patients, and provide a wider range of advanced medical services and specialties.

**Household Equipment Rental** - An establishment that rents out tools, appliances, and various equipment typically used for household projects, maintenance, or events. This can include items such as lawn tools, power tools, carpet cleaners, party supplies, and small construction equipment. The facility typically includes storage for the rental items, a customer service area, and a maintenance area for equipment upkeep.

I

**Infill** - The development of vacant or partially developed parcels that are surrounded by or in close proximity to areas that are substantially or fully developed with municipal services.

**Infrastructure** - The physical framework of a town that includes streets and bridges; sidewalks and trails; water distribution lines; sewer collection and treatment; storm drainage collection; street lighting; electric and gas utilities; and broadband, data, and telephonic lines which may be maintained by the Village of Los Lunas, another agency, or a Homeowners Association.

**Inspector** - The Community Development Director or their designee.

**Interested Party** - An individual, organization, or entity directly affected by, or having a demonstrable and substantial interest in, an order, decision, requirement, or application. This includes property owners, acting agents, or other stakeholders with standing who have a direct and material connection to the subject of the decision or application.

J

(Reserved)

K

**Kennel** - A premise on which five or more domesticated animals over the age of three months are kept, maintained, or boarded for profit; such care does not include medical care or engage in the breeding of animals for sale.

**Kitchen** - An area of a dwelling unit that is principally intended to be used for cooking and shall include the following:

- A. A sink of adequate size and shape for washing dishes.
- B. A cooking stove, range, or oven for food preparation.
- C. A refrigerator for storing perishable food items.

L

Land, Lot - A parcel of land that has been legally designated through an approved subdivision, which is intended as a unit for transfer of ownership, for development, or for both; and is of sufficient size to meet minimum zoning requirements for area coverage and use; and that can provide yards and other common spaces as required by the zoning district in which it is located.

**Land, Parcel** - A contiguous quantity of land capable of being described by location and boundaries in possession of, owned by, or recorded as property of the same claimant person or company.

**Land, Plat** - A map and a written description prepared by a professional land surveyor showing the location and boundaries of individual parcels of land subdivided into lots and containing streets, alleys, easements, etc., with survey reference ties to permanent monuments related to the subdivision, resubdivision (e.g. replat), or consolidation of land. See Title 16 for reference to platting and subdivision procedures.

**Land, Subdivision** - The division of land, lot, tract, or parcel into two or more lots, tracts, parcels, plats, or sites, or other divisions of land.

**Land, Tract** - A parcel of any size, which retains the original description established through field surveys by the Middle Rio Grande Conservancy District between 1926 and 1928 or retains a map-and-tract based or other tract-based description through subsequent land divisions recorded with Valencia County.

**Laundromat** - A facility equipped with self-service washing machines, dryers, and typically other equipment, such as folding tables and vending machines for laundry supplies. Some laundromats may offer additional services like drop-off laundry, dry cleaning, and ironing.

**Library** - A public facility for the use and loan, but not sale, of literary, musical, artistic, or reference materials.

**Livestock** - Grazing animals kept either in open fields or structures for training, boarding, home use, or breeding and production, including but not limited to cattle, horses, sheep, goats, and pigs weighing over 120 pounds and standing 20 inches or less at the shoulder that are kept as pets.

**Loading and Unloading Area** - The portion of the vehicle accommodation area used to satisfy the requirements of delivery or shipment of goods, merchandise, or equipment to or from a place of business.

**Lot Depth** - The dimension measured from the front lot line to the extreme rear lot line. In case of irregularly shaped lots, the mean depth shall be taken.

**Lot Frontage** - The portion of a lot contiguous to a street or public right-of-way.

Lot Size - The total square footage of the lot as described by the platted lot lines.

**Lot Width** - The average distance between side property lines measured parallel to the street right-of-way line or tangent line. In case of irregularly shaped lots, the mean width shall be taken.

**Luminaire** - A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

#### M

**Manufacturing, Light** - The assembly, fabrication, or processing of goods and materials in a fully enclosed building using processes that do not create noise, fumes, odors, or health and safety hazards outside the building.

**Manufacturing, Heavy** - The assembly, fabrication, or processing of goods and materials using processes that have significant impacts on the environment or on the use and enjoyment of other surrounding properties relative to noise, smoke, fumes, odors, glare, or health or safety hazards.

**Medical Clinic** - A healthcare facility focused on the care of outpatients, offering routine or specialty services. Clinics provide a broader range of services than a primary care or dentist's office but are smaller in scale and scope than major medical clinics or hospitals. Services may include minor procedures, diagnostic tests, and preventive care. Overnight stays are not permitted.

**Medical Clinic, Major** - A healthcare facility offering an expanded range of outpatient services, including advanced diagnostics such as X-rays, MRIs, and other imaging scans, lab tests and bloodwork, outpatient surgeries, colonoscopies, mammograms, specialty care for chronic or complex conditions, routine physical exams, and treatments like chemotherapy or radiation. Major medical clinics provide more extensive services than a standard medical clinic but lack the capacity for inpatient or overnight care offered by hospitals.

**Military Reserve and National Guard Centers** - A facility occupied by either the Military Reserve or the National Guard. The Military Reserve is a federal-based group of reserve military personnel or units that is initially not committed to a battle. The National Guard is a state-based military force that is part of the reserve forces of the US Army and US Air Force.

**Mixed-use Development** - Development with residential and non-residential uses, excluding caretaker units, combined on the same lot, premise, or in the same building. The non-residential uses are limited to those allowed as permissive, conditional use, or designated use in the zone district in which the mixed-use development is located.

Motor Vehicle Fueling and Service Station - A commercial establishment primarily engaged in the retail sale of light vehicle fuels, including but not limited to gasoline, gas/oil mixtures, diesel fuel, compressed natural gas, electricity, and hydrogen through fixed, approved dispensing equipment. Incidental activities include but are not limited to car washes and the retail sale of convenience items, food and beverages, and household items.

**Mobile Food Truck** - A motor vehicle, trailer, cart, tent, or similar, located on private or public property, that is equipped to sell food and/or drink to the public. Food and/or drink may be prepared on or off-site.

**Mobile Food Truck Court** - A parcel of land where five or more mobile food trucks or mobile food vendors congregate to offer food and beverage for sale to the public. This use does not include the congregation of mobile food trucks or mobile food vendors as a temporary use covered under a Special Event Permit.

**Municipal Facility** - A facility or building that houses personnel and functions provided by local government, including but not limited to Village Hall, Police or Fire Stations, wastewater treatment plants, etc.

**Mural** - A graphic illustration applied directly to the exterior wall of a building that does not advertise or promote a particular business, service, or product. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

**Museum** - A structure that displays, preserves, and/or exhibits objects of community interest in art, antiquities, or similar items, operating with or without an admission fee.

N

**Nightclub** - A commercial establishment primarily operating during evening and nighttime hours, where entertainment such as live music, DJs, dancing, and other performances are provided. Nightclubs typically feature a dance floor, a stage or performance area, and one or more bars serving alcoholic and non-alcoholic beverages. These venues may also offer seating areas, VIP sections, and sometimes food service.

**Nonconforming, Dimension** - A legal situation existing at the effective date of this Ordinance that does not meet the height, size, or floor space requirements of the zoning district in which the lot is located.

**Nonconforming, Lot** - A legally platted and recorded lot existing at the effective date of this Ordinance that does not meet the minimum lot size requirements of the zoning district in which the lot is located.

**Nonconforming, Structure** - A legal building, structure, or portion thereof existing at the effective date of this Ordinance which exceeds maximum height, density, or setback requirements of the zoning district in which the lot is located.

**Nonconforming, Use** - A legal use existing at the effective date of this Ordinance that is no longer allowed by the use regulations of the zoning district in which the use is located.

**Nuisance** - The use of property or land that creates blight, or unreasonable, unusual, unnecessary, or undue problems or situations, adversely affecting persons or the environment in the vicinity.

O

Office Building - A structure primarily designed and used for conducting business activities, including but not limited to administrative, professional, or clerical operations. An office building has individual offices or suites accessed from interior common areas, hallways, or lobbies rather than directly from the outside. These buildings typically do not include retail stores, shopping centers, restaurants, or other commercial operations.

**Open Air Market** - Any outdoor place, accessible to the public, where goods or services are offered for sale, which consists of more than two merchandise stalls grouped together; but does not include mobile food trucks, mobile food truck courts, or farmers markets.

**Outdoor Concert** - A single outdoor event that features live performance and operates under a Special Event Permit from the Village of Los Lunas Community Development Department.

**Overlay Zone** - A zoning designation that is placed on top of an underlying zoning district that imposes special regulations in addition to those of the underlying zone.

P

**Pad Site** - A freestanding parcel of commercial real estate located in front of a large commercial development or anchor that may be ground leased or purchased and may share parking spaces with other tenants of the commercial development.

Parapet - The portion of an exterior wall projecting vertically above the roofline of the building.

**Parking Area** - A designated area intended for the short-term accommodation for the off-street parking of motor vehicles by customers, clients, employees, or residents; includes parking spaces and drive aisles and provides ingress and egress from and to a street or alley.

**Parking, Commercial Lot** - A designated area operated as a commercial business, intended for short-term accommodation of no more than seven days for the off-street parking of motor vehicles by customers, clients, employees, or residents; includes parking spaces and drive aisles and provides ingress and egress from and to a street or alley.

**Pawn Shop** - A commercial establishment engaged in the business of lending money on the deposit or pledge of personal property; the purchase of personal property with the expressed or implied agreement or understanding to sell it back at a stipulated price; or engaged in the business of purchasing personal property, items of precious metals or gems and reselling the product.

**Planned Residential Development** - Development constructed on a tract of at least five acres, under single ownership, planned and developed as an integral unit, and consisting of single-family detached dwelling units combined with either two-family dwelling units or multi-family dwelling units.

**Planned Unit Development** - A development constructed on a tract of at least 10 acres under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses.

Planning and Zoning Commission - A five-member board appointed by the Mayor for a two year term and who is authorized to make recommendations to the Village Council concerning applications for Designated Use Permit, Text Amendments, and Zone Map Amendments. The Commission is also authorized to make final decisions on appeals from any order, decision, requirement, or interpretation by the Community Development Director or Development Review Committee; applications for Conditional Use Permit and Variances; and interpretations of the zoning map, including zoning district boundary lines.

Premises - A lot or combination of contiguous lots, together with the development on it

**Primary Care** - A healthcare facility staffed by general practitioners who provide routine and preventative care for individuals and families. Services typically include physical exams, treatment for common illnesses, vaccinations, and management of chronic conditions. Primary care offices are smaller in size and scope than medical clinics, focusing exclusively on general health needs without specialized diagnostic equipment or surgical capabilities.

**Principal/Primary Building** - The building or structure in which the principal use of the lot is located and conducted. Lots with multiple principal uses may have multiple principal buildings, but accessory structures shall not be considered principal buildings.

**Public Safety Facility** - A facility that provides civil defense operations, ambulance, rescue service, police, or fire protection and related administrative facilities.

Q

(Reserved)

R

**Real Estate Office, Temporary** - A structure used as a temporary office to sell or lease land or buildings or interests in land or buildings within a specified area. May also include a model home.

**Religious Institution** - A building that houses an organization founded on an established religion, such as a church, synagogue, mosque, temple, or other house of worship and subject to the land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §2000cc, et seq.

**Research and Development -** A facility engaged in the investigation and experimentation of products, processes, and technologies. This use includes laboratories, testing facilities, and related offices for scientific research in various fields, such as environmental sciences, materials, engineering, and biotechnology. R&D facilities may also incorporate light manufacturing, warehousing, or office functions associated with product development and testing.

**Residence, Cluster Development** - A development type for a single-family subdivision that permits smaller lots than would otherwise be allowed in the zone district in return for the preservation, dedication, and maintenance of common space in perpetuity by the homeowners' association established for the subdivision, and provided there is no increase in the number of lots permitted by the zoning district.

**Residence, Duplex** - A residential building consisting of two attached dwelling units, each of which is occupied by one family and divided by common walls, situated on the same parcel. Each dwelling unit shall have a separate entrance.

**Residence, Horizontal Multi-family Detached** - Three or more single-family detached dwelling units rented or leased and situated on the same parcel with a minimum density of eight dwelling units per acre.

**Residence, Manufactured Home** - A movable or portable single-family dwelling unit with a heated area of at least 36 feet by 24 feet and at least 864 square feet designed to be moved on its own chassis in one or more separate units, installed with or without a permanent foundation, and constructed in a factory to the Housing and Urban Development National Manufactured Housing Construction and Safety Standards Act of 1974.

**Residence, Mobile Home** - A movable or portable single-family dwelling unit with a heated area larger than 40 feet by 8 feet and is more than 320 square feet designed to be moved on its own chassis, installed without a permanent foundation which cannot be construed as real property, and constructed in a factory prior to 1976 but not to the Housing and Urban Development National Manufactured Housing Construction and Safety Standards Act of 1974. Mobile homes do not include a recreational vehicle, recreational travel trailer, or a tiny house.

**Residence, Modular Home** - A factory-built home that is constructed in modules and built to the same Uniform Building Codes as site-built homes, and transported to and installed on the home site, but not built on a chassis. Modular home does not include manufactured home.

**Residence**, **Multi-Family Attached** - One or more residential buildings with three or more attached dwelling units divided by common walls rented or leased and situated on the same parcel.

**Residence, Single-Family Detached** - A site built residential building used for occupancy by one family that is not attached to any other primary dwelling unit through shared walls, ceilings, or floors and is located on a single lot.

**Residence, Tiny House** - A single-family dwelling unit of 200 to 400 square feet in floor area, excluding lofts, containing living, sleeping, kitchen, and bathroom facilities, installed on a permanent foundation with or without a chassis and the axle(s) removed. Structures that retain axles shall not be classified as a tiny house and will instead be regulated as a recreational vehicle.

**Residence, Townhouse** - A site built residential building consisting of two or more but not exceeding six attached dwelling units divided by common walls and situated on separate parcels. Each dwelling unit shall have a separate entrance at ground level.

**Residence, Zero-lot Line** - A site built detached single-family dwelling with one exterior side wall that is located on a side property line, thus reducing the side yard setback on one side to zero feet in favor of a larger side yard setback on the opposite side of the lot.

**Restaurant** - An establishment where prepared meals, beverages, or confections are served to and consumed on its premises by customers seated at tables and/or counters either inside or outside the building, and which also may be engaged in providing customers with take-out service of food and/or non-alcoholic beverages for off-site consumption. Sale of alcohol is controlled by other provisions of the Municipal Code and the New Mexico State statutes regarding alcoholic drink sales.

**Restaurant, Prep Kitchen** - A commercial kitchen facility designed for the preparation, cooking, and packaging of food, typically used for catering, food trucks, or delivery services. It does not serve food onsite to customers.

**Retail, General** - A commercial establishment engaged in the sale of new or used goods directly to the final consumer, including but not limited to the sale of general merchandise or food; clothing, shoes, and other apparel; flowers and household plants that are not grown on-site; dry goods; convenience and specialty foods; hardware and similar consumer goods; or other retail sales not listed as a separate use in Table 17.08.020(1). General retail does not include pawn shops or wholesaling.

**Right-of-way** - The public property that is dedicated or deeded for public use, under the control of a public agency, and intended to be occupied by a street, median, sidewalk, water line, sanitary sewer or other public utilities or facilities.

S

**School, Charter** - A public institution authorized by the State of New Mexico Public Education Commission or the Los Lunas School District to provide for the teaching and education of children, typically offering alternative educational options.

**School, Private** - An accredited private institution for the teaching and education of children or adults including primary, secondary, and post-secondary academic, vocational, technical, colleges, universities, and similar facilities.

**School, Public** - A public institution authorized by the State of New Mexico Higher Education Department, Public Education Commission, or the Los Lunas School District to provide for the teaching and education of children or adults including primary, secondary, and post-secondary academics; vocational, technical, colleges, universities, and similar facilities.

**Seasonal Outdoor Sales** - Temporary retail activities conducted outside, typically involving the sale of goods such as plants, fireworks, Christmas trees, chile, or other produce. These sales are limited to specific times of the year such as holidays or cultural events.

**Setback** - The minimum required distance between a structure and/or a lot line, establishing the portion of the lot that must remain unoccupied, except for permitted projections or improvements. Setbacks include front, side, and rear areas of the lot. Yard areas are inclusive of the required setbacks and may extend beyond the setback boundaries, but only into other portions of the same lot and not into adjacent lots or public right-of-way.

- A. "Front yard" is the portion of the lot at grade between the front lot line, as determined by the primary access point, and the parallel wall of the primary building, unoccupied and unobstructed by any portion of a structure from the ground upward to the sky, except for permitted projections from the ground such as landscaping, fencing, or walls.
- B. "Side yard" is the portion of the lot at grade on each side of the primary building, bounded by the side wall of the primary building on one side, the side lot line on the opposite side, beginning from the front wall of the building and extending to the rear wall.
- C. "Rear yard" is the portion of the lot at grade between the rear wall of the primary building and the rear lot line, unoccupied and unobstructed by any portion of a structure from the ground upward to the sky, except for permitted projections from the ground such as accessory structures, landscaping, fencing, or walls.

**Shopping Center** - A premises containing a group of commercial establishments designed, organized, and managed as a unit that share parking areas, pedestrian walkways, and loading facilities.

**Sign** - Any device, including but not limited to letters, words, numerals, figures, emblems, logos, or a combination, used for visual communication, that is intended to inform or attract the attention of the public and visible from the public right-of-way or other properties and does not include murals.

**Sign, Abandoned** - Any sign that describes, directs attention to, or gives directions for locating any business or establishment that is no longer in operation; advertises a product no longer being marketed, or any sign structure lacking a sign face or sign copy for a period that exceeds 90 days.

**Sign Area** - The entire face of a sign as measured from the outer area of all letters, characters, and delineations, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

Sign, Awning - A sign that is attached to, painted, stamped, perforated, or stitched, onto an awning.

**Sign, Banner** - A temporary sign of lightweight fabric, canvas, vinyl (PVC), mesh vinyl, adhesive vinyl, or similar material that shall not be permanently mounted to a pole, building, or another support structure. Flags shall not be considered banners.

**Sign, Billboard** - An outdoor panel, wall, fence, large poster, or similar structure typically located alongside roadsides, busy streets, or prominent locations, which may or may not advertise or direct attention to a business, product, service, or event, that is not conducted, sold, or offered at the premises where the billboard is located.

**Sign, Building Identification** - A sign that identifies only the name, address, suite number, or another building identifier, on the premises upon which it is located and provides no advertisements or product identification.

**Sign, Building-mounted** - A sign entirely supported by or through a building, including canopy sign, marquee sign, projecting sign, rooftop sign, or wall sign.

**Sign, Bulletin Board** - A permanent or temporary sign used to display public notices, advertisements, or messages to inform the public or specific community groups about events, announcements, or services.

**Sign, Canopy** - A sign that is mounted, painted, or applied on or attached to the perpendicular face of a freestanding canopy or structural appendage that projects out from a building wall that is also a protective cover over a sidewalk, outdoor entry, doorway, fueling station, or similar. Canopy signs are frequently supported by poles but is not a requirement as they may be attached to a building. An awning or a marquee is not a canopy sign.

**Sign, Collection Box** - A sign copy on one or more faces of a collection box that pertains directly to the charitable or non-profit organization for which the goods collected are intended to benefit. Collection box signs shall contain no commercial advertising.

**Sign, Development/Construction** - A type of temporary sign used to identify a subdivision, commercial use, shopping center, industrial park, or other type of development being, or to be, constructed.

**Sign, Directional** - A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians on the site such as "enter" or "exit" and provides no advertisements or product identification.

**Sign, Electronic** - A sign that displays words, symbols, figures, or images that can be changed by remote or automatic means and may be animated but is static for a minimum of eight seconds. Does not include neon signs.

**Sign**, **Flag** - Any fabric or flexible material that is attached to or designed to be flown from a flagpole and which is used to symbolize a government, political subdivision, institution, or other entity.

**Sign, Flex-pole** - A temporary sign that consists of a flag that includes an advertising message that is attached to a flexible pole that attracts attention by the flag and pole moving by the wind.

**Sign, Freestanding** - A sign supported by a structure that is placed on or anchored in or below the ground and is not attached to a building or other structure; includes monument, pylon, and pole signs.

**Sign, Garage Sale** - A sign used to advertise a garage sale, yard sale, rummage sale, estate sale, moving sale, or similar sales, for the resale of used personal property. For the purposes of this Ordinance, this also pertains to community sales, which may involve several individuals at the same location.

**Sign, Government** - A sign erected and maintained by or on behalf of the government, or required by law, ordinance, or other regulation, including legal notices, advertisements, traffic, identification, direction, and information signs on government property. Government signs are exempt from regulation.

**Sign, Hanging** - A sign that is suspended from, and located entirely under, a covered porch, covered walkway, or an awning.

**Sign, Home Occupation** - A sign located on a residentially zoned lot that only contains advertising for goods and services legally offered on the premises where the sign is located, with the requirement that the service offered at the location conforms to all requirements of this Ordinance.

**Sign, Inflatable** - A temporary sign or attention-getting apparatus designed to be filled with air or gas to create a three-dimensional display for advertising or promotional purposes and can take various shapes and sizes, including balloons, tubes, characters, or other novelty forms often used for events, sales, or business promotions.

**Sign, Illegal** - A sign erected without first obtaining a permit and without complying with all regulations in effect at the time of its construction or use; a sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises; a sign that is a danger to the public or is unsafe; or a sign that pertains to a specific event that has not been removed within the time specified in this Ordinance after the event has occurred; or a sign that is otherwise in violation of this Ordinance.

**Sign, Incidental** - A sign, generally informational, that has a purpose secondary to the use of the lot or premise on which it is located, such as "no parking," "entrance," "loading only," "telephone," "beware of dog," and other similar messages. No sign with a commercial message or advertisement that is readable from a location off the lot on which the sign is located shall be considered an incidental sign.

**Sign, Informational** - A sign used to convey non-commercial information that is beneficial or necessary for public knowledge or the efficient operation of a premises. These signs may include directories, maps, rules and regulations, hours of operation, premises or location, historical markers, memorials, or similar.

**Sign, Marquee** - A permanent horizontal sign attached to a marquee that projects out from a building wall at a building entry particularly theaters, cinemas, or hotels and includes lettering that is changeable, fixed, or both. A marque sign is not a canopy or awning sign.

**Sign, Mobile Billboard** - A sign attached to a vehicle, typically a truck, that contains advertising or messages and is driven around the community; not intended to be stationary.

**Sign, Monument** - A detached, freestanding sign supported primarily by an internal structural framework or by a permanent base that is affixed to the ground or other solid structural feature other than support poles, pylons, or attached to a building.

**Sign, Nonconforming** - A sign which was legally installed under the Ordinances in effect at the time of its installation, but which no longer conforms with the current provisions of this Ordinance.

**Sign, Off-Premises** - Any sign advertising or identifying a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

**Sign, Open House** - A temporary sign used to advertise the sale of a house and direct potential buyers to the house for sale.

**Sign, On-premises** - A sign advertising or identifying a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered, at the location where the sign is located.

**Sign, Pennant** - A geometric shaped cloth, fabric, or other lightweight material, normally fastened to a stringer and secured or tethered so at to allow movement in the wind.

**Sign, Permanent** - A sign attached to a building, structure, or to the ground in a manner that requires a permit, and which is constructed of durable materials and intended to exist for the duration of time that the use or occupant is located in the building or premises.

**Sign, Political** - A temporary sign identifying and urging support or opposition for a particular election issue, political party, candidate for public office, or political issue.

**Sign, Portable** - A sign whose principal structure is intended by design and construction to be used by resting upon the ground for support and may be easily moved or relocated for reuse.

**Sign, Post and Panel** - A type of freestanding sign consisting of one or more panels supported by vertical posts. Typically used for real estate, business advertisements, construction, directional purposes, or similar, this sign structure includes panels mounted on posts and shall not include banners.

**Sign, Projecting** - A building-mounted sign that projects perpendicularly from a building above the building entry and advertises the commercial business or entity housed inside the building.

**Sign, Promotional** - A temporary sign that includes posters, pennants, banners, streamers, balloons, flags, and other displays of a commercial nature used to promote a grand opening or sales event.

**Sign**, **Pylon/Pole** - A freestanding sign that is attached to or supported from the ground by a pole(s) or pylons(s) and is not attached to a building or structure.

**Sign, Real Estate** - A temporary sign placed upon property that indicates the sale, lease, or rental of the building or property, or to construction activities on the site

**Sign, Revolving** - A sign or a sign structure that revolves or partially revolves in a circular pattern by means of a mechanical method around an axis, which includes, but is not limited to, a pole, building or other type of support.

**Sign**, **Roof** - A sign erected upon and over a roof structure and wholly supported by the roof structure.

**Sign, Single Event** - A temporary sign that advertises or announces a single event that is conducted for less than 24 hours, is not permanently attached to the ground or sign surface and is removed once the event has concluded.

**Sign, Special Event** - A temporary sign that advertises or announces a special event that is conducted for more than one day but not longer than seven calendar days, is not permanently attached to the ground or sign surface and is removed once the special event has concluded.

**Sign, Subdivision** - A permanent sign placed on private property within a private easement and located at the entrance of residential subdivisions for the purpose of identifying the subdivision.

**Sign, Subdivision Directional** - A temporary sign that is designed and erected for the purpose of directing the public to a residential subdivision for the sale of homes or lots thereon. These signs may be placed on property other than property located within the subdivision.

**Sign, Temporary** - A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a specified period of time. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

**Sign, Wall** - A sign mounted flat against a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure that is supported by the wall or building. Any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

**Sign, Window** - Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window, on the windowpanes, or door with its message or image visible from the exterior of the window. Window wraps and windows with messages or images are considered window signs.

**Sign, Yard** - A small, freestanding sign used for temporary advertising or informational purposes such as political campaigns, real estate listings, event promotions, or personal messages. These signs are typically made of durable materials like corrugated plastic or metal and are supported by stakes or frames inserted into the ground.

**Site Plan** - A two-dimensional drawing that is drawn to scale and illustrates the buildings, structures, setbacks, parking, access, driveways, drive aisles, and other relevant site information in the development, as applicable.

**Special Event, Large** - Temporary events, including circuses, fairs, carnivals, parades, races, festivals, or other types of similar size special events that run for one day but not longer than seven calendar days. These activities are likely to attract substantial crowds and are unlike the customary or usual activities generally associated with the property where the special event is to be held.

**Special Event, Small** - Temporary events, including graduations, holiday parties, weddings, or other types of similar size special events that run for no longer than one day. These activities are likely to attract moderate crowds and may be similar to the customary or usual activities generally associated with the property where the special event is to be held.

**Stacking Lane** - A paved surface designed to accommodate vehicles whose occupants will be patronizing a drive through facility, such as financial institutions, restaurants, pharmacies, and dry cleaners.

**Stepback** - The horizontal distance in a multi-story building between the vertical plane of the ground level building façade and the vertical plane of the building façade above the ground floor.

**Storage, Outdoor** - The storing of goods, items, materials, merchandise, or similar outside of a building for more than 24 hours. This use typically involves static storage without significant operational activity or heavy vehicle movement. It includes but is not limited to commercial and industrial goods, items, materials, merchandise, or similar that are not part of regular business operations but are stored outside for an extended period.

**Storage, Motor Vehicle** - A secure structure or outdoor area, which may be part of a self-storage development, intended for the short or long-term storage of motor vehicles, recreational vehicles, off-highway vehicles, or boats, generally for a period of eight calendar days or more, regardless of whether the motor vehicle is titled, licensed, or operable, but does not include a salvage yard.

**Storage, Salvage Yard** - A secure outdoor area where used or damaged vehicles, machinery, or materials are stored, dismantled, and may be sold for parts or recycling.

**Storage, Self** - A development consisting of three or more individual, fully enclosed units that are leased or owned for the indoor storage of business, household goods, or contractors' supplies. May include individual units within a single enclosed building with access to the units through interior corridors or individual storage units with direct access from the outdoors. A self-storage development may include vehicle storage.

**Storage, Tow Yard** - A secure structure or outdoor area intended for the short or long-term storage of vehicles that have been towed, impounded, or are awaiting repair or retrieval and typically operated by towing companies or law enforcement agencies but not including a salvage yard.

**Street** - A public right-of-way or private way that is primarily devoted to vehicular use and can be designated as a street, drive, highway, throughway, boulevard, avenue, lane, place, way, road, circle, court, or any other street type.

**Street**, Cul-de-Sac - A roadway that has one end open to vehicular traffic and the other end terminating in a vehicular turnaround.

**Street, Functional Classification System** - A system that groups roads into classes based on their intended function and their ability to move traffic and provide access to adjacent properties, with access control being a key factor in functional classification. The three main functional classes include arterial, collector, and local.

**Street, Major Collector** - A roadway that connects traffic from local roads and funnels it to the arterial network, with a lower speed limit than Arterials. Major Collectors are longer in length; have lower connecting driveways densities; have higher speed limits; are spaced at greater intervals; have higher annual traffic volumes; and may have more travel lanes than Minor Collectors. Major Collectors offer more mobility than Minor Collectors.

**Street, Minor Collector** - A roadway that connects traffic from local roads and funnels it to the arterial network, with a lower speed limit than Arterials or Major Collectors. Minor Collectors are typically shorter in length; have greater connecting driveway densities; have lower speed limits; are spaced at closer intervals; have lower annual traffic volumes; and typically have less travel lanes than Major Collectors. Minor Collectors offer more access than Major Collectors.

**Street, Minor Arterial** - A roadway that serves trips of moderate length, usually connecting to and augmenting Principal Arterials. Minor Arterial offers less mobility than a Principal Arterial, but a higher level of accessibility typically without penetrating residential neighborhoods.

**Street, Principal Arterial** - The highest classification of roadways that serve major activity centers and have the highest traffic volumes, higher speed limits, and limited access.

**Street, Local** - The most common type of roadway in the functional classification system whose function is to provide direct access to adjacent land and is not intended for use in long distance travel.

T

**Tap Room/Tasting Room** - An establishment that is associated with a local brewery, winery, or distillery where beer, wine, or spirits are available for on-site consumption and the sale of packaged alcohol for offsite consumption is allowable.

**Truck Stop** - A facility including but not limited to retail fueling services for heavy vehicles, repair shops, automated washes, restaurants, short-term parking, overnight parking, and motels for tractor-trailer or semi-truck drivers and companies.

U

**Usable Common Space** - An area that is not encumbered with any substantial structure, is not devoted to use as a roadway, parking area or sidewalk, is landscaped for ballfields, picnic areas, or similar facilities or is capable of being used for purposes of informal and unstructured recreation and relaxation, and is practicably accessible to the residents of the development or to the public if dedicated for public use.

V

Variance - A discretionary exception to specific dimensional or development standards or a variation from the strict application of standards contained in this Ordinance. A Variance shall only be granted where it is determined that such an exception will not be contrary to the public interest and where, owing to unique conditions peculiar to the property and not the result of actions by the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

**Vehicle, Commercial Trailer** - A trailer with a gross vehicle weight rating (GVWR) of 10,000 pounds or greater, and/or a length exceeding 20 feet (excluding the tongue), designed for transporting equipment, goods, materials, or vehicles, regardless of its stated use or purpose and include semi-trailers, dump trailers, large car haulers, and similar equipment. Regardless of intent, such trailers are classified as "commercial" based on their size and capacity.

**Vehicle, Heavy** - A vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or greater, and/or 96 inches or wider, including but not limited to tractors, semi-trucks, buses, harvesters, loaders, and other heavy machinery.

**Vehicle, Non-Commercial Trailer** - A trailer with a gross vehicle weight rating (GVWR) of less than 10,000 pounds and a length not exceeding 20 feet (excluding the tongue). These trailers are intended for personal use and include utility trailers, small cargo trailers, and other trailers designed to carry personal items, recreational equipment, or household materials but does not include boat trailers, which are classified as recreational vehicles. Regardless of intent, trailers that exceed these weight or size limits are classified as Commercial Trailers.

**Vehicle, Off-highway** - Any motor vehicle intended for use off-highway/off-road and not legally equipped for operation on State Highways and Village of Los Lunas streets, as defined by §66-3-1001.1(E) NMSA 1978 or as amended.

**Vehicle, Passenger** - A light vehicle with a gross vehicle weight rating (GVWR) of less than 10,000 pounds, including but not limited to motor vehicles, automobiles, light trucks, sport utility vehicles, vans, motorcycles, scooters.

**Vehicle, Recreational** - A vehicle including but not limited to a camping trailer, motor home, mini motor home, travel trailer, truck camper, van camper, boat, and boat trailer used primarily for travel and recreational purposes, as well as any vehicle bearing recreational vehicle registration (license) plates, that shall not be connected to utilities. A recreational vehicle shall not be considered an accessory dwelling unit.

**Vendee** - A person to whom goods or services are furnished.

**Vendor** - A person furnishing goods or services.

**Veterinary Clinic or Hospital** - A facility licensed to provide medical, surgical, dental, and diagnostic services for animals. These services include routine check-ups, vaccinations, emergency care, surgeries, and specialized treatments. Veterinary clinics may also offer boarding, grooming, and ancillary services.

#### W

**Warehouse** - A building in which goods, merchandise, or equipment are stored and frequent heavy vehicle activity may occur. Open storage of material, manufacturing, and production are prohibited.

**Warm Season Grass** - Grass species that thrive during late spring and summer months when temperatures are over 75 degrees and in soils with low moisture holding capacity, low pH, and low phosphorus levels. Warm season grass becomes dormant and turns brown in the cool temperatures of late fall and winter.

**Wireless Transmission Facility (WTF)** - Unmanned facilities used for wireless communications, usually consisting of a support structure for antennas, equipment shelters or cabinets, and/or other transmission and reception devices used for business or commercial purposes.

- A. WTF Equipment Storage Shelter An unmanned structure used for freestanding telecommunication facilities or, when necessary, roof or building-mounted facilities to house WTF equipment.
- B. WTF Roof or Building-mounted Facility A facility where antenna is mounted to an existing structure, on the roof of a building, or on the building face(s). The facility will include both antenna(s) and related equipment. The equipment will be located in the existing structure or within an unmanned equipment storage shelter.

X

**Xeriscaping** - The practice of designing landscapes that conserve water in arid regions by using plant materials that require little water, placing plants with similar water needs together, and employing efficient irrigation techniques.

Y

(Reserved)

(Reserved)

## ARTICLE II. ZONE DISTRICTS

## 17.06.010 Adoption of the Official Zoning Map

The regulations contained in this Ordinance apply to specific zone districts and overlays illustrated on the Village of Los Lunas Official Zoning Map. The Official Zoning Map is incorporated herein, including the zone districts and zone boundaries as established and shown on the Official Zoning Map. The latest version of the Official Zoning Map as approved or amended by the Village Council to the extent authorized by this Ordinance and is maintained in electronic form by the Village Community Development Department. No changes of any nature shall be made on the Official Zoning Map except in conformity with the procedures set forth in this Ordinance. Any unauthorized changes shall be considered a violation of this Ordinance.

## 17.06.020 Interpretation of Zone District Boundaries

Where uncertainty exists regarding the boundaries of zone districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Where a zone district boundary is indicated as approximately following the centerlines of streets, highways, or alleys, such centerlines shall be construed to be the district boundary.
- B. Where a zone district boundary is approximately following platted lot lines, such lot lines shall be construed to be the district boundary.
- C. Whenever any street, alley, rail line, or other public way is vacated, the zone district adjoining each side of such street, alley, rail line, or other public way shall be automatically extended to the center of such vacation, and the area included in the vacation shall be subject to the regulations of the extended zone districts; except if the ownership of the vacated street, alley, rail line, or other public way is divided other than at the center, the zone district boundary shall be construed to correspond to the ownership line.
- D. Where physical features existing on the ground are not consistent with the Official Zoning Map, the Planning and Zoning Commission shall interpret the zone district boundaries.

## 17.06.030 Zone Districts Established

The zone districts and overlay zones listed in Table 17.06.030(1) are hereby established. These zone districts shall have the boundaries shown on the Official Zoning Map, be maintained in electronic format by the Village Community Development Department, and available for viewing on the Village of Los Lunas website.

- A. The zone districts are categorized into six types, including residential zone districts; commercial and office zone districts; industrial and manufacturing zone districts; transit-oriented zone districts; special use district; and Main Street overlay districts.
- B. The overlay zone districts supplement, but do not replace, the underlying zone districts. Where there is a conflict between the provisions of a zone district and the provisions of an overlay zone see Section 17.04.090.

<b>Table 17.06.030(1): Zone Districts</b>	
	Agricultural Rural (A-R)
	Rural Residential (R-R)
	Single-family Detached Residential (R-1)
Residential Zone Districts	Single-family Detached Residential Mixed (R-M)
	Single-Family Attached Residential (R-2)
	Multi-Family Attached Residential (R-3)
	Horizontal Multi-Family Detached Residential (R-4)
Commercial and Office Zone Districts	Neighborhood Commercial Retail (C-1)
Commercial and Office Zone Districts	Community Commercial (C-2)
Industrial and Manufacturing Zone Districts	Light Industrial and Manufacturing (M-1)
	Heavy Industrial and Manufacturing (M-2)
Special Use Zone District	Special Use (S-U)
Transit-Oriented Development Zone Districts	Transit-Oriented Development-Mixed Use (TOD-MU)
	Transit-Oriented Development-Residential (TOD-R)
Overlay Zone District	Main Street Overlay (MSO-1 through MSO-4)

## 17.06.040 Residential Zone Districts

## A. Agricultural and Residential Zone District (A-R):

The purpose of the A-R zone district is to accommodate and encourage agricultural and rural residential land uses on large lots where residents engage in agricultural, horticultural, and animal husbandry activities; and in areas served by public water and sewer facilities or as applicable in consultation with the Public Works Department.

## 1. A-R Dimensional Standards.

Table 17.06.040(1): A-R Zone District Dimensional Standards	
Lot size, minimum	1 acre (43,560 square feet)
Lot width, minimum	100 feet
Front setback, minimum	25 feet
Rear setback, minimum	25 feet
Side setback, minimum	10 feet
Building height, maximum	30 feet

### 2. A-R District Standards.

- i. A maximum of one primary dwelling unit shall be allowed on an A-R zoned lot.
- ii. Accessory structures shall be allowed on an A-R zoned lot provided they meet the setback standards listed in Table 17.06.040(1) and separation standards contained in Section 17.10.060(B) Accessory Structure.
- iii. One accessory dwelling unit (ADU) shall be allowed on an A-R zoned lot provided it meets the setback standards in Table 17.06.040(1) and the standards listed in Section 17.10.060(A) Accessory Dwelling Unit.

## B. Rural Residential Zone District (R-R):

The purpose of the R-R zone district is to accommodate and encourage agricultural and rural residential land use on large lots in areas served by public water and sewer facilities.

### 1. R-R Dimensional Standards.

Table 17.06.040(2): R-R Zone District Dimensional Standards	
Lot size, minimum	½ acre (21,780 square feet)
Lot width, minimum	75 feet
Front setback, minimum	25 feet
Rear setback, minimum	20 feet
Side setback, minimum	10 feet
Building height, maximum	30 feet

### 2. R-R District Standards.

- i. A maximum of one primary dwelling unit shall be allowed on an R-R zoned lot.
- ii. Accessory structures shall be allowed on an R-R zoned lot provided they meet the setback standards in Table 17.06.040(2) and separation standards listed in Section 17.10.060(B) Accessory Structure.
- iii. One accessory dwelling unit (ADU) shall be allowed on an R-R zoned lot provided it meets the setback standards in Table 17.06.040(2) and the standards listed in Section 17.10.060(A) Accessory Dwelling Unit.

## C. Single-Family Detached Residential (R-1):

The purpose of the R-1 zone district is to accommodate single-family detached residential uses at medium densities in areas served by public water and sewer facilities. Tiny houses and single-wide manufactured homes and modular homes within this district shall be designed and constructed to be compatible with the character of the surrounding neighborhood. These dwelling units must maintain consistency in architectural style, scale, and design elements to support a cohesive community aesthetic.

### 1. R-1 Dimensional Standards.

Table 17.06.040(3): R-1 Zone District Dimensional Standards		
Lot size, minimum	7,500 square feet (0.17 acre)	
Lot width, minimum	50 feet	
Front setback, minimum	20 feet	
Rear setback, minimum	15 feet	
Side setback, minimum	7.5 feet; 10 feet for street side of corner lots	
Building height, maximum	30 feet	

#### 2. R-1 District Standards.

i. A maximum of one primary dwelling unit shall be allowed on an R-1 zoned lot.

- ii. Accessory structures shall be allowed on an R-1 zoned lot provided they meet the setback standards in Table 17.06.040(3) and separation standards listed in Section 17.10.060(B) Accessory Structure.
- iii. One accessory dwelling unit (ADU) shall be allowed on an R-1 zoned lot provided it meets the setback standards in Table 17.06.040(3) and the standards listed in Section 17.10.060(A) Accessory Dwelling Unit.

## D. <u>Single-Family Detached Residential Mixed (R-M):</u>

The purpose of the R-M zone district is to accommodate single-family detached residential uses at medium densities such as mobile homes, manufactured and modular homes (single or double-wide), tiny houses, and site-built homes on smaller lots in areas served by public water and sewer facilities.

### 1. R-M Dimensional Standards.

Table 17.06.040(4): R-M Zone District Dimensional Standards	
Lot size, minimum	5,000 square feet (0.11 acre)
Lot width, minimum	30 feet
Front setback, minimum	20 feet
Rear setback, minimum	10 feet
Side setback, minimum	5 feet; 10 feet for street side of corner lots
Building height, maximum	30 feet

### 2. R-M District Standards.

- i. A maximum of one primary dwelling unit shall be allowed on an R-M zoned lot.
- ii. Accessory structures shall be allowed on an R-M zoned lot provided they meet the setback standards in Table 17.06.040(4) and separation standards listed in Section 17.10.060(B) Accessory Structure.
- iii. One accessory dwelling unit (ADU) shall be allowed on an R-M zoned lot provided they meet the setback standards in Table 17.06.040(4) and the standards listed in Section 17.10.060(A) Accessory Dwelling Unit.

### E. Single-Family Attached Residential (R-2):

The purpose of the R-2 zone district is to accommodate single-family attached and detached residential uses at medium densities on smaller lots in areas served by public water and sewer facilities.

### 1. R-2 Dimensional Standards.

Table 17.06.040(5): R-2 Zone District Dimensional Standards		
Lot size, minimum	3,000 square feet (0.07 acre)	
Lot width, minimum	30 feet	
Front setback, minimum	20 feet	
Rear setback, minimum	15 feet	
Side setback, minimum	0 feet <sup>1, 2</sup> ; 10 feet for street side of corner lots	
Building height, maximum	30 feet	

<sup>1.</sup> Multi-unit townhouse structures containing attached dwellings shall maintain a minimum separation of 15 feet between structures.

## 2. R-2 District Standards.

- i. A maximum of one primary dwelling unit shall be allowed on an R-2 zoned lot. However, when the development is a duplex, a maximum of two primary dwelling units shall be allowed on an R-2 zoned lot.
- ii. Accessory structures shall be allowed on an R-2 zoned lot provided they meet the setback and separation standards in Table 17.06.040(5) and separation standards listed in Section 17.10.060(B) Accessory Structure.

### F. Multi-Family Residential (R-3):

The purpose of the R-3 zone district is to accommodate multi-family attached residential uses at high densities in areas served by public water and sewer facilities.

## 1. R-3 Dimensional Standards.

Table 17.06.040(6): R-3 Zone District Dimensional Standards	
Lot size, minimum	15,000 square feet (0.34 acre)
Lot width, minimum	60 feet
Front setback, minimum	20 feet
Rear setback, minimum	15 feet
Side setback, minimum	5 feet; 10 feet for street side of corner lots
Building height, maximum	35 feet
Useable common space	• 10% of residential site area designated for publicly accessible useable common spaces (e.g. patios, plazas, courtyards, or widened sidewalks) <sup>1</sup> .
	Common space width 8-foot minimum.
1. All structures shall maintain a minimum separation of 15 feet.	

### 2. R-3 District Standards.

- i. There shall be no maximum number of dwelling units per R-3 zoned lot.
- ii. A minimum of 10 percent of the gross area of the lot shall be designated as useable common space for the enjoyment of the residents.

<sup>2.</sup> Zero-lot line homes shall maintain a minimum separation of 10 feet between primary structures including adjacent lots.

iii. Accessory structures shall be allowed on an R-3 zoned lot provided they meet the setback and separation standards in Table 17.06.040(6) and separation standards listed in Section 17.10.060(B) Accessory Structure.

## G. Multi-Family Detached Residential (R-4):

The purpose of the R-4 district is to accommodate single-family residential uses at medium to high densities where there are multiple dwelling units (e.g. site built, modular, manufactured, mobile homes, or tiny houses) on the same lot in areas served by public water and sewer facilities. Homes within this district shall be designed and constructed to be compatible with the character of the surrounding neighborhood. These dwelling units must maintain consistency in architectural style, scale, and design elements to support a cohesive community aesthetic.

### 1. R-4 Dimensional Standards.

Table 17.06.040(7): R-4 Zone District Dimensional Standards	
Lot size, minimum	130,680 SF (3 acres) <sup>1</sup>
Lot width, minimum	50 feet
Front setback, minimum	20 feet
Rear setback, minimum	10 feet
Side setback, minimum	10 feet
Building height, maximum	26 feet <sup>2</sup>
Useable common space	• 10% of residential site area designated for publicly accessible useable common spaces (e.g. patios, plazas, courtyards, or widened sidewalks) <sup>3</sup> .
	• Common space width 8-foot minimum.
1. Minimum lot size for a tiny houses development shall be 87,120 SF (2 acres).	

- 2. Maximum building height for leasing office and clubhouse on the same lot shall be 30 feet.
- 3. All structures shall maintain a minimum separation of 15 feet.

## 2. R-4 District Standards.

- i. R-4 zoned sites shall be serviced by private streets that meet the requirements and standards of the Village Development Process Manual.
- ii. A minimum of 10 percent of the gross total site area shall be designated for useable common space for the enjoyment of the residents.
- iii. R-4 zoned sites may include spaces for lease or rent and may include a leasing office and common services and amenities for the use by the residents of such development.
- iv. Accessory structures shall be allowed on an R-4 zoned lot provided they meet the setback and separation standards in Table 17.06.040(7) and separation standards listed in Section 17.10.060(B) Accessory Structure.

## 17.06.050 Commercial and Office Zone Districts

## A. Neighborhood Commercial (C-1):

The purpose of the C-1 zone district is to accommodate the neighborhood-scale commercial and office needs of the community in areas served by public water and sewer facilities.

### 1. C-1 Dimensional Standards.

Table 17.06.050(1): C-1 Zone District Dimensional Standards	
Lot size, minimum	10,890 square feet (0.25 acre)
Lot width, minimum	40 feet
Front setback, minimum	5 feet
Rear setback, minimum	15 feet <sup>2</sup>
Side setback, minimum	0 feet (interior); 10 feet for street side of corner lots <sup>2</sup>
Building height, maximum	45 feet <sup>1</sup>
1. See district standards 17.06.050(A)(2)(i).	
2. See district standards 17.06.050(A)(2)(ii).	

#### 2. C-1 District Standards.

- i. Any portion of a primary building within 75 feet of a lot line that abuts a lot that is zoned or is in use for single-family residential purposes shall step down to a maximum height of 30 feet.
- ii. Where commercial development abuts a residential zone, the commercial development shall meet the setback requirement for the lot line of the residential zone to which it is contiguous. For example, if the side area of the commercial development is contiguous to a residential zone that requires a 10-foot minimum side setback, the commercial development shall be required to provide a 10-foot minimum side setback, for a total separation of 20 feet.
- iii. Where a single-family residential development is approved in a C-1 zone, the residential development shall meet the setback requirements of the R-1 zone district.
  - a. Accessory structures shall be allowed on a C-1 zoned lot, with a primary residential use, provided they meet the setback standards of the R-1 zone as outlined in Table 17.06.040(3) and separation standards listed in Section 17.10.060(B) Accessory Structure.
- iv. A C-1 zoned development may have up to four primary uses provided those uses comply with all other relevant provisions of this Ordinance and do not create significant adverse impacts on surrounding properties. Any C-1 zoned development in excess of four primary uses shall comply with the provisions set forth in subsection 17.06.070 Special Use and any other relevant provisions within this Ordinance.

## B. <u>Community Commercial (C-2)</u>:

The purpose of the C-2 zone district is to accommodate heavy commercial, office, and institutional needs of the community in areas served by public water and sewer facilities. These uses typically require a large lot which is generally not available in the C-1 district. They often generate a higher level of traffic and noise and as such shall be located adjacent to an arterial or highway.

#### 1. C-2 Dimensional Standards.

Table 17.06.050(2): C-2 Zone District Dimensional Standards	
Lot size, minimum	21,780 square feet (0.5 acre)
Lot width, minimum	40 feet
Front setback, minimum	5 feet
Rear setback, minimum	15 feet <sup>2</sup>
Side setback, minimum	0 feet (interior); 10 feet for street side of corner lots <sup>2</sup>
Building height, maximum	45 feet <sup>1</sup>
1. See district standards 17.06.050(B)(2)(i).	•
2. See district standards 17.06.050(B)(2)(ii).	

### 2. C-2 District Standards.

- i. Any portion of a primary building within 75 feet of a lot line that abuts a lot that is zoned or is in use for single-family residential purposes shall step down to a maximum height of 30 feet.
- ii. Where commercial development abuts a residential zone, the commercial development shall meet the setback requirement for the lot line of the residential zone to which it is contiguous. For example, if the side area of the commercial development is contiguous to a residential zone that requires a 10-foot minimum side setback, the commercial development shall be required to provide a 10-foot minimum side setback, for a total separation of 20 feet.
- iii. Development within C-2 lots shall have frontage along a principal arterial.
- iv. A C-2 zoned development may have up to four primary uses provided those uses comply with all other relevant provisions of this Ordinance and do not create significant adverse impacts on surrounding properties. Any C-2 zoned development in excess of four primary uses shall comply with the provisions set forth in subsection 17.06.070 Special Use and any other relevant provisions within this Ordinance.

## 17.06.060 Industrial and Manufacturing Districts

### A. <u>Light Industrial and Manufacturing (M-1)</u>:

The purpose of the M-1 zone district is to accommodate manufacturing, assembly, fabrication, processing, warehousing, and storage activities to occur within a fully enclosed building in areas served by public water and sewer facilities.

### 1. M-1 Dimensional Standards.

Table 17.06.060(1): M-1 Zone District Dimensional Standards		
Lot size, minimum	1 acre (43,560 square feet)	
Lot width, minimum	60 feet	
Front setback, minimum	5 feet	
Rear setback, minimum	15 feet <sup>3</sup>	
Side setback, minimum	0 feet (interior); 10 feet for street side of corner lots <sup>3</sup>	
Building height, maximum	55 feet <sup>1, 2</sup>	

- 1. Maximum building height may be increased by one additional foot for each additional foot of setback above the minimum requirement.
- 2. See district standards 17.06.060(A)(2)(i).
- 3. See district standards 17.06.060(A)(2)(ii).

### 2. M-1 District Standards.

- i. Any portion of a primary building within 75 feet of a lot line that abuts a lot that is zoned or is in use for single-family residential purposes shall step down to a maximum height of 35 feet.
- ii. Where industrial development abuts a residential zone, the commercial development shall meet the setback requirement for the lot line of the residential zone to which it is contiguous. For example, if the side area of the commercial development is contiguous to a residential zone that requires a 10-foot minimum side setback, the commercial development shall be required to provide a 10-foot minimum side setback, for a total separation of 20 feet.
- iii. An M-1 zoned development may have up to four primary uses provided those uses comply with all other relevant provisions of this Ordinance and do not create significant adverse impacts on surrounding properties. Any M-1 zoned development in excess of four primary uses shall comply with the provisions set forth in subsection 17.06.070 Special Use and any other relevant provisions within this Ordinance.

### B. Heavy Industrial and Manufacturing (M-2):

The purpose of the M-2 zone district is to accommodate manufacturing, assembly, fabrication, processing, warehousing, and storage activities in appropriate locations while protecting surrounding properties from any adverse impact of those activities.

#### 1. M-2 Dimensional Standards.

setback above the minimum requirement.

Table 17.06.060(2): M-2 Zone District Dimensional Standards	
Lot size, minimum	1 acre (43,560 square feet)
Lot width, minimum	60 feet
Front setback, minimum	5 feet
Rear setback, minimum	15 feet
Side setback, minimum	0 feet (interior); 10 feet for street side of corner lots
Building height, maximum	65 feet <sup>1</sup>
1. Maximum building height may be increased by one additional foot for each additional foot of	

#### 2. M-2 District Standards.

- i. Development on an M-2 zoned lot shall incorporate a 1,320-foot buffer from a lot that is zoned or is in use for single-family residential purposes at the time of development as measured from property line to property line.
- ii. No objectionable byproducts of the use, such as light, glare, odors, smoke, dust, refuse, vibrations, radiation, electromagnetic interference, fire/explosion hazards, and noise greater than what is typical for loading/unloading and handling of goods and materials, shall extend beyond the lot lines on which the industrial or manufacturing use is located.
- iii. An M-2 zoned property may have up to four primary uses provided those uses comply with all other relevant provisions of this Ordinance and do not create significant adverse impacts on surrounding properties. Any M-2 zoned property in excess of four primary uses shall comply with the provisions set forth in subsection 17.06.070 Special Use and any other relevant provisions within this Ordinance.

# 17.06.070 Special Use District

## A. Special Use Zone District (S-U):

The purpose of the Special Use zone is to accommodate uses that cannot be located in other zone districts because of their unusual nature, infrequency of occurrence, effect on surrounding property, or other such reasons. This zone district is applied on a case-by-case basis and typically includes special standards as established by the Development Review Committee, recommended by the Planning and Zoning Commission, and imposed upon future development by the Village Council.

#### 1. S-U Dimensional Standards.

i. The Development Review Committee shall establish lot size, setbacks, and building height on a case-by-case basis, except the development shall not differ substantially from adjacent developments relative to building height and scale.

#### 2. S-U District Standards.

- i. An S-U zone district shall not be allowed for any development that could be achieved under a different zone district except for the following:
  - a. When a development has been identified as having an unusual nature, infrequency of occurrence, effect on surrounding property, more than four primary uses, or other such reason, and another zone cannot accommodate it, the Community Development Director shall make a zoning determination confirming such rationale and qualifications warranting an S-U zone.
- ii. An S-U zone district may contain any combination of uses listed in Table 17.08.020(1) provided those uses do not create significant adverse impacts on surrounding properties.

- iii. All allowable uses in the S-U zone district are subject to Article IV.

  Supplementary Standards for Specific Uses, unless modified on the project site plan by the Planning and Zoning Commission and Village Council.
- iv. Any portion of a primary building within 75 feet of a lot line that abuts a lot that is zoned or is in use for single-family residential purposes shall step down to a maximum height of 35 feet.

# 17.06.080 Transit-Oriented Development Districts

# A. <u>Transit-Oriented Development Mixed-Use (TOD-MU)</u>:

The purpose of the TOD-MU zone district is to accommodate and promote development characterized by neighborhood-scale commercial combined with multi-family development that supports transit ridership, walking, and bicycling in proximity to the NM Rail Runner Express station.

#### 1. TOD-MU Dimensional Standards.

<b>Table 17.06.080(1): TOD-MU Zone Distric</b>	t Dimensional Standards
Lot size, minimum	7,500 square feet (0.17 acre)
Lot width, minimum	30 feet
Front setback, minimum/maximum	$10 \text{ feet}^3/15 \text{ feet}$
Rear setback, minimum	15 feet
Side setback, minimum	0 feet (interior); 10 feet for street side of corner lots <sup>1</sup>
Building height, maximum	35 feet <sup>2</sup>
Density, minimum/maximum	12 dwelling units per acre/25 dwelling units per acre
Useable common space	<ul> <li>15% of residential site area designated for publicly accessible useable common spaces<sup>4, 5</sup> (e.g. patios, plazas, courtyards, or widened sidewalks)</li> <li>8-foot minimum width.</li> </ul>

<sup>1.</sup> Multi-unit townhouse structures containing attached dwellings shall maintain a minimum separation of 15 feet between structures.

- 2. See district standards 17.06.080(A)(2)(i).
- 3. See district standards 17.06.080(A)(2)(ii).
- 4. All structures shall maintain a minimum separation of 15 feet.
- 5. Useable common space is not required if the property in question is within 1/4-mile walking distance of a designated park, plaza, or useable common space that is accessible to the public

## 2. TOD-MU District Standards.

- i. Any portion of a primary building within 75 feet of a lot line that abuts a lot that is zoned or is in use for single-family residential purposes shall step down to a maximum height of 30 feet.
- ii. The required minimum front setback is waived for buildings with ground-floor commercial uses.
- iii. Accessory structures shall be allowed on a TOD-MU zoned lot provided they meet the setback standards in Table 17.06.080(1) and separation standards listed in Section 17.10.060(B) Accessory Structure.

- iv. Building entrances shall face the primary street frontage, which is determined in the following order when adjacent to multiple streets: Main Street, Courthouse Road, Luna Avenue, Los Lentes Road, Highway 314, and respective frontage roads. Buildings shall not be oriented in a way that treats the primary street frontage as a rear or side lot line.
- v. If a building is adjacent to a transit platform, station, or major pedestrian accessway, at least one main entrance shall face this feature. A direct pedestrian pathway must connect the building entry to the adjacent transit or pedestrian feature.
- vi. Buildings within the TOD-MU zone shall prioritize mixed-use configurations, with active ground-floor uses such as retail, dining, or services that support transit users, residents, and pedestrians. The upper floors should accommodate residential, or office uses.
  - a. For one-story buildings, commercial spaces shall be located at the front of the building facing the primary street frontage, with residential units placed at the rear to maintain active engagement along the pedestrian corridor.
    - To establish the separation between uses and ensure privacy for residents, there shall be no internal access between the commercial and residential areas. Each use shall have a separate entrance. Commercial entries shall be accessible from the street, while residential entries shall be discreet and accessible from a separate side or rear entry.

## B. Transit-Oriented Development Residential (TOD-R):

The purpose of the TOD-R zone district is to accommodate and promote development characterized by neighborhood-scale commercial combined with medium density residential development that supports transit ridership, walking, and bicycling while protecting the existing scale and development intensity of surrounding residential neighborhoods.

#### 1. TOD-R Dimensional Standards.

Table 17.06.080(2): TOD-R Zone District D	imensional Standards
Lot size, minimum	7,500 square feet (0.17 acre)
Lot width, minimum	30 feet
Front setback, minimum	20 feet
Rear setback, minimum	15 feet <sup>5</sup>
Side setback, minimum	0 feet (interior) <sup>1, 2, 5</sup> ; 10 feet for street side of corner lots
Building height, maximum	35 feet <sup>4</sup>
Density, minimum/maximum	8 dwelling units per acre/20 dwelling units per acre
Useable common space	<ul> <li>15% of residential site area designated for publicly accessible, useable common space (e.g., patios, plazas, courtyards, or widened sidewalks)<sup>3</sup>.</li> <li>8-foot minimum width.</li> </ul>

- 1. Multi-unit townhouse structures containing attached dwellings shall maintain a minimum separation of 15 feet between structures.
- 2. Zero lot-line homes shall maintain a minimum separation of 10 feet between primary structures including adjacent lots.
- 3. Useable common space is not required if the property in question is within 1/4-mile walking distance of a designated park, plaza, or useable common space that is accessible to the public.
- 4. See district standards 17.06.080(B)(2)(i).
- 5. See district standards 17.06.080(B)(2)(ii).

#### 2. TOD-R District Standards.

- i. Any portion of a primary building within 75 feet of a lot line that abuts a lot that is zoned and in use for single-family residential purposes shall step down to a maximum height of 30 feet.
- ii. Where commercial development is contiguous to a residential zone, the commercial development shall meet the setback requirement for the lot line of the residential zone to which it is contiguous. For example, if the side area of the commercial development is contiguous to a residential zone that requires a 10-foot minimum side setback, the commercial development shall be required to provide a 10-foot minimum side setback, for a total separation of 20 feet.
- iii. Accessory structures shall be allowed on a TOD-R zoned lot provided they meet the setback standards in Table 17.06.080(2) and separation standards listed in Section 17.10.060(B) Accessory Structure.
- iv. One accessory dwelling unit (ADU) shall be allowed on a TOD-R zoned lot, provided the lot is developed with a primary single-family residential structure and is not part of a multifamily development and meets the setback standards in Table 17.06.080(2) and the standards listed in Section 17.10.060(A) Accessory Dwelling Unit.
- v. If a building is adjacent to a transit platform, station, or major pedestrian accessway, a direct pedestrian pathway must connect the building entry to the adjacent transit or pedestrian feature.

- vi. Buildings within the TOD-R zone should prioritize mixed-use configurations, with active ground-floor uses such as retail, dining, or services that support transit users, residents, and pedestrians. The upper floors should accommodate residential, or office uses.
  - a. For one-story buildings, commercial spaces shall be located at the front of the building facing the primary street frontage, with residential units placed at the rear to maintain active engagement along the pedestrian corridor.
    - To establish the separation between uses and ensure privacy for residents, there shall be no internal access between the commercial and residential areas. Each use shall have a separate entrance. Commercial entries shall be accessible from the street, while residential entries shall be discreet and accessible from a separate side or rear entry.

# **17.06.090 Overlay Zones**

The regulations in Section 17.06.090 apply to Overlay Zones. Where there are conflicts with any other regulations in this Ordinance, the regulations of the Overlay Zone shall prevail regardless of whether the Overlay Zone regulations are more or less restrictive than the other regulations. Where the Overlay Zone is silent, the other regulations in this Ordinance prevail.

The purpose of the Main Street Overlay Zone districts is to preserve the distinctive character, identity, and to promote walkability of the Main Street corridor. Variations in lot size, building height, access, and adjacent uses exist along the corridor, which require different development standards.

#### Applicability:

- The Main Street corridor is divided into four segments that are described in this section. The Main Street Overlay Zone regulations shall apply to all properties adjacent to and having frontage along Main Street. For properties three acres and more, only the first 300 feet of the property measured from the right-of-way/property line adjacent to Main Street shall comply with the Main Street Overlay Zone regulations.
- The entire length of the Main Street corridor as delineated on the Village Zoning Map.
- New construction of single-family residential, multi-family residential, mixed-use, and non-residential structures.
- Expansion of existing multi-family residential, mixed-use, and non-residential structures by 30 percent or more of building floor area.

## A. MSO-1 (Western municipal boundary to Los Morros Road NW):

#### 1. MSO-1 Dimensional Standards.

Table 17.06.090(1): MSO-1 Zone District Dimensional Standards	
Non-residential lot size, minimum	87,120 square feet (2 acres)
Non-residential lot width, minimum	100 feet
Residential setback from Main Street, minimum	30 feet
Non-residential off-street parking setback from Main Street,	30 feet
minimum	

#### 2. District Standards.

- i. Vehicle access to the development site shall be provided from Main Street and/or a side street in accordance with the Village Development Process Manual and as regulated by the New Mexico Department of Transportation.
- ii. Residential development is permitted along the south side of Main Street only.
- iii. Large off-street parking areas containing 100 or more parking spaces and facing Main Street shall be screened with a three-to-four-foot opaque wall and landscaping between the Main Street right-of-way and the screen wall.
- iv. Residential development shall incorporate a 30-foot setback from Main Street, a perimeter wall with a maximum height of seven feet, and landscaping between the Main Street right-of-way and the perimeter wall. The landscaping shall contain a minimum of 25% evergreen trees for sound attenuation purposes.
- v. Residential development shall incorporate pedestrian access from the public sidewalk or trail along Main Street into the residential development area at a minimum frequency of one access point per 600 feet.
- vi. Multi-family and non-residential development shall provide a pedestrian connection from the public sidewalk along Main Street to the primary building. Where multiple buildings are provided on a single development site, more than one pedestrian connection may be required as determined in consultation with the Public Works Department.
- vii. The following uses shall not be allowed in the MSO-1 zone, regardless of the underlying zoning district:
  - a. Adult entertainment or retail.

## B. MSO-2 (Los Morros Rd NW to Canal Blvd SW):

#### 1. MSO-2 Dimensional Standards.

Table 17.06.090(2): MSO-2 Zone District Dimensional Standards											
Lot size, minimum	43,560 square feet (1 acre)										
Lot width, minimum	100 feet										
Front setback, minimum	15 feet										
Rear setback, minimum	15 feet										
Side setback, minimum	0 feet (interior); 10 feet for street side of corner										
	lots										
Off-street parking setback, minimum	15 feet										
Building height, maximum	35 feet										

#### 2. District Standards.

- i. Vehicle access to the development site shall be provided from a side street, where feasible. In locations where this is not feasible, vehicle ingress and egress to the development site shall be provided as follows:
  - a. One ingress/egress location from Main Street for development sites greater than two acres, no more than 36 feet in width, or as regulated by the New Mexico Department of Transportation.
  - b. Shared vehicle access between adjacent development sites smaller than two acres shall be provided, where feasible, to lessen the number of driveway cuts within MSO-2.
- ii. The front building façade and primary pedestrian entry to the building shall face Main Street.
- iii. A pedestrian connection from the public sidewalk along Main Street to the primary building entry shall be provided. Where multiple buildings are provided on a single development site, more than one pedestrian connection may be required as determined in consultation with the Public Works Department.
- iv. Large off-street parking areas containing 100 or more parking spaces and facing Main Street shall be screened with a three-to-four-foot opaque wall and landscaping between the Main Street right-of-way and the screen wall.
- v. Multi-family attached residential development shall incorporate a 30-foot setback from Main Street, a perimeter wall with a maximum height of seven feet, and landscaping between the Main Street right-of-way and the perimeter wall.
- vi. Multi-family attached residential development shall incorporate pedestrian access from the public sidewalk along Main Street into the residential development area at a minimum frequency of one access point per 600 feet.

- vii. The following uses shall not be allowed in the MSO-2 zone, regardless of the underlying zoning district:
  - a. Adult entertainment or retail.
  - b. Multi-family detached residential.
  - c. Single-family detached or attached residential development.

#### C. MSO-3 (Canal Blvd SW to Highway 314):

1. MSO-3 Dimensional Standards.

Table 17.06.090(3): MSO-3 Zone District Dimen	sional Standards
Lot size, minimum	5,000 square feet (0.11 acre)
Lot width, minimum	100 feet
Front setback, minimum	15 feet
Rear setback, minimum	15 feet
Side setback, minimum	0 feet (interior); 10 feet for street side of corner
	lots
Off-street parking setback, minimum	15 feet
Building height, maximum	26 feet within 100 feet of Main Street right-of-
	way
Density, minimum/maximum	12 dwelling units per acre/25 dwelling units per
	acre

#### 2. District Standards.

- i. The required minimum front setback is waived for buildings that contain groundfloor commercial use with residential use above.
- ii. Vehicle access to the development site shall be provided from the alley or side street, where feasible. In locations where this is not feasible, vehicle ingress and egress to the development site shall be provided as follows:
  - a. One ingress/egress location from Main Street per development site, no more than 30 feet in width, or as regulated by the New Mexico Department of Transportation.
  - b. Shared vehicle access between adjacent lots is encouraged to lessen the number of driveway cuts within MSO-3.
- iii. A minimum of 40 percent of the Main Street frontage shall be the primary building. The remainder of the Main Street frontage, excluding vehicle access in compliance with 17.06.090(2)(ii), shall be courtyard, landscaping, outdoor patio, or a combination thereof to a depth of 50 feet measured from the right-of-way/property line adjacent to Main Street.
- iv. The front façade and primary pedestrian entry to the building shall face Main Street.

- v. A pedestrian connection from the public sidewalk along Main Street to the primary building entry shall be provided. Where multiple buildings are provided on a single development site, more than one pedestrian connection may be required as determined in consultation with the Public Works Department.
- vi. Multi-family attached residential development and mixed-use is allowed in the MSO-3 zone.
- vii. The following uses are not allowed in the MSO-3 zone, regardless of the underlying zoning district:
  - a. Adult entertainment or retail.
  - b. Car wash.
  - c. Drive-in theater.
  - d. Drive-through restaurant.
  - e. Hospital or major medical clinic.
  - f. Motor vehicle fueling or service station.
  - g. Multi-family detached residential.
  - h. Self-storage facility.
  - i. Single-family detached or attached residential development.
  - j. Truck stops or heavy vehicle fueling.

# D. MSO-4 (Highway 314 to Valencia Road [Eastern municipal boundary]):

## 1. MSO-4 Dimensional Standards.

Table 17.06.090(4): MSO-4 Zone District Dimension	onal Standards
Lot size, minimum	21,780 square feet (0.5 acre)
Lot width, minimum	100 feet
Front setback, minimum	15 feet
Rear setback, minimum	15 feet
Side setback, minimum	0 feet (interior); 10 feet for street side of corner
	lots
Off-street parking setback, minimum	15 feet
Building height, maximum	35 feet <sup>(1)</sup>
Residential density, minimum / maximum	12 dwelling units per acre / 25 dwelling units per
	acre
1. Building heights over 26 feet shall incorporate a minimu	Im step back of 6 feet from the Main Street facing front façade.

#### 2. District Standards.

i. The required minimum front setback is waived for buildings that contain groundfloor commercial use with residential use above.

- ii. Vehicle access to the development site shall be provided from a side street, where feasible. In locations where this is not feasible, vehicle ingress and egress to the development site shall be provided as follows:
  - a. One ingress/egress location from Main Street for development sites greater than two acres, no more than 36 feet in width, or as regulated by the New Mexico Department of Transportation.
  - b. Shared vehicle access between adjacent development sites smaller than two acres shall be provided, where feasible, to lessen the number of driveway cuts within MSO-4.
- iii. The front façade and primary pedestrian entry to the building shall face Main Street.
- iv. A pedestrian connection from the public sidewalk along Main Street to the primary building entry shall be provided. Where multiple buildings are provided on a single development site, more than one pedestrian connection may be required as determined in consultation with the Public Works Department.
- v. Multi-family residential development and mixed-use is permitted in the MSO-4 zone.
- vi. Large off-street parking areas containing 100 or more parking spaces and facing Main Street shall be screened with a three-to-four-foot opaque wall and landscaping between the Main Street right-of-way and the screen wall.
- vii. Multi-family attached residential development shall incorporate a 30-foot setback from Main Street, a perimeter wall with a maximum height of seven feet, and landscaping between the Main Street right-of-way and the perimeter wall.
- viii. Multi-family attached residential development shall incorporate pedestrian access from the public sidewalk or trail along Main Street into the residential development area at a minimum frequency of one access point per 600 feet.
- ix. The following uses are not allowed in the MSO-4 zone, regardless of the underlying zone district:
  - a. Adult entertainment or retail.
  - b. Drive-in theater.
  - c. Motor vehicle fueling or service station, except at signalized intersections.
  - d. Multi-family detached residential.
  - e. Single-family detached residential development.
  - f. Truck stops or heavy vehicle fueling.

# 17.06.100 Affordable Housing Density Bonus

The Village shall grant a density bonus to any multi-family housing development within an allowable zone, either by right or with a Conditional or Designated Use Permit, so long the development is a qualified affordable housing project under Title 18 Affordable Housing Program Requirements.

- A. The qualified grantee shall adhere to contractual agreements as outlined in 18.04.020(J).
- B. The density bonus is calculated by multiplying the maximum residential density by 0.20. Any fractional units shall be rounded up to the next whole number.

# ARTICLE III. ALLOWABLE USES – PERMISSIVE, CONDITIONAL, DESIGNATED, & ACCESSORY

#### 17.08.010 Abbreviations

The following abbreviations are used to designate whether and how a principal use is allowed in a particular zone district:

- Permissive Primary. Indicates the use is permitted by right within the respective zone district as a primary use and may be subject to compliance with Article IV, Supplementary Standards for Specific Uses as indicated in the right-hand column of the table.
- Conditional. Indicates a Conditional Use Permit shall be obtained from the Planning and Zoning Commission pursuant to Section 17.14.020(F) and may be subject to compliance with Article IV, Supplementary Standards for Specific Uses as indicated in the right-hand column of the table.
- Designated. Indicates a Designated Use Permit shall be obtained from the Village Council pursuant to Section 17.14.020(F) and may be subject to compliance with Article IV, Supplementary Standards for Specific Uses as indicated in the right-hand column of the table.
- Accessory. Indicates the use is permitted as a permissive accessory use.
- T Temporary. Indicates the use is permitted as a permissive temporary use.
- A blank cell indicates the use is prohibited within the respective zone district.

#### 17.08.020 Allowable Uses

The allowable use table lists the land uses allowed within all zone districts. The table contains use codes, general categories of land uses, specific land uses allowed, and indicates applicable supplementary development standards established under Article IV, Supplementary Standards for Specific Uses.

					Tabl	e 17.	08.02	0(1):	Allo	wabl	le Uso	es				
	P = Permissive;	C = C	ondit	tional	; D =	Desi	ignate	ed; A	=Ac	cesso	ory; T	T = Te	empo	rary;	Blank = I	Prohibited
							7	ZON	ES							
Use Codes	Use	A-R	R-R	R-1	R-M	R-2	R-3	R-4	C-1	C-2	M-1	M-2	SU	TOD-MU	TOD-R	Supplemental Use Standards
							RES!	IDEN	NTIA	L						
	old Living	1					1	1	1	ı	1			1	1	
1.100	Planned residential development												P			17.10.020(D)
1.110	Planned unit development												P			17.10.020(E)
1.120	Residence, cluster development												P			17.10.020(A)
1.130	Residence, duplex					P	P							P	P	
1.140	Residence, horizontal multi-family detached							P								17.10.020(C)
1.150	Residence, manufactured home or modular home	P	P	P	P	P			С						P	
1.160	Residence, mobile home	P	P		P											
1.170	Residence, multi-family attached						P		С	D				P	P	
1.180	Residence, single-family detached	P	P	P	P	P			С						P	
1.190	Residence, tiny houses	P	P	P	P	P									P	
1.200	Residence, townhouse					P	P							P	P	
	gate Living															
2.100	Assisted living	С	С	С	С	С	С	С	P	P				P		
2.110	Boarding house	D	D	D	D	D	D	D								
2.120	Group home	С	С	С	С	С										17.10.020(B)

Table 17.08.020(1): Allowable Uses																
	P = Permissive;	C = C	ondit	ional	; D =	Desi	Designated; A = Accessory; T = Temporary; Blank = Prohibited									
	•	ı	1		ı	ı	7	ZONI	ES	ı	1	ı	1	1	ı	
Use Codes	Use	A-R	R-R	R-1	R-M	R-2	R-3	R-4	C-1	C-2	M-1	M-2	SU	TOD-MU	TOD-R	Supplemental Use Standards
	gate Living										ı	I		ı		1= 10 0=0 (=)
2.130	Supportive	С	С	С	С	С	С	C	C	С						17.10.020(F)
2.140	housing Transitional	D	D	D	D	D	С	С	С	С						17.10.020(G)
2.140	housing	ט	ט	D	ש	ש	C	C	C							17.10.020(G)
	CIVIC AND INSTITUTIONAL USES															
3.100	Cemetery												P			
3.110	Community residential facility						С	С	P	P						17.10.040(A)
3.120	Correctional facility												P			
3.130	Crematorium												P			
3.140	Daycare center								P	P	P			P		
3.150	Daycare home	С	С	С	С	С	С	С	С	С				С	С	
3.160	Funeral home								P	P	P					
3.170	Hospital or major medical clinic									С	P					17.10.040(B)
3.180	Library or museum								P	P				P		
3.190	Military reserve, national guard centers												P			
3.200	Municipal facility												P			
3.210	Nursing care institution								P	P	P					
3.220	Overnight shelter												P			17.10.040(C)
3.230	Public safety, civil defense operation												P			
3.240	Public safety, ambulance or rescue service												P			

Table 17.08.020(1): Allowable Uses  P = Permissive; C = Conditional; D = Designated; A = Accessory; T = Temporary; Blank = Prohibited																
	P = Permissive;	C = C	ondit	ional	; D =	Desi				cesso	ory; T	` = Te	empo	rary;	Blank = I	Prohibited
			1					ZON	F2		1				<u> </u>	<u> </u>
Use Codes	Use	A-R	R-R	R-1	R-M	R-2	R-3	R-4	C-1	C-2	M-1	M-2	ns	TOD-MU	TOD-R	Supplemental Use Standards
3.250	Public safety, police or fire station												P			
3.260	Religious institution												P			17.10.040(D)
3.270	Respite care								P	P	P					
3.280	School, private university or college								P	P	P			P		
3.290	School, private primary and/or secondary								P	P	P			P		
3.300	School, private vocational								P	P	P			P		
						(	COM	ME	RCIA	L						
	nodations															
4.100	Bed and breakfast	С	С	С										P	P	
4.110	Hotel or motel								C	P	P			P		
4.120	RV park and/or campground	D							С	P						
	ture and Animal			,	,	,	T	T		,	,	,			T	
5.100	Agriculture, including livestock	P	P													17.10.030(B)
5.110	Agriculture, excluding livestock	P	P	P	P	P	P	P							P	
5.120	Commercial greenhouse, nursery	D								P	P					
5.130	Dog breeding	С	С						D							
5.140	Equestrian center	P								P	P					

	Table 17.08.020(1): Allowable Uses  P = Permissive; C = Conditional; D = Designated; A = Accessory; T = Temporary; Blank = Prohibited															
	P = Permissive;	C = C	ondit										mpoi	rary;	Blank = I	Prohibited
								ZONI								
Use Codes	Use	A-R	R-R	R-1	R-M	R-2	R-3	R-4	C-1	C-2	M-1	M-2	ns	TOD-MU	TOD-R	Supplemental Use Standards
Agricul	ture and Animal	Rela														
5.150	Farmers' market	P	P						P	P				P		
5.160	Horticultural sales	P	P							P	P					
5.170	Kennel	С	<u> </u>						С	P	P					
5.180	Veterinary clinic or hospital	С							P	P	P			P		17.10.030(N)
	Beverage, and Inc	loor I	Enter	tainn	nent	T				•			T	T		
6.100	Bakery goods, confectionery shop								P	P	P			P		
6.110	Bar or nightclub								P	P	P			С		17.10.030(C)
6.120	Cannabis consumption area										P					17.10.030(D)
6.130	Mobile food truck court								P	P	P			С		17.10.030(J)
6.140	Restaurant								P	P	P			P		17.10.030(I) 17.10.030(L)
6.150	Restaurant prep Kitchen								С	P	P					17.10.030(L)
6.160	Tap room, tasting room								P	P	P			С		17.10.050(A)
	Vehicle Related															
7.100	Car wash								D	P	P	D				17.10.030(F)
7.110	Commercial parking lot								С	P	P	P				
7.120	Manufactured home sales and rentals										P					
7.130	Motor vehicle fueling and service station								С	P	P	P				17.10.030(K)

Table 17.08.020(1): Allowable Uses  P = Permissive; C = Conditional; D = Designated; A = Accessory; T = Temporary; Blank = Prohibited																
	P = Permissive;	C = C	ondit	ional	; D =	Desi				cesso	ory; T	T = Te	empo	rary;	Blank = I	Prohibited
		I	I	I	1	I	7	ZONI	ES	ı	1	1		I	I	I
Use Codes	Use	A-R	R-R	R-1	R-M	R-2	R-3	R-4	C-1	C-2	M-1	M-2	SU	TOD-MU	TOD-R	Supplemental Use Standards
	Vehicle Related		I	I		I					Ъ	Ъ	ı	I	I	I
7.140	Motor vehicle painting and body work  Motor vehicle sales and								С	P P	P P	P				
	rentals															
7.160	Motor vehicle repair and maintenance								С	С	P	P				
7.170	Motor vehicle storage									С	P	P				
7.180	Tow yard									С	P	P				
Office a	and Services															
8.100	Appliance repair								P	P	P			P		
8.110	Contractor yard, light								С	P	P	P				17.10.030(G)
8.120	Dry cleaner or laundromat								P	P	P			P		
8.130	Financial institution								P	P	P			P		17.10.030(I)
8.140	Household equipment rental								С	P	P			С		
8.150	Medical clinic, primary care, or dental office								P	P	P			P		
8.160	Office Building								P	P	P					
8.170	Personal care services								P	P	P			P	С	
8.180	Research and development, commercial								P	P	P	P				
8.190	Self-storage facility								С	P	P	P				17.10.030(M)

Table 17.08.020(1): Allowable Uses  P = Permissive; C = Conditional; D = Designated; A = Accessory; T = Temporary; Blank = Prohibited																
	P = Permissive;	C = C	ondit	ional	; D =	Desi				cesso	ory; T	T = Te	empo	rary;	Blank = 1	Prohibited
	1	I	I		I	I	7	ZONI	ES		I		I		ı	T
Use Codes	Use	A-R	R-R	R-1	R-M	R-2	R-3	R-4	C-1	C-2	M-1	M-2	SU	TOD-MU	TOD-R	Supplemental Use Standards
Recreation and Entertainment																
9.100	Adult entertainment										С					17.10.030(A)
9.110	Amphitheater									С	P			С		
9.120	Drive-in theater								P	P						17.10.030(H)
9.130	Health club or gym								P	P				P		
9.140	Golf course and golf driving range												P			
9.150	Indoor recreation, entertainment activities								P	P	P			P		
9.160	Movie theater								P	P				P		
9.170	Open air market									D				С		
9.180	Social club or event facility								P	P	P					
9.190	Sports stadium									D	D					
Retail S	ales	ı														
10.100	Adult retail										С					17.10.030(A)
10.120	Art gallery								P	P				P		
10.130	Building and home improvement store								P	P	P	P				
10.140	Cannabis, retail								P	P	P			P		17.10.030(E)
10.150	Convenience store								P	P	P			P	С	
10.160	General retail								P	P	P			P		17.10.030(I)
10.170	Grocery store								P	P	P			P		17.10.030(I)
10.180	Liquor sales, packaged								P	P	P			С		

	Table 17.08.020(1): Allowable Uses															
	P = Permissive; O	C = C	ondit					_ ` _					mpoi	ary;	Blank = F	Prohibited
								ZONI								
Use Codes	Use	A-R	R-R	R-1	R-M	R-2	R-3	R-4	C-1	C-2	M-1	M-2	ns	TOD-MU	TOD-R	Supplemental Use Standards
Retail Sales																
10.190	Pawn shop								С	P						
10.200	Shopping Center								P	P	P					
Transpo																
11.100	Airport			1					1	1			P			
11.110	Park and ride								С	P	P	P	-			
11.110	facility									1	1	1				
11.120	Rail facility										P	P				
11.130	Transit facility												P			
	INDUSTRIAL USES															
Heavy Vehicle Related																
12.100	Truck stop or heavy vehicle fueling										P	P				17.10.050(J)
Manufa	cturing, Product	ion, a	nd E	Extra	ction											
13.100	Brewery, winery, or distillery								P	P	P			С		17.10.050(A)
13.110	Cannabis, cultivation / production									D	P	P				17.10.050(B)
13.120	Cannabis, manufacturing										P					17.10.050(C)
13.130	Cannabis, research / testing laboratory										P					17.10.050(D)
13.140	Heavy manufacturing											P				
13.150	Light manufacturing									P	P	P				
13.160	Natural resource mining and extraction												P			

	Table 17.08.020(1): Allowable Uses  P = Permissive; C = Conditional; D = Designated; A = Accessory; T = Temporary; Blank = Prohibited															
	P = Permissive;	C = C	ondit	ional	; D =	Desi				cesso	ory; T	$\Gamma = T\epsilon$	empoi	ary;	Blank = I	Prohibited
								ZONI	79							
Use Codes	Use	A-R	R-R	R-1	R-M	R-2	R-3	R-4	C-1	C-2	M-1	M-2	SU	TOD-MU	TOD-R	Supplemental Use Standards
Manufacturing, Production, and Extraction																
13.170	Research and development, industrial	1 1 14:11	4:00								P	P				
Telecommunications and Utilities																
14.100	Data Center									D	P	P				17.10.050(F)
14.110	Community or regional utility facilities										P	P				
14.120	Electric facility										P	P				
14.130	Energy storage system									D	P	P				17.10.050(G)
14.140	Solar energy generation										P	P				
14.150	Wind energy generation										P	P				
14.160	Wireless telecommunic ation facility									С	P	P				17.10.050(K)
Waste a	nd Salvage															
15.100	Recycling facility									С	С	P				
15.110	Salvage Yard											D				17.10.050(I)
15.120	Solid waste facility										D	D				
Wholesa	aling and Storage	e														
16.100	Above ground feed storage	P									P					
16.110	Contractor yard, heavy										С	P				17.10.050(E)
16.120	Outdoor storage								С	С	P	P				17.10.050(H)
16.130	Warehousing								С	P	P	P				
16.140	Wholesaling and distribution center									P	P	P				

Table 17.08.020(1): Allowable Uses																
	P = Permissive;	C = C	ondit	tional	; D =	Desi	ignate	ed; A	=Ac	cesso	ory; T	$T = T\epsilon$	empo	rary;	Blank = I	Prohibited
			,		,	,	7	ZONI	ES	,				,		
Use Codes	Use	A-R	R-R	R-1	R-M	R-2	R-3	R-4	C-1	C-2	M-1	M-2	SU	TOD-MU	TOD-R	Supplemental Use Standards
ACCESSORY																
17.100	Accessory dwelling unit	A	A	A	A											17.10.060(A)
17.110	Accessory structure	A	A	A	A	A	A	A	A	A	A	A	A	A	A	17.10.060(B)
17.120	Cannabis, homegrown / homemade	A	A	A	A	A	A	A					A	A	A	17.10.060(C)
17.130	Carport, residential	A	A	A	A	A	A	A	A	A			A			17.10.060(D)
17.140	Caretaker's unit								A	A	A	A				17.10.060(A)
17.150	Garage sale	T	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	17.10.060(E)
17.160	Home occupation	A	A	A	A	A	A	A					A	A	A	17.10.060(F)
17.170	Homemade food	A	A	A	A	A	A	A					A	A	A	
17.180	Mobile food truck								A	A	A	A	A	A		17.10.030(J)
17.190	Poultry and livestock keeping, residential	A	A	A	A								A		A	17.10.060(G)
17.200	Recreational vehicle storage	A	A	A	A	A	A	A	A				A		A	17.10.060(H)
17.210	Respite Care Home	A	A	A	A	A	A	A								
17.220	Short-term rental	A	A	A	A	A	A	A	A	A			A	A	A	17.10.060(I)
							TEN	1POI	RAR	Y						
18.100	Circus or carnival	T							Т	Т	Т			Т		
18.110	Construction staging, trailer, or office	T	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	T	
18.120	Dwelling, temporary	Т	T	Т	T	Т	Т	Т	Т	Т	T	Т	T	Т	T	17.10.070(C)

	Table 17.08.020(1): Allowable Uses															
	P = Permissive; C = Conditional; D = Designated; A = Accessory; T = Temporary; Blank = Prohibited															
							7	ZONI	ES							
Use Codes	Use	A-R	R-R	R-1	R-M	R-2	R-3	R-4	C-1	C-2	M-1	M-2	SU	TOD-MU	TOD-R	Supplemental Use Standards
TEMPORARY																
18.130	Film production	T	Т	Т	Т	T	Т	Т	T	Т	T	T	T	Т	T	17.10.070(A)
18.140	Outdoor concert	С							С	С	С		С	С		
18.150	Real estate office or model home	T	Т	Т	T	T	Т	T								17.10.070(B)
18.160	Seasonal Outdoor Sales	T							T	T	T	T	T	T		
18.170	Special Event, Small	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
18.180	Special Event, Large	С							T	T	T	T	T	С		

## **17.08.030** Unlisted Uses

- A. The presumption established by Article III is that all legitimate uses of land are permissible, conditional, designated, accessory, or temporary use within at least one zoning district in the Village's planning jurisdiction.
- B. When a land use is not explicitly listed in Table 17.08.020(1) Allowable Uses, the Community Development Director shall determine the appropriate and most similar use type for the proposed use.
- C. If a land use is included in the definition of a listed use or is consistent with the size, scale, operating characteristics, and external impacts of a listed use, it should be treated as the same use.
- D. If a land use is determined to be a new or unlisted use, the Community Development Director may determine that such a new or unlisted use requires a text amendment of this Ordinance.
- E. The Community Development Director may also determine that text amendments for additional use-specific standards are necessary to reduce potential impacts to surrounding properties or the community.

# 17.08.040 Previously Allowed Uses With A Use Permit

Each land use that exists on the effective date of this Ordinance that was permissive or requires a Conditional or Designated Use Permit and received a Conditional or Designated Use Permit prior to the effective date of this Ordinance is deemed to have a valid Conditional or Designated Use Permit that allows continuation of the use.

#### 17.08.050 Prohibited Uses

- A. The following uses are expressly prohibited in all zone districts except as otherwise permitted in Section 17.08.050(B):
  - 1. Any use involving the manufacturing, handling, sale, distribution, or storage of explosive materials or devices.
  - 2. Unauthorized private or recreational use of explosive materials.
  - 3. The use of a recreational vehicle as a permanent dwelling.
- B. Uses involving the manufacturing, handling, sale, distribution, or storage of explosive materials or devices may be permitted so long as they comply with federal, state, and local laws and are located within an allowable zone district, as specified in Table 17.08.020(1):
  - 1. Government and Civil Defense Facilities:
    - i. Public safety facilities such as police stations, fire stations, and civil defense operations.
    - ii. Federal or state military installations, military reserves, and national guard centers.
  - 2. Resource Extraction and Demolition:
    - i. Mining, quarrying, or resource extraction operations.
    - ii. Planned demolitions conducted by licensed demolition contractors with appropriate approvals. Demolition by explosives is permitted in all commercial and industrial zone districts but prohibited in residential zones or lots with a residential use.
  - 3. Manufacturing and Research Facilities:
    - i. Facilities engaged in manufacturing or research and development activities that require controlled explosives as part of the development's operations.
    - ii. Accredited universities or research institutions conducting regulated experiments involving explosives.
  - 4. Fireworks and Pyrotechnics:
    - i. Facilities licensed for the storage, distribution, and sale of fireworks to the general public in compliance with applicable federal, state, and local regulations.
    - ii. Businesses licensed to provide pyrotechnic displays for public events.

## ARTICLE IV. SUPPLEMENTARY STANDARDS FOR SPECIFIC USES

# 17.10.010 Purpose

This Article contains supplementary standards that are applicable to specific types of land uses. Where the supplementary standards differ from regulations in other sections of this Ordinance, the provisions of this Article shall prevail with the exception of the Main Street Overlay and approved Area Plans.

## 17.10.020 Residential Uses

- A. Cluster Development.
  - 1. A cluster subdivision shall be limited to a Planned Residential Development or Planned Unit Development. The minimum gross site area required for a cluster development is two acres.
  - 2. The number of single-family detached dwelling units allowed in a cluster development shall be determined by dividing the gross site area by the minimum lot size permitted in the property's designated zone district and rounding to the nearest whole number.
  - 3. The cluster development shall include common space designated for landscaping, gardening, outdoor recreation activities, or a combination, for the use and benefit of the residents of the development.
  - 4. A minimum of 30 percent of the gross area, or 100 percent of the area gained through lot size reductions, whichever is greater, shall be designated as common space.
  - 5. The common space shall have a minimum width of 30 feet.
  - The cluster development and common space shall be designated on a site plan and subdivision plat with each dwelling on an individual lot and the common space on a separate lot.
  - 7. Maintenance of the common space shall be the sole responsibility of the HOA established as part of the cluster development.

## B. Group Home.

- 1. This use shall be developed and maintained in compliance with all applicable local, state, and federal regulations.
- 2. This use shall include halfway houses for persons currently receiving treatment in a recognized recovery program for addiction to alcohol or controlled substances, residential facilities for persons in the criminal justice system, or residential facilities to divert persons from the criminal justice system.
- 3. A group home is prohibited within a half mile (2,640 feet) in any direction of a lot containing any other group home, community residential facility, daycare, or school, as measured from lot line to lot line.
- 4. A group home shall be in a single-family dwelling and shall be limited to no more than five persons.

- C. Horizontal Multi-Family Detached.
  - 1. The minimum density in the R-4 zone is eight dwelling units per acre.
  - 2. The applicant shall submit a site plan showing the location of proposed dwelling units, accessory structures, setbacks, common spaces, lighting, landscape buffers, ingress, egress, the parking layout for residents and guests, and other items as required by the Development Plan Application.
  - 3. All private roadways within the development shall conform to the regulations set forth in the Village's Development Process Manual.
  - 4. All horizontal multi-family detached developments shall be connected to municipal utility systems.
  - 5. Three types of developments are allowed:
    - i. Prefabricated home park with mobile homes, modular homes, manufactured homes, or any combination thereof.
      - a. No mobile home, manufactured home, or modular home shall be located within 20 feet of any other home. The units shall include a minimum setback of 20 feet from the right-of-way or easement line of any street and at least 10 feet from any property or designated rental lot line of the prefabricated home park.
      - b. Manufactured and modular homes shall be placed on permanent foundations.
      - c. Mobile homes shall be skirted with a durable material stabilized and anchored in accordance with regulations promulgated by §60-14 NMSA 1978, the Manufactured Housing Act.
      - d. The minimum parcel acreage for prefabricated home parks shall be two acres.
      - e. A site plan shall be submitted to, reviewed, and approved by the Development Review Committee.
    - ii. Multiple site-built dwelling units.
      - a. The minimum separation between dwelling units shall be 10 feet.
      - b. The minimum parcel acreage for multiple site built dwelling unit developments shall be three acres.
      - c. A site plan shall be submitted to, reviewed, and approved by the Development Review Committee.

## iii. Tiny houses.

- a. Tiny houses shall be no less than 200 square feet and no more than 400 square feet in gross floor area excluding loft space.
- b. Tiny houses may be constructed with or without a chassis but shall be placed on a permanent foundation with all axles removed and shall comply with the New Mexico Building Residential Codes, including Appendix AQ (Tiny Houses) of the IRC.
- c. Tiny houses constructed on a chassis with permanent axle(s) shall be considered recreational vehicles. They shall be regulated as such by the regulations of this Ordinance and be licensed as recreational vehicles so long as the axle remains in place.
- d. The minimum separation between dwelling units shall be seven feet.
- e. The minimum parcel acreage for tiny house developments shall be two acres.
- f. A site plan shall be submitted to, reviewed, and approved by the Development Review Committee.

#### D. Planned Residential Development.

- 1. This use requires a minimum of five acres (217,800 square feet).
- 2. Uses allowed within a planned residential development include single-family detached dwellings, single-family attached dwellings, townhouses, multi-family dwellings, or a combination thereof.
- 3. Where a planned residential development is adjacent to a lot that is zoned or developed for single-family detached use, only single-family detached dwelling units within the planned residential development shall be constructed along the shared property line.

## E. Planned Unit Development.

- 1. This use requires a minimum of 10 acres (435,600 square feet).
- 2. Uses allowed within a planned unit development include single-family detached dwellings, single-family attached dwellings, townhouses, multi-family dwellings, or a combination thereof; neighborhood scale commercial retail and services that are primarily intended to serve the residents of the development are permitted.
- 3. A planned unit development shall reserve a minimum of 75 percent of the development for residential use.
- 4. A planned unit development shall indicate the portions of the development that are intended for each use, for example, single-family detached, multi-family attached, multi-family detached, and commercial.

# F. Supportive Housing.

- 1. This use shall be developed and maintained in compliance with all applicable local, state, and federal regulations.
- 2. This use shall not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program; it shall not include half-way houses for persons in the criminal justice system or residential facilities that divert persons from the criminal justice system.
- 3. Supportive housing is prohibited within a half mile (2,640 feet) in any direction of a lot containing any other supportive housing, transitional housing, community residential facility, group home, daycare, or school, as measured from lot line to lot line.
- 4. This use may be conducted in a facility, building, or structure other than a private residence that is designed for community living, with provisions for shared meals, common areas, and spaces for therapeutic activities or skill-building programs.
- 5. This use shall provide appropriate private or semi-private sleeping quarters, with adequate space for residents' comfort and safety.
- 6. This use is designed for long-term occupancy, the minimum length of stay shall be 30 days to prevent the use of these facilities as transient housing.

## G. Transitional Housing.

- 1. This use shall be developed and maintained in compliance with all applicable local, state, and federal regulations.
- 2. This use shall not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program; it may include half-way houses for persons in the criminal justice system or residential facilities that divert persons from the criminal justice system.
- 3. A community residential facility is prohibited within a half mile (2,640 feet) in any direction of a lot containing any other supportive housing, transitional housing, community residential facility, group home, daycare, or school, as measured from lot line to lot line.
- 4. This use may be conducted in a facility, building, or structure other than a private residence that is designed for community living, with provisions for shared meals, common areas, and spaces for therapeutic activities or skill-building programs.
- 5. This use shall provide appropriate private or semi-private sleeping quarters, with adequate space for residents' comfort and safety.
- 6. To ensure safety, security measures such as adequate lighting, secure entrances, and emergency preparedness protocols are required. Additionally, on-site supervision is needed, which may include on-call staff or a live-in manager to address residents' needs and maintain facility operations.

## 17.10.030 Commercial Uses

- A. Adult Entertainment or Adult Retail.
  - 1. Adult entertainment or adult retail uses are prohibited within 1,000 feet (as measured from property line to property line) of the following:
    - i. A residential zone district or lot containing any residential use.
    - ii. A religious institution.
    - iii. A public or private elementary, middle, or high school.
    - iv. A public park or public recreation facility.
    - v. A daycare facility.
    - vi. Within 1,000 feet in any direction of another premises containing an adult entertainment or adult retail use.
- B. Agricultural Livestock Keeping.
  - 1. The use shall comply with all applicable state, federal, and local regulations related to animal care and protection.
  - 2. This use is allowed in the A-R and R-R zones provided that the following requirements are met:
    - i. The number of livestock shall not exceed one cow or horse for each 10,000 square feet of open lot area or one sheep, pig, or goat for each 4,000 square feet of open lot area.
    - ii. A minimum of four-square feet of coop area and eight square feet of run space of pervious surface area shall be provided for each poultry, and a minimum of 12 square feet of hutch area and 28 square feet of run space of pervious surface area in an enclosed structure shall be provided for each rabbit.
    - iii. Animals under four months old are not counted.
  - 3. Structures in excess of 120 square feet require a permit per Article VI of this Ordinance.
  - 4. The use may be operated outside of an enclosed structure. Animals shall be contained on the property by a wall, fence, or other enclosure.
  - 5. All animals shall be kept in such a manner that will not create a nuisance through the violation of the following regulations:
    - i. No offensive noise, odor, or dust shall be produced.
    - Areas devoted to animals, including accessory buildings and structures, shall be constructed and maintained to discourage concentration and breeding of insects or pests.

# C. Bar or Nightclub.

- 1. Alcohol sales for on-premises consumption shall comply with required distances from other uses or facilities as regulated under the Liquor Control Act and administered by the New Mexico Regulation and Licensing Department.
- 2. Alcohol sales shall comply with the requirements of Title 5, Business Licenses and Regulations of the Los Lunas Municipal Code.
- 3. For bars or nightclubs that operate a commercial kitchen, a refuse enclosure that includes a grease interceptor and floor drain connecting to the municipal sanitary sewer shall be provided.

# D. Cannabis Consumption Area.

- Cannabis consumption area, as defined and authorized by §26-2C NMSA 1978, is
  permitted within a State licensed cannabis establishment without limit on the number of
  licensees occupying a single premises so long as the activity is located in a permissive
  zone or a zone requiring a Designated Use Permit, in accordance with Section 17.08.020
  Allowable Uses.
- 2. Cannabis smoking or vaporizing shall not be visible from the exterior of the cannabis establishment or public right-of-way and shall be within a designated smoking area in an enclosed building from which smoke does not infiltrate other indoor workplaces or other indoor or outdoor public places where smoking is otherwise prohibited pursuant to the Dee Johnson Clean Indoor Air Act.
  - i. Commercial cannabis activity relating to consuming, smoking, or vaporizing cannabis shall be prohibited between the hours of 9:00 p.m. and 9:00 a.m. the following day.
  - ii. Cannabis consumption areas or otherwise consuming, smoking, or vaporizing cannabis is prohibited in public and within or upon the grounds of Village owned property.
  - iii. Any combination of cannabis activity in addition to cannabis consumption listed in Section 17.08.020 Allowable Uses, may co-occur at the same establishment so long the zone designation for which the establishment is located allows for such uses permissibly or with an approved Designed Use Permit and holds a state license to operate multiple uses.
  - iv. Secure areas shall be separated from the general public to prevent unauthorized entry to storage, cultivation, production, manufacturing, research and testing, or processing areas.
- 3. The wastage of any cannabis products shall be in strict compliance with §16.8.2 NMAC.
- 4. Commercial cannabis establishments are prohibited less than 300 feet from the property line of a daycare center or school. The distance shall be measured from the property line of the daycare center or school to the closest controlled access area of the licensed premises where cannabis activity occurs.

- 5. The total number of State-licensed cannabis establishments within the exterior boundaries of the Village of Los Lunas shall not exceed a density of more than one establishment per 2,000 residents, as determined by the most recent decennial census published by the US Census Bureau.
- 6. See 17.14.020(E)(5) for Recreational Cannabis Permit regulations.
- 7. For other cannabis uses, refer to the following sections:
  - i. 17.10.030(E) Cannabis Retail
  - ii. 17.10.050(B) Cannabis Cultivation/Production
  - iii. 17.10.050(C) Cannabis Manufacturing
  - iv. 17.10.050(D) Cannabis Research/Testing Laboratory
  - v. 17.10.060(C) Cannabis Homegrown/Homemade

#### E. Cannabis Retail

- Cannabis retail and transportation, as defined and authorized by §26-2C NMSA 1978, is
  permitted within a State licensed cannabis establishment without limit on the number of
  licensees occupying a single premises so long as the activity is located in a permissive
  zone or a zone requiring a Designated Use Permit, in accordance with Section 17.08.020
  Allowable Uses.
  - i. Retail sales shall be conducted entirely within an enclosed building and shall not be visible from the exterior of the cannabis establishment or public right-of-way.
  - Commercial cannabis activity where retail sales of cannabis occur, must comply with the requirements of Village's stormwater quality and water rights requirements.
  - iii. Commercial cannabis activity where retail sales occur, including, but not limited to, any lighting, plumbing, building, or electrical components, shall comply with current requirements in Title 15, Building and Construction, of the Los Lunas Municipal Code as it currently exists or is amended from time to time.
  - iv. Commercial cannabis activity relating to transportation, couriering, and purchase for resale, sale, or consignment of cannabis products shall be prohibited between the hours of 9:00 p.m. and 9:00 a.m. the following day.
  - v. The resale, sale, or consignment of cannabis shall not violate any other provisions of the Village of Los Lunas Municipal Code.
  - vi. Any combination of cannabis activity in addition to cannabis retail, listed in Section 17.08.020 Allowable Uses, may co-occur at the same establishment so long the zone designation for which the establishment is located allows for such uses permissibly or with an approved Designed Use Permit and holds a state license to operate multiple uses.

- vii. Secure areas shall be separated from the general public to prevent unauthorized entry to storage, cultivation, production, manufacturing, research and testing, or processing areas.
- 2. The wastage of any cannabis products shall be in strict compliance with §16.8.2 NMAC.
- 3. Commercial cannabis establishments are prohibited less than 300 feet from the property line of a daycare center or school. The distance shall be measured from the property line of the daycare center or school to the closest controlled access area of the licensed premises where cannabis activity occurs.
- 4. The total number of State-licensed cannabis establishments within the exterior boundaries of the Village of Los Lunas shall not exceed a density of more than one establishment per 2,000 residents, as determined by the most recent decennial census published by the US Census Bureau.
- 5. See Section 17.14.020(E)(5) for Recreational Cannabis Permit regulations.
- 6. For other cannabis uses, see the following sections:
  - i. 17.10.050(D) Cannabis Consumption Area
  - ii. 17.10.050(B) Cannabis Cultivation or Production
  - iii. 17.10.050(C) Cannabis Manufacturing
  - iv. 17.10.050(D) Cannabis Research/Testing Laboratory
  - v. 17.10.060(C) Cannabis Homegrown/Homemade

# F. Car Wash.

- 1. This use shall comply with the Village's stormwater quality and water rights requirements.
- 2. A car wash building and any associated outdoor activities, including vacuum stations, drying or polishing stations, and queuing lanes, shall maintain a minimum separation of 50 feet. This distance is measured from the nearest point of the car wash building or activity area to the nearest property line of any residential zone district or lot containing a residential use.
- 3. A minimum of 12 stacking spaces shall be provided, as measured from the end of the queuing lane to the outside of the washing bay.
- 4. Stacking lanes located adjacent to public rights-of-way shall be screened by vegetation.

#### G. Contractor Yard, Light.

- 1. Where this use is adjacent to a residential zone district or any lot containing a residential use there shall be a separation of 200 feet as measured from property line to property line.
  - i. In the C-1 zone district, the Planning and Zoning Commission may waive or modify the separation requirement through the Conditional Use Permit process, based on site-specific considerations.

- 2. Where this use is adjacent to a residential zone district or any lot containing a residential use and the residential use does not contain an existing six-to-seven-foot opaque wall or fence, the facility shall provide a six-to-seven-foot opaque wall or fence on the property line.
- 3. Temporary outdoor storage of vehicles, materials, tools, or equipment is permitted and shall comply with the following provisions:
  - i. Storage shall not exceed 25 percent of the open lot area.
  - ii. Storage shall be confined to the rear or side yard and setback a minimum of 10 feet from the property line.
  - iii. Storage shall not impede off-street parking requirements.
  - iv. Storage shall be organized and maintained to avoid a cluttered or hazardous appearance.
  - v. Storage of light vehicles and compact equipment such as pickup trucks, vans, utility trailers, small skid steers, mini-excavators, compact trenchers, or similar is permitted.
  - vi. Storage of heavy vehicles such as dump trucks, backhoes, cement trucks, cranes, or similar is prohibited.

#### H. Drive-in Theater.

- 1. The theater screen shall be located a minimum of 250 feet from an arterial or highway and be oriented or shielded so that the screen may not be seen from the arterial or highway.
- 2. All structures shall be 50 feet from any street where ingress and egress are permitted.
- 3. An opaque six-foot wall or fence shall be constructed on the property lines to limit vehicle light seepage into adjacent right-of-way or residential developments.

# I. Drive-through Facility.

- 1. For the purposes of this Ordinance, drive-through facility does not include motor vehicle fueling, service station, or car wash.
- 2. Audible electronic devices, such as loudspeakers or service order devices, shall not be audible outside of the development's property line.
- 3. A minimum 50-foot separation shall be provided between a drive-through service window or order board and a residentially zoned property or a residential use.
- 4. Each restaurant with a drive-through shall provide a minimum of 12 stacking spaces that do not impede or block pedestrian and vehicle circulation or parking.
- 5. Each bank, pharmacy, retail store, or similar use with a drive-through shall provide a minimum of six stacking spaces that do not impede or block pedestrian and vehicle circulation or parking.

- 6. Each stacking space shall be a minimum of 20 feet in length and shall be located in lanes leading up and adjacent to a drive-through service window.
- 7. Where this use is adjacent to a residential zone district or any lot containing a residential use and the residential use does not contain an existing six-to-seven-foot opaque wall or fence, the drive-through facility shall provide a six-to-seven-foot opaque wall or fence on the property line.
- 8. Where this use is adjacent to a residential zone district or any lot containing a residential use, the drive-through facility shall provide a minimum 15-foot landscaped buffer, as measured from the shared property line.
- 9. Drive-through lanes located adjacent to public rights-of-way shall be screened by vegetation.
- J. Mobile Food Truck or Mobile Food Truck Court.
  - 1. Mobile food trucks shall comply with all local and State of New Mexico's Environmental Health standards and procedures.
  - 2. Mobile food trucks shall not park or vend from the public rights-of-way unless permitted through a Special Events Permit.
  - 3. The operator of a mobile food truck shall secure written permission from the property owner, including their current contact information, telephone number and email, for the use of the property and shall store a copy of the document in the mobile food truck at all times.
  - 4. The operator of a mobile food truck shall provide and maintain access to trash receptacles and dispose of the trash on a daily basis after the mobile food truck has closed operations. Proper disposal of trash shall be in consultation with the Public Works Department.
  - 5. The operator of a mobile food truck shall provide and maintain access to a grease trap in addition to the disposal in consultation with the Public Works Department.
  - 6. All single mobile food trucks and those located within mobile food truck courts shall be placed as to maintain the clear sight triangle, sight distances, required parking, and adequate site circulation for pedestrians and vehicles. Separation between mobile food trucks, including associated vehicles, shall be a minimum of seven feet.
  - 7. Vehicles towing mobile food trucks (trailers) shall unhitch in order to maintain space management, site efficiency, and traffic flow.
  - 8. Commercial and Industrial lots allowing single mobile food trucks to operate on-site shall comply with the following standards:
    - i. The number of mobile food trucks allowed to operate on a commercial lot at one time shall be determined by the Development Review Committee.
    - ii. A site plan shall be submitted to, reviewed, and approved by the Development Review Committee.

- 9. Mobile Food Truck Courts shall comply with the following standards:
  - i. Generators are prohibited where more than five mobile food trucks are parked permanently or semi-permanently on a lot, in which case, electric pedestals shall be provided by the developer/owner of the mobile food truck court.
  - ii. Where more than five mobile food trucks are parked permanently or semipermanently on a lot, a site plan shall be submitted to, reviewed, and approved by the Development Review Committee.
  - iii. Mobile Food Truck Courts on a premise greater than or equal to a half-acre (21,780 square feet) shall provide on-site accessible restroom facilities within a permanent structure available to customers and food truck operators.
- K. Motor Vehicle Fueling and Service Station.
  - 1. This use shall comply with the Village's stormwater quality requirements and water rights requirements.
  - 2. No inoperable vehicles shall be stored outside a building at any time.
  - 3. No heavy vehicles shall park overnight or be stored outside a building at any time.
  - 4. All under-canopy lighting shall be recessed so that no light lens projects below the ceiling canopy and the canopy fascia shall not be internally illuminated.
  - 5. A minimum 50-foot separation shall be provided between parking, fueling pumps, structures, and a residentially zoned property or a residential use.

#### L. Restaurant.

- 1. This use shall comply with all local and State of New Mexico's Environmental Health standards and procedures.
- 2. Alcohol sales for on-premises consumption shall comply with required distances from other uses or facilities as regulated under the Liquor Control Act and administered by the New Mexico Regulation and Licensing Department.
- 3. Alcohol sales shall comply with the requirements of Title 5, Business Licenses and Regulations of the Los Lunas Municipal Code.
- 4. A refuse enclosure that includes a grease trap or interceptor shall be provided by the operator as applicable in consultation with the Public Works Department.

#### M. Self-Storage Facility

- 1. All storage shall be within a fully enclosed building, apart from motor vehicles and recreational vehicles.
- 2. Where this use is adjacent to a residential zone district or any lot containing a residential use and the residential use does not contain an existing six-to-seven-foot opaque wall or fence, the self-storage facility shall provide a six-to-seven-foot opaque wall or fence on the property line.

- 3. Where this use is adjacent to a residential zone district or any lot containing a residential use, the self-storage facility shall provide a minimum 15-foot landscaped buffer, as measured from the shared property line.
- 4. Where this use is adjacent to a residential zone district or any lot containing a residential use, access to the self-storage facility is prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- 5. Internal lighting within a self-storage facility shall be extinguished between the hours of 10:00 p.m. and 6:00 a.m. unless operated by a timed motion sensor.

## N. Veterinary Clinic or Hospital.

- 1. An outdoor animal kennel is permitted as an incidental use to the primary use of veterinary clinic or hospital, provided they are enclosed by a six-foot opaque wall or fence.
- 2. Animals are prohibited from staying outdoors overnight.
- 3. All animals shall be kept in such a manner that will not create a nuisance through the violation of the following regulations:
  - i. No offensive noise, odor, or dust shall be produced.
  - Areas devoted to animals, including accessory buildings and structures, shall be constructed and maintained to discourage concentration and breeding of insects or pests.

# 17.10.040 Institutional Uses

- A. Community Residential Facility.
  - 1. This use shall be developed and maintained in compliance with all applicable local, state, and federal regulations.
  - 2. This use shall not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program; it shall not include half-way houses for persons in the criminal justice system or residential facilities that divert persons from the criminal justice system.
  - 3. A community residential facility is prohibited within a half mile (2,640 feet) in any direction of a lot containing any other supportive housing, transitional housing, community residential facility, group home, daycare, or school, as measured from lot line to lot line.
  - 4. This use may be conducted in a facility, building, or structure other than a private residence that is designed for community living, with provisions for shared meals, common areas, and spaces for therapeutic activities or skill-building programs.

- B. Hospital or Major Medical Clinic.
  - 1. Hospitals and major medical clinics, which may include skilled nursing care, acute care, specialty care, surgery centers, and similar shall comply with the following provisions.
    - i. The minimum lot size shall be two acres regardless of the minimum lot size requirement for the designated zoning district on the property.
    - ii. No primary or accessory structure shall be located within 20 feet of the property lot line.
    - iii. Where adjacent to a residentially zoned property or a residential use, an opaque seven-foot wall or fence shall be provided by the hospital or major medical clinic on the subject property.
    - iv. Heliports are allowed as an incidental use for hospital and major medical clinic uses.
    - v. A development shall be adjacent to and have access from an arterial or collector road.

# C. Overnight Shelter.

- 1. An overnight shelter is prohibited within a half mile (2,640 feet) in any direction of a lot containing any other overnight shelter, daycare, school, public park, or public recreation center as measured from lot line to lot line.
- 2. This development shall be conducted within a fully enclosed building.
- 3. The development shall have a minimum of 15 square feet of habitable space per individual and include sanitary facilities.

## D. Religious Institution.

- 1. Incidental uses, including but not limited to recreation, education, retail sales, and services are allowed onsite provided the following requirements are met:
  - i. All incidental uses shall be operated by the religious institution.
  - ii. All incidental uses shall comply with applicable federal, state, and local laws and regulations.
  - iii. All incidental uses shall comply with any applicable supplementary standards.

# 17.10.050 Industrial and Manufacturing Uses

- A. Brewery, Winery, or Distillery which may include a Tap/Tasting Room.
  - 1. This use requires a Small Brewer's License per §60-6A-26.1 NMSA 1978, an approved Winegrower's License per §60-6A-11 NMSA 1978, or an approved Craft Distiller's License per §60-6A-6.1 NMSA 1978 where beer, wine, or spirits are available for on-site consumption.
  - 2. Brewery, winery, or distillery operations shall comply with the requirements of Title 5, Business Licenses and Regulations of the Los Lunas Municipal Code.

- 3. Brewery, winery, or distillery operations shall be conducted within a fully enclosed portion of a building.
- 4. A tap/taste room use allows for on-site consumption, including an outdoor patio, of beer, wine, or spirits.

#### B. Cannabis Cultivation/Production.

- 1. Cannabis cultivation, production, and transportation, as defined and authorized by §26-2C NMSA 1978, is permitted within a State licensed cannabis establishment without limit on the number of licensees occupying a single premises so long as the activity is located in a permissive zone or a zone requiring a Designated Use Permit, in accordance with Section 17.08.020 Allowable Uses.
  - i. Cannabis cultivation or production shall be conducted entirely within an enclosed primary building, accessory building, or accessory structure such as a greenhouse or similar and shall not be visible from the exterior or public right-of-way. Cultivation or production areas must be secured by lock and key or other security devices which prevent unauthorized entry. Open-air cultivation or production is prohibited.
  - ii. Commercial cannabis activity where cultivation or production of cannabis occurs must comply with the Village's stormwater quality and water rights requirements.
  - iii. Commercial cannabis activity where cultivation or production, including but not limited to, any lighting, plumbing, building, or electrical components used for cultivation, shall comply with current requirements in Title 15, Building and Construction, of the Los Lunas Municipal Code as it currently exists or is amended from time to time.
  - iv. Commercial cannabis activity relating to transportation, couriering, and purchase for resale, sale, or consignment of cannabis products shall be prohibited between the hours of 9:00 p.m. and 9:00 a.m. the following day.
  - v. The resale, sale, or consignment of cannabis shall not violate any other provisions of the Village of Los Lunas Municipal Code.
  - vi. Any combination of cannabis activity in addition to cannabis retail, listed in Section 17.08.020 Allowable Uses, may co-occur at the same establishment so long the zone designation for which the establishment is located allows for such uses permissibly or with an approved Designed Use Permit and holds a state license to operate multiple uses.
  - vii. Secure areas shall be separated from the general public to prevent unauthorized entry to storage, cultivation, production, manufacturing, research and testing, or processing areas.
- 2. The wastage of any cannabis products shall be in strict compliance with §16.8.2 NMAC.

- 3. Commercial cannabis establishments are prohibited less than 300 feet from the property line of a daycare center or school. The distance shall be measured from the property line of the daycare center or school to the closest controlled access area of the licensed premises where cannabis activity occurs.
- 4. The total number of State-licensed cannabis establishments within the exterior boundaries of the Village of Los Lunas shall not exceed a density of more than one establishment per 2,000 residents, as determined by the most recent decennial census published by the US Census Bureau.
- 5. See 17.14.020(E)(5) for Recreational Cannabis Permit regulations.
- 6. For other Cannabis uses, refer to the following sections:
  - i. 17.10.030(E) Cannabis Retail
  - ii. 17.10.050(D) Cannabis Consumption Area
  - iii. 17.10.050(C) Cannabis Manufacturing
  - iv. 17.10.050(D) Cannabis Research/Testing Laboratory
  - v. 17.10.060(C) Cannabis Homegrown/Homemade

### C. Cannabis Manufacturing.

- 1. Cannabis manufacturing, as defined and authorized by §26-2C NMSA 1978, is permitted within a State licensed cannabis establishment without limit on the number of licensees occupying a single premises so long as the activity is located in a permissive zone or a zone requiring a Designated Use Permit, in accordance with Section 17.08.020 Allowable Uses.
  - Cannabis manufacturing shall be conducted entirely within an enclosed primary building, accessory building, or accessory structure such as a greenhouse or similar and shall not be visible from the exterior or public right-of-way.
     Manufacturing areas must be secured by lock and key or other security devices which prevent unauthorized entry. Open-air cultivation or production is prohibited.
  - ii. Commercial cannabis activity where manufacturing of cannabis occurs must comply with the Village's stormwater quality and water rights requirements.
  - iii. Commercial cannabis activity where manufacturing, including but not limited to, any lighting, plumbing, building, or electrical components used for cultivation, must comply with current requirements in Title 15, Building and Construction, of the Los Lunas Municipal Code as it currently exists or is amended from time to time.
  - iv. Commercial cannabis activity relating to transportation, couriering, and purchase for resale, sale, or consignment of cannabis products shall be prohibited between the hours of 9:00 p.m. and 9:00 a.m. the following day.

- v. The resale, sale, or consignment of cannabis shall not violate any other provisions of the Village of Los Lunas Municipal Code.
- vi. Any combination of cannabis activity in addition to cannabis manufacturing, listed in Section 17.08.020 Allowable Uses, may co-occur at the same establishment so long the zone designation for which the establishment is located allows for such uses permissibly or with an approved Designed Use Permit and holds a state license to operate multiple uses.
- vii. Secure areas shall be separated from the general public to prevent unauthorized entry to storage, cultivation, production, manufacturing, research and testing, or processing areas.
- 2. The wastage of any cannabis products shall be in strict compliance with §16.8.2 NMAC.
- 3. Commercial cannabis establishments are prohibited less than 300 feet from the property line of a daycare center or school. The distance shall be measured from the property line of the daycare center or school to the closest controlled access area of the licensed premises where cannabis activity occurs.
- 4. The total number of State licensed cannabis establishments within the exterior boundaries of the Village of Los Lunas shall not exceed a density of more than one establishment per 2,000 residents, as determined by the most recent decennial census published by the US Census Bureau.
- 5. See 17.14.020(E)(5) for Recreational Cannabis Permit regulations.
- 6. For other cannabis uses, refer to the following sections:
  - i. 17.10.030(E) Cannabis Retail
  - ii. 17.10.050(D) Cannabis Consumption Area
  - iii. 17.10.050(B) Cannabis Cultivation/Production
  - iv. 17.10.050(D) Cannabis Research/Testing Laboratory
  - v. 17.10.060(C) Cannabis Homegrown/Homemade
- D. Cannabis Research/Testing Laboratory.
  - Cannabis research and testing laboratory, as defined and authorized by §26-2C NMSA
    1978, is permitted within a State licensed Cannabis establishment without limit on the
    number of licensees occupying a single premises so long as the activity is located in a
    permissive zone or a zone requiring a Designated Use Permit, in accordance with Section
    17.08.020 Allowable Uses.
    - Cannabis research and testing shall be conducted entirely within an enclosed primary building, accessory building, or accessory structure such as a greenhouse or similar and shall not be visible from the exterior or public right-of-way.
       Research and testing areas must be secured by lock and key or other security devices which prevent unauthorized entry. Open-air cultivation or production is prohibited.

- ii. Commercial cannabis activity where research and testing of cannabis occurs must comply with the Village's stormwater quality and water rights requirements.
- iii. Commercial cannabis activity where research and testing, including, but not limited to, any lighting, plumbing, building, or electrical components used for cultivation, must comply with current requirements in Title 15, Building and Construction, of the Los Lunas Municipal Code as it currently exists or is amended from time to time.
- iv. Commercial cannabis activity relating to transportation, couriering, and purchase for resale, sale, or consignment of cannabis products shall be prohibited between the hours of 9:00 p.m. and 9:00 a.m. the following day.
- v. The resale, sale, or consignment of cannabis shall not violate any other provisions of the Village of Los Lunas Municipal Code.
- vi. Any combination of cannabis activity in addition to cannabis research and testing, listed in Section 17.08.020 Allowable Uses, may co-occur at the same establishment so long the zone designation for which the establishment is located allows for such uses permissibly or with an approved Designed Use Permit and holds a state license to operate multiple uses.
- vii. Secure areas shall be separated from the general public to prevent unauthorized entry to storage, cultivation, production, manufacturing, research and testing, or processing areas.
- 2. The wastage of any cannabis products shall be in strict compliance with §16.8.2 NMAC.
- 3. Commercial cannabis establishments are prohibited less than 300 feet from the property line of a daycare center or school. The distance shall be measured from the property line of the daycare center or school to the closest controlled access area of the licensed premises where cannabis activity occurs.
- 4. The total number of State-licensed cannabis establishments within the exterior boundaries of the Village of Los Lunas shall not exceed a density of more than one establishment per 2,000 residents, as determined by the most recent decennial census published by the US Census Bureau.
- 5. See 17.14.020(E)(5) for Recreational Cannabis Permit regulations.
- 6. For other Cannabis uses, refer to the following sections:
  - i. 17.10.030(E) Cannabis Retail
  - ii. 17.10.050(D) Cannabis Consumption Area
  - iii. 17.10.050(B) Cannabis Cultivation/Production
  - iv. 17.10.050(C) Cannabis Manufacturing
  - v. 17.10.060(C) Cannabis Homegrown/Homemade

### E. Contractor Yard, Heavy.

- 1. Where this use is in close proximity to a residential zone district or any lot containing a residential use there shall be a separation of 500 feet as measured from property line to property line.
- 2. All outdoor storage shall be screened by a seven-foot opaque wall or fence along the property lines.
- 3. Temporary outdoor storage of vehicles, materials, tools, or equipment is permitted and shall comply with the following provisions:
  - i. Storage shall be confined to the rear or side yard and setback a minimum of 20 feet from the property line. The height of any items or materials stored outside shall not exceed the height of any screening wall or fence unless the item is setback a minimum of 100 feet into the property as measured from the lot line
  - ii. Storage shall not impede off-street parking requirements.
  - iii. Bulk storage areas for sand, gravel, or similar materials shall implement measures to minimize airborne particulate matter.
  - iv. Storage shall be organized and maintained to avoid a cluttered or hazardous appearance.

#### F. Data Center.

- 1. Building and structure maximums shall comply with the following provisions:
  - i. Within an M-1 or M-2 zone district, no maximum square footage is imposed on primary buildings, accessory structures, or associated infrastructure support equipment.
  - ii. Within a C-2 zone district, the maximum primary building size is limited to 30,000 square feet. The maximum size of accessory structures and associated infrastructure support equipment shall be determined on a per-case basis by the Development Review Committee.
  - iii. All primary buildings, accessory structures, and infrastructure support equipment must comply with the height restrictions of the respective zone district.
- 2. Where this use is in close proximity to a residential zone or any lot containing a residential use (other than a caretaker's unit), a minimum separation of 200 feet is required between uses as measured from property line to property line.
- 3. Building façades facing public rights-of-way shall incorporate architectural variation every 200 feet to prevent long, unbroken surfaces, which may include changes in building material, pattern, texture, color, projection, or recess in the building plane.
  - i. The main entrance to the primary building(s) shall be distinct from other building features by incorporating at least one of the following:
    - a. A change in building material, pattern, texture, or color.

- b. A projection or recession from the adjacent building plane to create a visible entrance.
- 4. To support a cohesive community aesthetic, all incidental materials and/or associated infrastructure support equipment such as electric power, cooling systems, accessory structures, wireless transmission facilities, or similar shall comply with the following provisions where feasible.
  - i. Infrastructure support equipment shall be architecturally integrated with the building design to the maximum extent.
  - ii. Ground-mounted infrastructure support equipment visible from the public right-of-way shall be screened by landscaping and/or an opaque seven-foot wall.
    - a. When infrastructure support equipment is setback 200 feet or more from the property line, the aforementioned screening requirements are waived.
  - iii. An appropriately sized roof screen shall screen roof-mounted infrastructure support equipment if it does not meet the requirements of 17.10.050(F)(4)(i).
  - iv. Temporary outdoor storage of incidental materials onsite shall not exceed the height of any required screening.
    - a. Storage exceeding the height of the screening wall or fence is permitted so long the materials are set back at least 100 feet from any lot line, ensuring that visual impacts on neighboring properties are minimized.
- G. Energy Storage System.
  - 1. Building and structure maximums shall comply with the following provisions:
    - i. Within a C-2 zone district, the maximum size of the Energy Storage System in whole or in aggregate is limited to 10,000 square feet. The maximum size of accessory structures and associated infrastructure support equipment shall be determined on a per-case basis by the Development Review Committee.
    - ii. Within an M-1 or M-2 zone district, no maximum square footage is imposed on primary buildings, accessory structures, or associated infrastructure support equipment.
    - iii. All primary buildings, accessory structures, and infrastructure support equipment must comply with the height restrictions of the respective zone district.
  - 2. Lot size minimums and maximums shall comply with the following provisions:
    - i. Within a C-2 zone district, the lot size minimum shall be no less than one acre, and the maximum shall be no more than 5 acres.
    - ii. Within an M-1 or M-2 zone district, the lot size minimum shall be no less than one acre, and no maximum acreage is imposed.

- 3. Where this use is adjacent to a residential zone or any lot containing a residential use (other than a caretaker's unit), a minimum separation of 200 feet is required between uses as measured from property line to property line.
- 4. Energy storage system units and/or infrastructure support equipment shall be setback a minimum of 50 feet from all lot lines.
- 5. The energy storage facility shall incorporate an internal roadway compliant with the Development Process Manual that encircles the facility.
- An opaque eight-foot wall shall enclose the energy storage system on all sides and shall be set back 15 feet from the property line. The wall shall incorporate a locked access gate.
- 7. Within a C-2 zone district, the 15-foot setback shall incorporate a landscape buffer comprised of a mix of deciduous and evergreen trees planted 25 feet on-center. A minimum of 35% of the required trees shall be evergreen. The trees shall have a minimum planting size of eight feet and a mature minimum height of 20 feet.

## H. Outdoor Storage.

- 1. All outdoor storage shall be screened by a seven-foot opaque wall or fence along the property lines.
- 2. The height of any items or materials stored outside shall not exceed the height of any screening wall or fence unless the item is setback a minimum of 100 feet into the property as measured from the lot line.

#### I. Salvage Yard.

- 1. This use shall be conducted in an enclosed building or shall be enclosed by an opaque 10-foot wall or fence.
- 2. The stacking height of inoperable motor vehicle bodies, salvaged materials, or portions thereof shall not exceed the height of the required opaque wall or fence.
- 3. This use shall comply with the Village's stormwater quality requirements.
- 4. This use shall capture and appropriately dispose of toxic materials such as oil, fuel, antifreeze, and similar.

## J. Truck Stop or Heavy Vehicle Fueling.

- 1. Overnight parking shall be permitted only in established parking spots in a designated area.
- 2. This use is permitted only where the lot is adjacent to an arterial street.
- 3. All areas of the lot that is not dedicated to building pads, landscaping, or ponding areas shall be paved.
- 4. All maintenance and repair work to trucks shall be done within a completely enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or materials related to the maintenance and repair is prohibited.

5. A truck stop shall have sanitary facilities that are connected to the municipal water and sewer systems.

## K. Wireless Telecommunication Facility.

- 1. No cellular antenna or tower shall be located within 500 hundred feet of any residentially zoned property, or any residential dwelling unit as measured from the residential lot line to the cellular antenna or tower structure.
- 2. This use shall be screened by camouflaging, landscaping, earthen berms, or an opaque wall or fence, depending on site conditions.
- 3. The minimum setback for a cellular antenna or tower shall be equal to the maximum height of the antenna/tower.
- 4. Antennas or towers shall be located to avoid blocking a significant view.
- 5. The maximum size of an equipment storage shelter shall not exceed 450 square feet.
- 6. Any modifications to the antenna, tower, storage shelter, or associated equipment require a Development Plan Application.
  - i. When telecommunication facilities are abandoned, or technology makes them obsolete, the owner of the facilities must provide the Village with a copy of the notice to the Federal Communications Commission (FCC) of intent to cease operations. Within 30 days of ceasing operations, the abandoned facilities shall be removed.

## 17.10.060 Accessory Uses

- A. Accessory Dwelling Unit.
  - 1. Only one accessory dwelling is permitted per lot.
  - 2. Accessory dwelling units shall not exceed 40 percent of the gross floor area of the primary dwelling unit and are capped at a maximum size of 1000 square feet.
  - 3. The setback requirements for accessory dwelling units are the same as the overall setback requirements of the designated zone of the property.
  - 4. Where an accessory dwelling unit is detached; it shall be no taller than the primary dwelling unit on the property.
  - 5. An accessory dwelling unit may be detached, attached to or above a garage, or attached to or above a primary unit.
  - 6. Access to the accessory dwelling unit through the primary dwelling unit structure is prohibited. Pedestrian access to an accessory dwelling unit shall be independent from the primary dwelling.
  - 7. For non-fire rated structures, the accessory unit shall maintain a minimum separation of seven feet between the accessory dwelling unit (ADU) and the primary structure.
  - 8. No additional off-street parking is required for accessory dwelling units.

9. Accessory dwelling units may be rented and/or occupied by persons unrelated to the occupants of the primary dwelling unit.

## B. Accessory Structure.

- 1. Accessory structures are only allowed in the buildable area of all zones, unless otherwise permitted in this section.
- 2. Accessory structures in any residential zone may be located within the buildable area in the rear or side yard and shall be placed no closer than seven feet from the primary building or another accessory structure.
- 3. Detached private garages and carports shall be allowed to be located less than seven feet from the primary building, provided applicable fire and building codes are met.
- 4. Detached accessory structures shall be allowed to occupy up to 30 percent of the rear or side setbacks and placed no closer than one foot from a property line, provided they are not used for dwelling purposes.
- 5. Open, unenclosed porches may encroach 200 square feet into the required rear or side setback and no closer than three feet from a property line.
- 6. Swimming pools shall be placed no closer than five feet from the primary building or another accessory structure and may be placed within a rear or side setback provided the placement meets the standards outlined in Section 17.10.060(B) of this Ordinance. Swimming pools shall comply with the provisions outlined in 14.7.3.25 NMAC, as amended from time to time.
- 7. On a residentially zoned property or a property with a primary residential use, motor vehicles, trailers, shipping containers, and mobile homes are prohibited as an accessory structure or use, whether for storage or otherwise.
- 8. On an agricultural, commercial, or industrially zoned property with a primary agricultural, commercial, or industrial use, motor vehicles and trailers may be used temporarily as short-term storage for loading, unloading, or transporting of goods. Motor vehicles or trailers are prohibited from being used exclusively for long-term storage or as a permanent accessory structure.

## C. Cannabis Homegrown/Homemade.

1. Cannabis homegrown and homemade, as defined and authorized by §26-2C NMSA 1978, is permitted within a single private residence, or inside an accessory structure located on the grounds of a private residence, and shall be in strict compliance with the following requirements:

- i. Possessing, planting, cultivating, harvesting, drying, manufacturing cannabis products, or transporting not more than six mature cannabis plants and six immature cannabis plants per person; provided that despite a household having multiple residents, no more than 12 mature cannabis plants may be present in one household; and provided further that if the person does not exceed the maximum number of cannabis plants, the person may possess the cannabis produced by the cannabis plants notwithstanding any weight limits and shall be stored in such a manner not to be visible from public view.
- ii. Cannabis cultivation is permitted within a private residence and shall not be visible from the exterior of that residence. In addition, cannabis cultivation is permitted within a fully enclosed accessory structure within the rear or side yard of a private residence such as a greenhouse, shed, or similar. Cultivation areas must be secured by lock and key or other security devices which prevent unauthorized entry and shall not be visible from a public right-of-way. Open-air cannabis cultivation is not permitted.
- iii. Obtaining or manufacturing cannabis extract using nonvolatile solvents, alcohol or carbon dioxide, or no solvents is permitted.
- iv. Cannabis cultivation, including, but not limited to, any lighting, plumbing, building, or electrical components used for cultivation, must comply with current requirements in Title 15, Building and Construction, of the Los Lunas Municipal Code as it currently exists or is amended from time to time.
- v. The dwelling unit shall remain at all times a residence, with legal and functioning cooking, sleeping, and sanitation facilities with proper ingress and egress. These rooms may not be used for Cannabis cultivation where cultivation will prevent their primary use for cooking meals, sleeping, and bathing. Chemicals used for cannabis cultivation shall not be stored inside habitable areas of the residence or within public view from neighboring properties or public right-of-way.
- vi. Consumption of cannabis, whether smoking, vaporizing, or ingesting, is permitted within or upon the grounds of a private residence pursuant to the Dee Johnson Clean Indoor Air Act.
- vii. Cultivation of cannabis shall not violate any other provisions of the Village of Los Lunas Municipal Code.
- 2. See Section 17.14.020(E)(5) for Recreational Cannabis Permit regulations.
- 3. For other cannabis uses, refer to the following sections:
  - i. 17.10.030(E) Cannabis Retail
  - ii. 17.10.050(D) Cannabis Consumption Area
  - iii. 17.10.050(B) Cannabis Cultivation and Production
  - iv. 17.10.050(C) Cannabis Manufacturing
  - v. 17.10.050(D) Cannabis Research/Testing Laboratory

## D. Carports, Residential.

- 1. Carports placed in the front portion of a property between the front of the house and the street shall conform to the following requirements:
  - i. Carports shall not extend into any clear sight triangle.
  - ii. Carports shall be unenclosed on three or more sides, and at a minimum, shall be 75 percent open.
  - iii. Square footage for carports shall be limited to between 120 and 600 square feet.
  - iv. The total area of the carport shall not exceed 40 percent of the front yard setback.
  - v. The maximum height of the carport shall not exceed the height of the primary structure.
  - vi. Carports are prohibited in the front yard setback in the TOD-MU and TOD-R zone districts.

### E. Garage Sales.

- 1. Garage sales or similar shall not be conducted on the same lot or parcel for more than six days a month.
- 2. Posted signs shall comply with Section 17.12.050.

### F. Home Occupation.

- 1. A home occupation requires the initial approval of a Business Registration and Home Occupation Permit by the Community Development Department prior to the commencement of occupational activities.
- 2. A home occupation requires the renewal of a Business Registration and Home Occupation Permit by the Community Development Department on an annual basis.
- 3. Only members of the residing family shall be engaged in work at the home occupation.
- 4. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. No greater than 25 percent of the floor area of the dwelling unit shall be devoted to the home occupation.
- 5. A home occupation shall maintain an outward residential appearance, except for a sign as permitted by Section 17.12.050.
- 6. No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood. Any parking needs generated by the home occupation shall be met off-street in the driveway or garage of the home occupation and not in a front yard or sidewalk.
- 7. No equipment or process shall be used that creates noise, vibration, glare, fumes, or odors.
  - i. See Section 9.08.060 of the Village of Los Lunas Municipal Code.

- 8. Only goods and services created or provided on the premises may be sold on the premises.
- All commercial business activities shall be conducted in the dwelling unit or a permissive
  accessory structure and shall not disrupt the residential nature of the residential zone
  district.
- 10. The following uses and activities are prohibited as home occupations:
  - i. Any uses allowed under the Industrial Use category.
  - ii. Any uses allowed under the Motor Vehicle related category.
  - iii. Any uses involved in the manufacturing, storage, or use of hazardous materials.
  - iv. Cannabis retail, consumption area, commercial cultivation or production, manufacturing, or research/testing laboratory.
  - v. Construction contractor facility and yard.
  - vi. Crematorium or mortuary.
  - vii. Federal Firearms License (Type 2, 6, 7, 9, 10, and 11).
  - viii. On-premises retail sales.
  - ix. Pawn shop or pawnbroker.
  - x. Restaurants.
  - xi. Veterinary clinic or hospital.
  - xii. Occupations similar to those listed above as determined by the Community Development Director.
- 11. Uses permitted as home occupations that require a Conditional Use Permit:
  - i. Beauty salons, nail salons, or barber shops.
  - ii. Carpenter workshops.
  - iii. Daycare Home.
    - a. The operator of the daycare home shall obtain and at all times maintain a current state permit or license required for the operation of this use.
    - b. Only members of the household may provide care at a daycare home.
    - Any outdoor play areas shall be enclosed by a six-foot opaque wall or fence.
  - iv. Federal Firearms License (Type 1, 3, and 8).
  - v. Furniture repair workshops.
  - vi. Home-made food preparation for direct sale.

- vii. Wrought iron workshops.
- viii. Occupations similar to those listed above as determined by the Community Development Director.
- G. Poultry and Livestock Keeping, Residential.
  - 1. On residentially zoned properties other than A-R and R-R zones, only poultry is permitted, and the number of poultry shall not exceed six per property.
  - 2. This use is allowed in the A-R and R-R zones provided that the following requirements are met:
    - i. The number of livestock shall not exceed one cow or horse for each 10,000 square feet of open lot area or one sheep, pig, or goat for each 4,000 square feet of open lot area.
    - ii. A minimum of 12 square feet of hutch area and 28 square feet of run space of pervious surface area in an enclosed structure shall be provided for each rabbit.
    - iii. A minimum of four-square feet of coop area and eight square feet of run space of pervious surface area in an enclosed structure shall be provided for each poultry, except for A-R and R-R zones, an enclosed structure is not required.
    - iv. Structures in excess of 120 square feet shall require a Development Plan Application.
    - v. Roosters shall not be permitted on properties not specifically zoned for the keeping of livestock.
  - 3. All poultry shall be kept in such a manner that will not create a nuisance through the violation of the following regulations:
    - i. No offensive noise, odor, or dust shall be produced.
    - ii. Areas devoted to poultry, including accessory buildings and structures, shall be constructed and maintained to discourage concentration and breeding of insects or pests.
    - iii. Poultry shall be contained on the property by a wall, fence, or enclosure.
- H. Recreational Vehicle Storage.
  - 1. The storage of recreational vehicles (RVs) is allowed only in the rear yard or side yard of a residentially zoned property or a property with a residential use. No more than two RVs are allowed to be stored on site at any time.
  - 2. RVs shall not be connected to municipal utilities and shall not discharge any materials or liquids.
  - 3. RVs shall remain unoccupied during storage.

#### I. Short-Term Rental.

- 1. Short-term rental general provisions.
  - i. Short-term rental permits shall not be issued for more than two short-term rentals units directly adjoining each other on a residentially zoned street. For the purposes of this subsection, "directly adjoining" means sharing a common boundary along a public street frontage, as well as adjoining units in a duplex, multi-family townhouses, or multi-family apartments.
  - ii. Off-street parking shall comply with Section 17.12.010(C).
  - iii. Short-term rental units shall be used exclusively for residential purposes and shall not be used for commercial activities or events, for the purposes of this subsection, defined as intending to make money, offering goods or services for sale, or any other event or activity that is not residential in nature. An activity "not residential in nature" includes gatherings in excess of three times the number of legally allowed occupants in the short-term rental unit (including renters), unless the activity or event is otherwise permitted by the village.
  - iv. The total number of persons three years of age and older that may occupy the short-term rental unit is two times the number of legal bedrooms.
  - v. Nothing contained within the short-term rental regulations shall be construed to abridge the ability of an HOA's Covenants Conditions and Restrictions (CC&Rs) or deed restrictions to be more restrictive than the regulations within this section. Such CC&Rs and deed restrictions shall not be enforceable by the Village but remain the responsibility of property owners to ensure compliance within the applicable neighborhood. Real estate brokers listing residential property in the Village shall provide prospective buyers with a current copy of Section 17.10.060(I).
- 2. Short-term rental owner/operator provisions.
  - i. The owner/operator shall obtain a Short-term Rental Permit and business registration for their property prior to listing the property as a short-term rental.
  - ii. The owner/operator shall pay all applicable local, state and federal taxes, such as lodgers' tax, gross receipts tax, and income taxes.
  - iii. Should the owner/operator fail to pay all applicable taxes, the owner/operator shall be subject to penalties pursuant to Section 17.14.050(E).
  - iv. The owner/operator shall make available to the Village for its inspection all records relating to the operation of the short-term rental unit to determine compliance with Section 17.10.060(I).
  - v. The owner shall maintain adequate short-term rental insurance coverage for the short-term rental unit. Proof of insurance shall be required at the time the permit is issued and may be requested at any time by the Community Development Director or their designee.

- vi. The owner/operator shall make the following information clearly visible and legible within the short-term rental unit, on or adjacent to the interior of the front door, or within the informational material provided to renters:
  - a. A copy of the Short-term Rental Permit.
  - b. The name of the property owner, local contact person, managing agency, agent, or property manager as appropriate, and a telephone number at which that party can be reached on a 24-hour, seven day a week basis.
  - c. The maximum number of occupants three years of age and older permitted to stay in the unit.
  - d. The maximum number of vehicles allowed to be parked on the property.
  - e. The number of on-site parking spaces and any parking rules that may apply.
  - f. The specific procedures regarding the disposal of trash and refuse.
  - g. A notification that it is the renter's responsibility to comply with the laws of the State of New Mexico and this Ordinance, including but not limited to Title 8, Health and Safety, and Title 9, Public Peace, Morals and Welfare.
  - h. Notice that the noise provisions of the Village of Los Lunas Municipal Code will be enforced.
  - i. Notice that animal leash laws of the Village apply and will be enforced.
  - j. The E911 address for the property.
- vii. Except as allowed and in accordance with Section 17.12.050, the owner/operator is prohibited from posting any exterior signage advertising the availability of the property.
- viii. Upon the transfer of ownership of a short-term rental unit, the Short-term Rental Permit shall terminate. If the new owner wishes to use the property as a short-term rental unit, a new application shall be submitted to the Community Development Department.
  - ix. As a condition of the issuance of a Short-term Rental Permit to an owner/operator, the owner/operator consents to the Community Development Department conducting random inspections of the property, including the dwelling unit, to ensure compliance with Section 17.10.060(I).
- 3. Short-term rental renter provisions.
  - Renters shall park recreational vehicles only in designed areas supplied on the short-term rental property and in compliance with all other recreational vehicle provisions within this Ordinance.

- ii. Noise or other disturbance outside the short-term rental unit shall not be of such a volume or nature that it violates Chapter 9.08 including, yard areas, decks, courtyards, porches, balconies, patios, or similar.
- iii. All renters shall be informed in writing by the owner/operator of the short-term rental that they shall comply with Los Lunas Municipal Code, as provided in Section 17.10.060(I)(2)(vi).
- 4. Short-term rental short-term rental platform provisions.
  - i. Short-term rental platforms shall furnish a list of short-term rentals currently operating within the Village of Los Lunas municipal limits at any time and at no cost as requested by the Community Development Director or their designee.
  - ii. Short-term rental platforms shall require their users to register with the Village of Los Lunas Community Development Department prior to authorizing a property for rental.
  - iii. Short-term rental platforms shall require users to post their Village of Los Lunas Short-term Rental Permit number in a conspicuous place on the listing.
  - iv. Short-term rental platforms shall require users to maintain an active and in good standing Village of Los Lunas Short-term Rental Permit.

# 17.10.070 Temporary Uses

- A. Film Production.
  - 1. The operator of the film production shall acquire and maintain a Filming Permit for this use.
  - 2. Film production shall not exceed a total of 60 days on any property within a 180-day period.
  - 3. Noise, glare, or light spillage off the property from the film production between the hours of 10:00 p.m. and 7:00 a.m. shall be prohibited, unless provisions are specifically approved by the Filming Permit.
- B. Real Estate Office or Model Home.
  - 1. A Development Plan Application and Sign Permit shall be submitted, reviewed, and approved prior to the commencement of the use.
  - 2. This use shall be limited to no more than 30 calendar days prior to site construction and may continue until no more than 30 calendar days after the construction of the last dwelling unit.
  - 3. If project construction has ceased for a period of 180 days or more, the structure containing this use shall be removed unless an extension is granted by the Community Development Director based on an anticipated construction restart date.

## C. Temporary Dwelling.

- 1. No more than one temporary dwelling is permitted on the same lot as a primary structure during temporary events, such as friends and family accommodation, construction, emergency, or disaster, natural, or otherwise and occupied only by persons authorized by the property owner, including friends, family, or persons having construction or security responsibilities over such site.
- 2. The number of occupants shall conform to the number of adequate beds contained within the temporary dwelling.
- 3. An approved Temporary Dwelling Permit shall be required prior to the placement of the temporary dwelling.
- A temporary dwelling shall be enclosed and may include a recreational vehicle or similar but shall not include temporary structures such as tents, canopies, screen houses, and similar.
- 5. Temporary dwellings shall not be connected to the municipal utility systems and shall not discharge any materials or liquids.
- 6. Recreational vehicles shall be road-ready at all times and shall not be placed on a permanent foundation.
- 7. The use shall be removed within 48 hours upon the expiration of a Temporary Dwelling Permit or at the completion of a project, whichever comes first.
- 8. Three types of temporary dwellings are permitted:
  - i. Family and friends accommodation.
    - a. A temporary dwelling is permitted for up to 14 consecutive or non-consecutive days within a 90-day time period.
    - b. Occupants of the temporary dwelling shall not be residents of the primary or accessory dwelling unit.
    - c. Temporary dwellings shall be placed in the rear or side yard of a property.
  - ii. New construction or remodeling.
    - a. A temporary dwelling for 14 days or less shall require an approved Temporary Dwelling Permit from the Village Community Development Department.
    - b. A temporary dwelling for 15 days or more but less than 180 days shall require approval from the Village Planning and Zoning Commission, and an approved Temporary Dwelling Permit. A one-time extension of up to 90 days may be granted at the discretion of the Community Development Director.

- c. Occupants of a temporary dwelling may be residents of the primary or accessory dwelling unit on residentially zoned parcels for which the temporary dwelling resides.
- d. Occupants of a temporary dwelling may be the property owner or authorized persons having construction or security responsibilities over the commercially zoned parcels for which the temporary dwelling resides.
- e. Temporary dwellings shall be placed in the rear or side yard of a property.
- iii. Construction related to an emergency or disaster, natural or otherwise.
  - a. A temporary dwelling for 14 days or less shall require an approved Temporary Dwelling Permit from the Village Community Development Department.
  - b. A temporary dwelling for 15 days or more but less than 180 days shall require approval from the Village Planning and Zoning Commission, and an approved Temporary Dwelling Permit. A one-time extension of up to 90 days may be granted at the discretion of the Community Development Director.
  - c. Occupants of a temporary dwelling may be residents of the primary or accessory dwelling unit on residentially zoned parcels for which the temporary dwelling resides.
  - d. Occupants of a temporary dwelling may be the property owner or authorized persons having construction or security responsibilities over the commercially zoned parcels for which the temporary dwelling resides.
  - e. Temporary dwellings shall be placed in the rear or side yard of a property.

### ARTICLE V. DEVELOPMENT STANDARDS

## 17.12.010 Parking and Loading

A. Purpose.

Section 17.12.010 establishes standards for off-street vehicle, motorcycle, and bicycle parking for all uses and new development in all zoning districts. The standards address the supply, size, layout, and placement of parking and loading areas.

- B. Applicability.
  - 1. The provisions of Section 17.12.010 apply to:
    - i. Construction of a new primary building.

- ii. A change in use of a primary building that increases the minimum off-street parking requirements for the building by more than 25 percent.
- iii. Expansion of the gross floor area of an existing building by more than 25 percent from the square footage originally approved by the Village.
- iv. Construction of a new parking lot, including any required off-street parking.

## C. Minimum Off-Street Parking.

Off-street parking spaces shall be provided in accordance with Table 17.12.010(1). For unlisted uses, the required off-street parking shall be determined by the Community Development Director. If a Conditional Use Permit, Designated Use Permit, or Special Use is approved and the approval conditions approve a different parking requirement than the parking requirements listed in Table 17.12.010(1), the parking requirement in the Conditional Use Permit, Designated Use Permit, or Special Use shall apply.

Table 17.12.010(1): Minimum Off-Street Parking Requirements		
Land Use	Minimum Parking Spaces Required	
RESIDENTIAL		
Household Living		
Dwelling, manufactured home, modular home, or mobile	2 spaces per dwelling unit	
home		
Dwelling, multi-family	1.5 spaces for each studio or one-bedroom unit and 2 spaces	
	for each unit with two or more bedrooms	
Dwelling, single-family detached	2 spaces per dwelling unit; 3 spaces per dwelling unit with	
	more than 3 bedrooms	
Dwelling, two-family attached (duplex)	2 spaces per dwelling unit	
Dwelling, cluster development	2 spaces per dwelling unit; 3 spaces per dwelling unit with	
	more than 3 bedrooms	
Dwelling, townhouse	2 spaces per dwelling unit	
Congregate Living		
Assisted living facility	1 space per one-bedroom unit	
Boarding house	1 space per bedroom	
Group home	1 space per 3 beds	
Respite care home	1 space per 3 beds	
Supportive housing	1 space per employee on maximum shift and 0.5 space per	
	unit	
Transitional housing	1 space per employee on maximum shift and 0.5 space per	
	unit	
CIVIC AND INS	TITUTIONAL USES	
Cemetery	As determined by the Development Review Committee	
Community residential facility	1 space per 3 beds	
Correctional facility	3 spaces per 1,000 square feet of gross floor area	
Crematorium	1 space per 1,000 square feet of gross floor area	
Daycare center	4 spaces per 1,000 square feet of gross floor area	
Daycare home	1 space per employee on maximum shift	
Funeral homes	1 space per 4 seats in main assembly area	
Hospital or major medical clinic	1 space per 300 square feet of gross floor area and 1 space	
	per employee on maximum shift	
Library and museum	4 spaces per 1,000 square feet of gross floor area	
Military reserve, national guard center	As determined by the Department of Defense	
Municipal facility	As determined by the Development Review Committee	

Table 17.12.010(1): Minimu	ım Off-Street Parking Requirements
Land Use	Minimum Parking Spaces Required
	NSTITUTIONAL USES
Nursing Care Institution	1 space per 5 beds, but not less than 5 spaces
Overnight shelter	2 spaces per 1,000 square feet of gross floor area
Public safety, civil defense operation	As determined by the Development Review Committee
Public safety, ambulance or rescue service	As determined by the Development Review Committee
Public safety, police of fire station	As determined by the Development Review Committee
Religious institution	1 space per every four seats in the main assembly area
Respite care facility	1 space per 3 beds
School, private elementary or middle school	2 spaces per classroom
School, private high school	5 spaces per classroom
School, private vocational	3 spaces per 1,000 square feet of gross floor area
COI	MMERCIAL
Accommodations	
Bed and breakfast	1 space per guest room, plus 1 space for manager
Hotel and motel	1 space per room, plus 1 space per every two employees
RV park or campground	1 space per campsite
Short-term rental	1 space per bedroom
Agriculture and Animal Related	
Agricultural, including livestock	No requirement
Agricultural, excluding livestock	No requirement
Commercial greenhouse, nursery	1 space per 200 square feet of gross floor area
Dog breeding	1 space per employee on the maximum shift
Equestrian center	As determined by the Development Review Committee
Farmers market	No requirement
Kennel	3 spaces per 1,000 square feet of gross floor area
Veterinary clinic and hospital	3 spaces per 1,000 square feet of gross floor area
Food, Beverage, and Indoor Entertainment	
Bakery goods, confectionary shop	3 spaces per 1,000 square feet of gross floor area, plus 1
	space per employee on maximum shift
Bar or nightclub	8 spaces per 1,000 square feet of gross floor area, plus 1
	space per 200 square feet of outdoor patio area
Cannabis consumption area	1 space per 4 persons designed capacity
Mobile food truck court	As determined by the Development Review Committee
Restaurant	6 spaces per 1,000 square feet of gross floor area, plus 1
	space per 200 square feet of outdoor patio area
Restaurant, prep kitchen	2 spaces per 1,000 square feet of gross floor area
Tap room, tasting room	6 spaces per 1,000 square feet of gross floor area, plus 1
	space per 200 square feet of outdoor patio area
Motor Vehicle Related	
Car wash	2 spaces per 1,000 square feet of gross floor area of retail,
Camananaial madrica 14	office, and waiting area
Commercial parking lot	No requirement
Manufactured home sales and rentals	2 spaces per 1,000 square feet of gross floor area
Motor vehicle fueling and service station	3 spaces per 1,000 square feet of gross floor area of building
Matanasahisla sasisti 11 1 1	devoted to gas sales operation
Motor vehicle painting and body work	2 spaces per 1,000 square feet of gross floor area
Motor vehicle repair and maintenance	2 spaces per 1,000 square feet of gross floor area
Motor vehicle sales and rentals	2 spaces per 1,000 square feet of gross floor area
Motor vehicle storage	1 space per 1,000 square feet of gross floor area of retail, office, and waiting area

<b>Table 17.12.010(1): Minim</b>	num Off-Street Parking Requirements	
Land Use	Minimum Parking Spaces Required	
Motor Vehicle Related		
Tow yard	1 space per 1,000 square feet of gross floor area of office and	
	waiting area	
Office and Services		
Appliance repair	2 spaces per 1,000 square feet of gross floor area	
Contractor yard, light	1 space per 300 square feet of gross floor area	
Dry cleaner or laundromat	6 spaces per 1,000 square feet of gross floor area	
Financial institutions	3 spaces per 1,000 square feet of gross floor area	
Household equipment rental	2 spaces per 1,000 square feet of gross floor area	
Medical clinic, primary care, or dental clinic	5 spaces per 1,000 square feet of gross floor area	
Office building	3 spaces per 1,000 square feet of gross floor area	
Personal care services	1 space per 200 square feet of gross floor area	
Research and development, commercial	1 space per 400 square feet of gross floor area	
Self-storage facility	3 spaces, plus 1 space per 100 storage units	
Recreation and Entertainment		
Adult entertainment	1 space per 4 seats in main assembly area	
Amphitheater	1 space per 4 seats in main assembly area	
Drive-in theater	No requirement	
Golf course and golf driving range	4 spaces per hole, in addition to 4 spaces per 1,000 square	
	feet of gross floor area for restaurant, bar, or club	
Health club, gym	3 spaces per 1,000 square feet of gross floor area	
Indoor recreation, entertainment activities	1 space per 3-person design capacity	
Movie theater	1 space per 4 seats	
Open air market	1 space per 1,000 square feet of lot area used for storage,	
	display, or sales	
Social club or event facility	1 space per 4 persons design capacity	
Sports stadium	1 space per 4 seats in main assembly area	
Retail Sales		
Adult retail	3 spaces per 1,000 square feet of gross floor area	
Art gallery	3 spaces per 1,000 square feet of gross floor area, but not	
	less than 2 spaces	
Building and home improvement store	1 space per loading dock for heavy vehicle parking and	
	staging and 2 spaces per 1,000 square feet of gross floor area	
	for passenger vehicles	
Cannabis, retail	3 spaces per 1,000 square feet of gross floor area	
General, retail	1 space per loading dock for heavy vehicle parking and	
	staging and 4 spaces per 1,000 square feet of gross floor area	
	for passenger vehicles	
Grocery store	3 spaces per 1,000 square feet of gross floor area	
Liquor sales, packaged	3 spaces per 1,000 square feet of gross floor area	
Pawn shop	3 spaces per 1,000 square feet of gross floor area	
Shopping Center	3 spaces per 1,000 square feet of gross floor area	
Transportation		
Airport	3 spaces per 1,000 square feet of gross floor area of	
D 1 1 1 C 11	passenger terminal area	
Park and ride facility	3 spaces per 1,000 square feet of gross floor area of	
D. 11.C. 117.	passenger terminal area	
Rail facility	3 spaces per 1,000 square feet of gross floor area of	
T '4 C '1'4-	passenger terminal area	
Transit facility	3 spaces per 1,000 square feet of gross floor area of	
	passenger terminal area	

Table 17.12.010(1): M	linimum Off-Street Parking Requirements		
Land Use	Minimum Parking Spaces Required		
INDUSTRIAL USES			
Heavy Vehicle Related			
Truck Stop or heavy vehicle fueling	1 space per 500 square feet of gross floor area for heavy vehicle parking and 2 spaces per 1,000 square feet of gross floor area for passenger vehicles		
Manufacturing, Production, and Extraction			
Brewery, winery, or distillery	1 space per 1,000 square feet of gross floor area		
Cannabis, manufacturing	1 space per 1,000 square feet of gross floor area		
Cannabis, cultivation / production	1 space per 1,000 square feet of gross floor area		
Cannabis, research / testing laboratory	1 space per 1,000 square feet of gross floor area		
Heavy manufacturing	1 space per loading dock for heavy vehicle parking and staging and 1 space for every two employees on the maximum shift for passenger vehicles		
Light manufacturing	1 space per loading dock for heavy vehicle parking and staging and 1 space per 1,000 square feet of gross floor area for passenger vehicles		
Natural resource mining and extraction	No requirement		
Research and development, industrial	1 space per loading dock for heavy vehicle parking and staging and 1 space per 1,000 square feet of gross floor area for passenger vehicles		
Telecommunications and Utilities			
Data center	1 space per employee on the maximum shift		
Community or regional utility	No requirement		
Electric facility	No requirement		
Energy storage system	No requirement		
Solar energy generation	No requirement		
Wind energy generation	No requirement		
Wireless transmission facility	No requirement		
Waste and Salvage			
Recycling facility	1 space per loading dock for heavy vehicle parking and staging and 1 space per employee on the maximum shift for passenger vehicles		
Salvage yard	1 space per loading dock for heavy vehicle parking and staging and 1 space per employee on the maximum shift for passenger vehicles		
Solid waste facility	1 space per loading dock for heavy vehicle parking and staging and 1 space per employee on the maximum shift for passenger vehicles		
Wholesaling and Storage			
Above ground feed storage	1 space per employee on the maximum shift		
Contractor yard, heavy	1 space per loading dock for heavy vehicle parking and staging and 1 space per employee on the maximum shift for passenger vehicles		
Outdoor storage	1 space per loading dock for heavy vehicle parking and staging and 1 space per employee on the maximum shift for passenger vehicles		
Warehousing	1 space per loading dock for heavy vehicle parking and staging and 0.5 space per 1,000 square feet of gross floor area for passenger vehicles		
Wholesaling and distribution center	1 space per loading dock for heavy vehicle parking and staging and 0.5 space per 1,000 square feet of gross floor area for passenger vehicles		

Table 17.12.010(1): Minimum Off-Street Parking Requirements		
Land Use	Minimum Parking Spaces Required	
ACCESSORY		
Accessory dwelling unit	No requirement	
Cannabis, homegrown	No requirement	
Caretaker's unit	1 space per dwelling unit	
Home occupation	No requirement	
Homemade food	No requirement	
Mobile food truck	As determined by the Development Review Committee	
Poultry and livestock keeping (residential)	No requirement	
Recreational vehicle storage	No requirement	
Respite care home	1 space per bedroom	
TEM	PORARY	
Circus, carnival, seasonal outdoor sales	4 spaces per 1,000 square feet of site area where attendees	
	circulate, participate, or observe activities	
Construction staging, trailer, or office	2 spaces per 1,000 square feet of gross floor area	
Dwelling, temporary	1 space per dwelling unit	
Film production	No requirement	
Outdoor concerts	4 spaces per 1,000 square feet of site area where attendees	
	circulate, participate, or observe activities	
Real estate office of model home	2 spaces per 1,000 square feet of gross floor area of office	
	space	
Season outdoor sales	As determined by the Development Review Committee	
Special event, large	As determined by the Development Review Committee	
Special event, small	No requirement	

#### D. Unlisted Uses.

- 1. For any use not listed in Table 17.12.010(1), the Community Development Director is authorized to determine the minimum off-street parking space requirement by any of the following methods:
  - i. Apply the minimum off-street parking space requirement in Table 17.12.010(1) for the listed use that the Community Development Director determines is most similar to the proposed use.
  - ii. Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association, American Planning Association, or another recognized parking reference resource.
  - iii. Establish the minimum off-street parking space requirement based on a parking demand study prepared by the developer that estimates parking demand by reference to standard parking resources published by the National Parking Association, American Planning Association, or another recognized parking reference resource.

## E. Parking Reductions.

The minimum amount of off-street parking required by Table 17.12.010(1) may be reduced by certain factors. The reductions may be applied individually or in combination but shall not exceed 30 percent of the off-street parking required.

- 1. Shared parking: Minimum parking requirements may be reduced if two uses share the same parking areas and can demonstrate that their hours of peak parking demand do not overlap. The Development Review Committee has the discretion of determining whether a shared parking reduction may be granted, but in no case shall the reduction be more than 25 percent.
- 2. Satellite parking lot: Off-street parking requirements in non-residential and mixed-use zone districts may be met through parking provided on a satellite parking lot. The Development Review Committee has the discretion of determining whether a satellite parking lot is appropriate for the development, but in no case shall the reduction be more than 25 percent, but shall comply with the following:
  - i. Accessible parking spaces required to serve the development shall not be located in a satellite parking lot.
  - ii. Satellite parking lots shall be adjacent to or within 300 feet of the development, as measured from the development property line to the property line of the satellite parking lot.
  - iii. The satellite parking lot shall be subject to the standards for parking lots contained in this Article and the Development Process Manual, and shall be maintained and operational at all times the development is in operation.
  - iv. The applicant shall be responsible for any required improvements between the development site and the satellite parking lot, including but not limited to sidewalk or walkway.
  - v. The applicant shall submit a parking agreement for the satellite parking lot in connection with the development to satisfy off-street parking requirements for review by the Community Development Director. If the parking agreement is deemed acceptable, the document shall be recorded with the Valencia County Clerk.

# F. Accessible Parking.

- 1. Accessible parking spaces shall be provided for all multi-family, mixed-use, and non-residential uses in accordance with Table 17.12.010(2) Accessible Parking Requirements.
- 2. The number and design of accessible parking spaces shall be pursuant to the International Building Code (IBC), Americans with Disabilities Act (ADA), and the New Mexico Statutes Annotated, as amended.
- 3. Accessible parking spaces shall be dispersed amongst accessible entrances and shall be located on the shortest accessible route to the entrance they serve.
- 4. All accessible parking spaces shall have an access aisle that allows a person using a wheelchair or other mobility device to get in and out of their car or van. Curbs, medians, landscaping, and other obstructions parallel to the accessible parking space shall be minimized.
- 5. Access aisles shall be a minimum of five feet in width. If the parking space is van accessible, the adjacent access aisle shall be a minimum of eight feet in width.

- 6. Two accessible parking spaces shall be permitted to share a common access aisle.
- 7. Accessible parking spaces shall be identified by the International Symbol of Accessibility (ISA); a clearly visible depiction of the symbol shall be painted blue on the pavement surface at the rear of the space.
- 8. The access aisles shall be clearly marked by blue, diagonal striping and shall have the words "NO PARKING" in capital letters, each of which shall be at least one-foot in height and at least two-inches in width, placed at the rear of the parking space.
- 9. Each access aisle must adjoin a pedestrian access route with a minimum of four feet in width.
- 10. A 12-inch by 18-inch sign with the International Symbol of Accessibility shall be provided at the head of each ADA accessible parking space. The sign shall be mounted a minimum of 60 inches above the ground surface, as measured to the bottom of the sign. The sign shall have the required language "Violators Are Subject to a Fine and/or Towing" per §66-7-352.4C NMSA 1978.
- 11. If the accessible route is in front of the parking space, wheel stops are required to keep vehicles from reducing the clear width of the accessible route below 36 inches.
- 12. The minimum number of accessible parking spaces required shall be based on the total number of vehicle parking spaces provided:

Table 17.12.010(2): Accessible Parking Requirements			
Total Number of Vehicle Minimum Number of Required		Minimum Number Required	
Parking Spaces Required	Accessible Parking Spaces	to be Van Accessible	
1 to 25	1	1	
26 to 35	2	1	
36 to 50	3	1	
51 to 100	4	1	
101 to 300	8	2	
301 to 500	12	2	
to 800	16	3	
to 1,000	20	4	
>1,000	20 spaces, plus 1 space for every	1 of every 6 accessible parking spaces,	
	100 spaces, or fraction thereof,	or fraction thereof	
	over 1,000		

#### G. Electric Vehicles.

Minimum off-street parking requirements for new residential, commercial, industrial
properties, and properties undergoing a change in use or conformance based on other
provisions of this Ordinance shall include a specified number of spaces dedicated to
Electric Vehicle (EV) Capable and Electric Vehicle Supply Equipment (EVSE) spaces.
The number of EV Capable and EVSE spaces required shall be calculated in accordance
with the provisions of 14.7.9.12 NMAC, as amended from time to time.

## H. Motorcycle Parking.

- 1. In addition to the vehicle parking spaces required by Table 17.12.010(1), motorcycle parking spaces shall be provided for all new multi-family, mixed-use, and non-residential development in accordance with Table 17.12.010(3).
- 2. Motorcycle parking spaces shall be located in a well-lit area that is visible from the primary building entrance on the site.
- 3. Motorcycle spaces shall be clearly signed and marked "Motorcycle Only" per the Manual on Uniform Traffic Control Devices (MUTCD) standards.
- 4. All motorcycle parking stalls shall be four feet in width by eight feet in length.
- 5. The minimum number of required motorcycle parking spaces shall be calculated based on the total number of off-street vehicle spaces provided:

Table 17.12.010(3): Minimum Motorcycle Parking Space Requirements		
Total Number of Vehicle Parking Spaces	Minimum Number of Required	
Required	Motorcycle Parking Spaces	
1 to 25	1	
26 to 50	2	
51 to 100	3	
101 to 150	4	
151 to 300	5	
301 to 500	6	
501 to 750	7	
751 to 1,000	8	
>1,000	8 spaces, plus 1 space per each 500 additional spaces	

## I. Bicycle Parking.

- 1. In addition to the vehicle parking spaces required by Table 17.12.010(1), bicycle parking spaces shall be provided for all new multi-family, mixed-use, and non-residential development in accordance with Table 17.12.010(4).
- 2. The required bicycle parking spaces in Table 17.12.010(4) may be reduced by the Development Review Committee based on site-specific conditions.
- 3. Bicycle parking spaces shall be conveniently located within 100 feet in any direction of the primary pedestrian entrance and in highly visible, well-lighted areas that do not interfere with vehicle or pedestrian circulation.
- 4. Bicycle parking spaces shall be located adjacent to a clear aisle at least five feet in width to allow for maneuvering of the bicycle. Where bicycle parking is located next to a sidewalk, the maneuvering area may extend into the sidewalk.
- 5. The minimum number of required bicycle parking spaces shall be calculated based on the total number of off-street motor vehicle spaces provided:

Table 17.12.010(4): Minimum Bicycle Parking Space Requirements		
Total Number of Vehicle Parking Spaces	Minimum Number of Required	
Provided	Bicycle Parking Spaces	
1 to 25	2	
26 to 50	5	
51 to 100	8	
>100	8, plus 1 space per each 50 vehicle spaces provided after the first 100 spaces	

- J. Parking Location, Design, and Dimensions.
  - 1. Minimum parking stall dimensions for standard and compact spaces are provided in Tables 17.12.010(5) and 17.12.010(6), respectively. Dimensions for accessible parking stalls and access aisles are provided in Section 17.12.010(F).
  - 2. If more than 50 off-street parking spaces are provided, 25 percent of the spaces may be compact parking spaces. Designated compact parking spaces shall include the word "Compact" painted on the pavement surface of each space.
  - 3. Vehicles may overhang onsite sidewalks and landscape areas provided the overhang does not negatively impact the plant materials or reduce the required pedestrian access route to less than four feet wide. The maximum overhang of parking spaces is two feet for standard parking spaces and one and a half feet for compact spaces.
  - 4. Vehicles shall not overhang right-of-way or accessible ramps.
  - 5. Curbs or wheel stops shall be required on the periphery of all parking lots so that vehicles do not encroach into the public right-of-way or strike a building, fence, or landscaping.
  - 6. Parking areas shall be designed so that vehicles do not have to directly back out of the parking area into the public right-of-way, with the exception of single-family residential developments.
  - 7. Parking areas 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 dangerous or hazardous turning movements.
  - 8. All parking spaces must be clearly identified through the use of painted striping and wheel stops or curbs.
  - 9. Large parking lots containing more than 100 parking spaces shall be divided into smaller subareas containing no more than 50 spaces each and separated by pedestrian walkways.
  - 10. Parking light passenger vehicles, off-highway vehicles, or non-commercial trailers in residential zones is prohibited on any portion of the adjacent sidewalk, front yard including the front setback except for a driveway, carport, garage, or drive aisle containing designated parking spaces, in accordance with Section 17.12.010(J)(13).

- 11. Parking heavy vehicles or commercial trailers in residential zones is prohibited on any portion of the lot or adjacent sidewalk. Except when a heavy vehicle or commercial trailer is primarily used for agricultural purposes occurring on the same lot in the A-R and R-R zones only.
- 12. Parking areas, drive aisles, and drive lanes shall be graded and surfaced in accordance with requirements in the Development Process Manual and in a manner that will provide equivalent protection against potholes, erosion, and dust.
- 13. Front Yard Parking. Parking within a front yard and/or front yard setback is prohibited, with the following exceptions:
  - i. A Site Plan Deviation for front yard parking may only be granted by the Community Development Director if the lot is large, irregularly shaped, or of an agricultural nature and if unique or constraining circumstances are demonstrated.
    - a. The Site Plan Deviation shall be issued only after a detailed review of the specific circumstances and potential impacts, ensuring alignment with the intent and objectives of this Ordinance.
    - b. Any deviation granted shall be documented and may include conditions or requirements to mitigate potential adverse effects on neighboring properties or the surrounding environment.
    - c. The Site Plan Deviation shall not be issued to circumnavigate 17.12.010(J)(10) and 17.12.010(J)(11).

Table 17.12.010(5): Standard Angle Parking and Drive Aisle Dimensions				
Angle	Stall Length	Stall Width	Stall Depth	Drive Aisle <sup>1</sup>
30°	32.7 feet	17 feet	16.4 feet	11 feet
45°	26.5 feet	12 feet	18.7 feet	11 feet
60°	22.9 feet	9.8 feet	19.8 feet	15 feet
75°	20.3 feet	8.8 feet	19.6 feet	22 feet
90°	20.0 feet	8.5 feet	20 feet	24 feet

Table 17.12.010(6): Compact Angle Parking and Drive Aisle Dimensions				
Angle	Stall Length	Stall Width	Stall Depth	Drive Aisle <sup>1</sup>
30°	28 feet	15 feet	14 feet	11 feet
45°	22.5 feet	10.6 feet	15.9 feet	11 feet
60°	19.3 feet	8.7 feet	16.7 feet	15 feet
75°	17 feet	7.8 feet	16.4 feet	22 feet
90°	15 feet	7.5 feet	15 feet	24 feet
1. Drive aisles for one way travel may be reduced to 20 feet in width.				

- K. Loading and Unloading Areas.
  - 1. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient offstreet loading and unloading area shall be provided to accommodate the delivery or shipment operations in a safe and convenient manner.
  - 2. All non-residential uses with more than 10,000 square feet of gross floor area shall provide off-street loading spaces and related access and maneuvering areas as listed in Table 17.12.010(7).

Table 17.12.010(7): Off-Street Loading Space Requirements		
Gross Floor Area	Minimum Number of Spaces	
Less than 10,000 square feet	None	
10,000 to 49,999 square feet	1	
50,000 to 99,999 square feet	2	
100,000 to 125,000 square feet	3	
Each additional 50,000 square feet above 125,000	1	
square feet		

- 3. The Community Development Director shall have the discretion of waiving the required loading spaces or require additional loading spaces if the proposed use or extraordinary site characteristics warrant it.
- 4. The minimum dimensions for off-street loading spaces shall be 12 feet in width by 55 feet in length, exclusive of aisle and maneuvering space, with an overhead clearance of 14 feet from the developed adjacent grade.
- 5. Loading spaces shall be located on the same lot as the use and structure they serve and shall be confined to the rear of side of the structure.
- 6. Loading areas shall not be permitted in any required front setback area or the public right-of-way.
- 7. Loading areas located within 100 feet of any residential zone district shall be screened by any applicable standards of Section 17.12.020 Landscaping and Screening Standards.
- 8. Vehicles parked in the loading areas shall not encroach into required parking spaces, required setbacks, access aisles, or fire lanes, ADA accessibility route, or obstruct a building entry.
- 9. Loading areas shall be designed so that delivery vehicles do not have to back into or out of the loading area from a public right-of-way or interfere with any parking space or drive aisle.

10. The required loading area shall not be used to satisfy the requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities. Property owners and/or businesses are responsible for ensuring that vehicles staging for loading or unloading, or those taking DOT-mandated breaks, stage on-site or at an approved off-site location designated for heavy vehicle parking. Heavy vehicles shall not stage or take breaks in off-site areas not approved for heavy vehicle parking.

## 17.12.020 Landscaping and Screening Standards

### A. Purpose.

This section provides standards for the installation and maintenance of landscaping to enhance the visual quality of development with regionally appropriate, sustainable landscapes that benefits the community by:

- 1. Promoting the use of native and low water-use species that are appropriate for the high desert climate to conserve water resources and reduce the demand for potable water.
- 2. Enhancing the visual appearance of commercial, industrial, multi-use, and multi-family residential developments.
- 3. Providing buffers between non-residential and residential land uses.
- 4. Mitigating road noise, controlling soil erosion, and reducing dust.

## B. Applicability.

- 1. The provisions of Section 17.12.020 apply to:
  - i. Private property only.
  - Residential subdivision applications where landscaping is proposed, and approved by the Development Review Committee, for subdivision entry features, medians, common spaces, utility strips adjacent to sidewalks, or required park areas.
  - iii. Commercial developments that include new construction of an enclosed structure with a gross floor area greater than 500 square feet.
  - iv. Additions or remodeling of existing structures that disturbs more than 500 square feet of land area or have a valuation of over \$200,000 (adjusted for inflation).
  - v. Construction of a new parking lot containing 50 or more spaces, or expansion of an existing parking lot by 50 spaces or more.
  - vi. Section 17.12.020 Landscaping and Screening Standards does not apply to existing or applications for new single-family dwelling units apart from Section 17.12.020(G)(3).

- C. Required Landscape Plan.
  - 1. A landscape plan showing the proposed landscape areas and location of existing and proposed plants, materials, and features.
  - 2. Species and size of existing plant material to be preserved.
  - 3. Extent and location of all plant material and other landscape features.
  - 4. Plant schedule including common and botanical names, size at installation, size at maturity, quantities, and method of transplant.
  - 5. The landscape plan shall be drawn to scale no smaller than one-inch equals 30 feet (1" = 30') to ensure readability of the landscape design.
  - 6. The landscape plan shall clearly indicate proposed treatment of all ground surfaces (e.g. paving, gravel, turf, grading, etc.)
  - 7. Irrigation system operation information and water budgets based on gallons used for landscape plantings shall be included on the landscape plan or with attached documents. A list of allowable plants can be found in the Development Process Manual.
  - 8. A minimum percentage of the net lot area for each development shall contain landscaping, which is determined by subtracting the square footage of the building footprint from the square footage of the gross lot area.

i. 0 to 50 acres: 10% minimum

ii. 51 to 100 acres: 5% minimum

iii. 101 to 250 acres: 3% minimum

iv. 251 acres and above: 1% minimum

- v. There is no minimum percentage for residential subdivision applications other than where landscaping is proposed for subdivision entry features, medians, common spaces, utility strips adjacent to sidewalks, or required park areas.
- 9. Tree canopies and ground level plantings shall cover a minimum of 30% of the total required landscape area, as measured by the canopy width.
- 10. The landscape design shall utilize a variety of plant materials to avoid the creation of a monoculture and destruction of a singular species from plant disease.
- 11. Ground cover design shall utilize a variety of materials, such as boulders, gravel, mulch, and soil, to avoid the creation of a monoscape and ensure visual interest through variations in color, texture, and type.
- 12. Existing plant materials that are healthy and proposed for preservation shall be indicated as such on the landscape plan and shall count towards meeting the minimum landscape requirements.

- 13. Drainage systems such as retention and detention ponds may count toward meeting the minimum landscape requirements, provided that the drainage system is designed and landscaped in a way that enhances the aesthetic quality of the site. Acceptable features may include the incorporation of native, drought-tolerant vegetation, trees, or decorative rock elements around the pond perimeter, and the use of gradual slopes and natural contours to create a more visually appealing appearance.
- 14. Mulch shall be provided in all planting beds at a minimum depth of two inches.
- 15. Turf, sod, or grass seed shall not be installed in areas that are less than 15 feet in width or length. Artificial turf may be acceptable in these areas.
- 16. Cool season grasses shall be limited to no more than 10% of the required landscape area. Warm season grasses are not limited in landscape area. Public parks and athletic fields are exempt from this restriction. These locations shall install only the minimum cool season turf required for active recreational use.
- 17. Water features, including but not limited to fountains, streams, and ponds, are classified as high water use and shall be limited in size.
- 18. All underground utility lines shall be located and shown on the landscaping plan. Tree plantings shall not interfere within the functioning of utility lines, either at installation or later.
- 19. Clear-sight triangles shall be shown on the landscape plan and maintained at all street and driveway intersections.

### D. Required Irrigation System.

- 1. Irrigation plans must comply with the Village's stormwater quality and water rights requirements.
- 2. An irrigation plan shall be submitted as part of the required landscape plan and Development Plan Application.
- 3. The irrigation system shall be permanently installed and connected to a dedicated water meter, preserving the health and vitality of the landscape.
- 4. The irrigation system shall include the installation of an automatic irrigation timer with programmable settings, installation of a backflow preventer, and pipes, valves, and irrigation heads of adequate size to properly irrigate the landscape areas.
- 5. The irrigation system shall be designed to minimize the use of water.
- 6. The irrigation system shall be designed to avoid over spraying onto paved surfaces, including streets, driveways, sidewalks, and parking areas.
- E. Landscape plans shall reference the Water Allocation by Plant Type Per Year contained in the Development Process Manual.

- F. Prohibited Species.
  - 1. Russian olive (Elaeagnus angustifolia) and Salt cedar (Tamarix ramosissima) are prohibited because of their classification as noxious weeds.
  - 2. Tree species that carry harmful allergens are prohibited, including Cypress (Cupressus sp.), Juniper (Juniperus sp. male specimens are prohibited; females are allowed), and Mulberry (Morus sp.).
  - 3. Any species listed in the Development Process Manual, or as amended, that are identified as hazardous, harmful, noxious, or similar in nature.
- G. Installation and Maintenance.
  - 1. Required minimum plant sizes at installation:
    - i. Deciduous shade trees:
      - a. Two-inch caliper trunk measured six inches above grade.
    - ii. Accent trees:
      - a. One-and-a-half-inch caliper trunk measured six inches above grade.
    - iii. Multi-trunk trees:
      - a. Minimum of two trunks, with a combined caliper of two inches.
    - iv. Evergreen trees:
      - a. Minimum of six feet in height.
    - v. Shrubs:
      - a. One gallon container.
  - 2. All landscape plantings and irrigation systems shall be installed and operational prior to the issuance of a Village Business Registration/License.
  - 3. All properties, whether residential or commercial, shall maintain landscaping in a healthy, orderly, and visually appealing condition. This includes preventing overgrowth, removing weeds and litter, replacing and/or removing dead or damaged plant materials in accordance with acceptable horticultural practices and as required by the following provisions:
    - i. Commercial Properties:
      - a. Any plant materials shown on the approved landscape plan that have died shall be replaced within 30 days of its demise or during the next appropriate season with the same or a similar regionally appropriate plant species to maintain compliance with the approved landscaping plan.
      - b. Trees that have died, are dying, or are hazardous to the property or surrounding areas shall be removed and replaced with a similar, regionally appropriate tree species.

## ii. Residential Properties:

a. Any plant materials that have died shall either be replaced with the same or a similar regionally appropriate plant species or at the property owner's discretion, removed indefinitely.

#### 17.12.030 Fences and Walls

### A. Purpose.

- 1. Section 17.12.030 Fences and Walls regulates walls, fences, and retaining walls for the purpose of:
  - i. Establishing an attractive streetscape and promoting neighborhood character.
  - ii. Providing adequate privacy and security without degrading the visual aesthetic of the community.
  - iii. Providing visual separation between non-residential and residential land uses.

# B. Applicability.

- 1. The standards provided in Section 17.12.030 Fences and Walls apply to new fences or walls and replacement of existing fences or walls.
- 2. A fence or wall shall be erected and/or replaced only after obtaining an approved Development Plan Application from the Community Development Department.
- 3. Where the minimum height requirement for fences or walls are taller under the Main Street Overlay, an approved Area Plan, or Article IV. Supplemental Standards for Specific Uses than the maximum height allowed in this section, the taller wall requirement shall prevail. All other applicable standards in this section shall apply.

#### C. Fence and Wall Location.

- 1. A fence or wall is permitted to be placed anywhere on a lot, including the front, side, or rear yard and/or setback area or on a property line, except as provided in this section or as limited by clear sight triangle regulations.
- 2. A fence or wall shall not encroach onto any public right-of-way without an approved encroachment agreement from the Village Public Works Director that shall be recorded with the Valencia County Clerk.
- 3. A fence or wall shall not encroach onto any adjacent properties without prior written consent of that property owner that shall be recorded with the Valencia County Clerk and such recorded document shall be submitted as part of the Development Plan Application

#### D. Maximum Fence and Wall Height.

1. The height measurement of a wall or fence shall be made on the side of the wall or fence at the lowest non-artificially raised grade level. In cases of topographic variations, the grade average shall be used for wall/fence height measurement.

- 2. The maximum height for fences and walls is seven feet, except as provided in this section or under Article IV. Supplemental Standards for Specific Uses. Fences and walls seven feet or less may be erected on any part of a lot that is setback as far as the main building face.
- 3. A fence or wall no taller than four feet in height may be erected within the front yard or front setback area, provided that it meets the clear sight triangle regulations. An additional two feet may be added to the overall height provided the fence or wall is no more than 30% opaque and meets the clear sight triangle regulations.
- 4. Tennis court and security fences for residential and non-residential uses may be constructed to a maximum height of 12 feet, provided they are constructed from materials that do not obstruct visibility, such as chain link, rod iron, or similar. Such fences shall be placed a minimum of five feet inside the property line. Tennis court fences on residential properties shall be placed in the rear or side yard.
- 5. Swimming pools, spas, or hot tubs, in-ground or above-ground, shall be completely surrounded by a fence setback a minimum of three feet from the exterior edge, wall, building wall, or combination thereof, with a height of four feet above grade as measured on the side of the fence that faces away from the swimming pool, spa, or hot tub and include a locking device on a self-closing gate, per §14.7.3 NMAC. Spas and hot tubs may utilize a lockable cover in lieu of an enclosed fence or wall.

# E. Retaining Walls.

- 1. All retaining walls that are 24-inches in height or greater shall apply for a Development Plan Application and be designed and engineered by a licensed structural engineer registered in the State of New Mexico.
- 2. Retaining walls taller than six feet in height shall be terraced to minimize the visual impact from neighboring properties and public right-of-way. Terracing shall not exceed three tiers.
- 3. Where required, the terrace shall have a minimum separation of four feet to provide an area for landscaping and screening. A reduction in the required separation to three feet may be approved at the discretion of the Village Public Works Director where site constraints limit the area to accommodate the terracing.
- 4. Retaining walls shall incorporate a setback from the property line to avoid encroachment of the footing onto public right-of-way or adjacent properties.

### F. Fence and Wall Materials and Design

- 1. Fences and walls shall be constructed of durable materials intended for outdoor use, weather, and decay resistant.
- 2. Acceptable fence and wall materials include, but are not limited to, concrete masonry unit (CMU) blocks, split-face blocks, stabilized adobe, wood (including latillas) brick, stone, glass block, tubular steel, wrought iron, or any other material approved at the discretion of the Community Development Director.

- 3. Walls visible from public rights-of-way shall be architecturally integrated with the building design to the maximum extent feasible.
- 4. Prohibited fence and wall materials include railroad ties, wood pallets, tires, barbed wire, razor wire, barbed tape, or brush; except barbed wire fences shall be allowed in the A-R and R-R zones for the purposes of animal containment and agricultural cropland protection, provided the fence is placed at a minimum of five feet from a lot line adjacent to the public right-of-way or pedestrian walkway.
- 5. The property owner shall remove any fence or wall constructed of prohibited materials contained in Section 17.12.030 of this Ordinance within 30 days following written notification by the Village Code Enforcement Officer. If such fence is not removed within 30 days, the Village shall remove such fence, and the property owner shall be charged for the removal expense.

#### G. Maintenance.

- 1. All fences, walls, and retaining walls shall be maintained in good condition, and shall not become dilapidated or a danger to adjoining properties or the general public.
- 2. Fences, walls, and retaining walls that have become dilapidated and a nuisance through neglect, manner of construction, or method of placement, shall be repaired, replaced, or removed the Village shall remove such fence, wall, or retaining wall and the property owner shall be charged for the removal expense.

## 17.12.040 Outdoor Lighting

#### A. Purpose.

1. Section 17.12.040 is intended to reduce light pollution, prevent obtrusive lighting, and protect the safety and security of residents.

### B. Applicability.

- 1. The provisions in Section 17.12.040 shall apply to:
  - i. All new multi-family, mixed-use, and non-residential development on private property. The provisions contained in Section 17.12.040 shall not apply to public property.
  - ii. Change in use of an existing private property.
  - iii. Expansion or renovation to existing private property that increases the developed square footage, occupant capacity, or parking spaces by 25 percent or more.

### C. Exemptions.

- 1. Navigational lighting at airports and other lighting required for aircraft safety.
- 2. Sports lighting at playing fields and tennis courts provided the light poles are extinguished by 10:00 p.m., except to complete the sports activity in progress prior to 10:00 p.m.

Existing outdoor lighting on private property that was installed prior to the effective date
of this Ordinance shall be exempt and considered nonconforming until natural
maintenance, modifications, change of use, or code enforcement obligates meeting the
standards.

### D. Prohibited Lighting.

- 1. The following types of exterior lighting sources, fixtures, and installations shall be prohibited:
  - i. Mercury vapor lighting.
  - ii. Lighting that is animated, blinks, flashes, moves, revolves, or changes intensity.
  - iii. Unshielded floodlights, spotlights, searchlight, aerial lasers, or beacons.
  - iv. Site lighting that produces direct light or glare onto public rights-of-way that could cause the operator of a motor vehicle to lose visibility or that could be misconstrued as a traffic control device.

## E. Required Lighting Plan.

- 1. An exterior photometric lighting plan shall be prepared in compliance with Section 17.12.040 by an electrical engineer registered in the State of New Mexico and shall be submitted as part of the Development Plan Application.
- 2. All exterior lighting plans shall comply with the "Night Sky Protection Act," §74-12-1 through §74-12-10 NMSA 1978.
- 3. All site, parking lot, and building-mounted outdoor lighting shall be shielded using full cut-off light fixtures.
- 4. All outdoor lighting shall be aimed so that light spillover onto the area 10 feet beyond the property line shall not exceed 200-foot lamberts as measured from the property line facing the light source.
- 5. All outdoor light fixtures within any residential, mixed-use, or non-residential zone district shall be extinguished between 10:00 p.m. and sunrise, except for the minimum necessary for security purposes or to illuminate pedestrian walkways, drive aisles, equipment yards, and parking lots.

# F. Light Fixture Height.

1. The maximum height for all light fixtures shall be measured from the finished adjacent grade to the top of the light fixture per Table 17.12.040(1).

Table 17.12.040(1): Maximum Height for Light Poles and Building-Mounted Lights				
Zone Districts	Maximum Height			
Residential zones	16			
Mixed-use zones	20			
Non-residential zones	30			
Within 100 feet in any direction of a residential zone	16			
Adjacent to parks and open space	20			
Building-mounted	Between 7 feet and 15 feet above			
	finished adjacent grade			

## G. Pedestrian Lighting.

- 1. Pedestrian walkways in parking areas shall be lit with pedestrian-scale lighting.
- 2. The maximum height of pedestrian light fixtures shall be measured from the adjacent finished grade to the top of the light fixture per Table 17.12.040(2).

Table 17.12.040(2): Maximum Height for Pedestrian Lighting				
Туре	Maximum Height			
Light poles	12			
Bollard lights	4			

# 17.12.050 Signs

#### A. Purpose.

- 1. Section 17.12.050 establishes sign regulations for residential and non-residential development, institutions, and other places of interest that are intended to encourage and protect the character of the Village while enhancing development and improving the appearance by:
  - i. Establishing a permit system to allow a variety of sign types in non-residential zones and a limited variety sign types in residential zones.
  - ii. Allowing certain signs that are unobtrusive and incidental to the primary use of the property on which they are located.
  - Providing for temporary signs in limited circumstances within public right-ofway.
  - iv. Identifying signs that are prohibited within the Village.
  - v. Ensuring compliance with all applicable federal and state laws regarding the First Amendment of the United States Constitution and free speech, and avoiding regulating signage based on content, viewpoint, or message.

# B. Applicability.

- 1. All signs and support structures shall be designed, installed, and maintained in conformance with the standards, procedures, and other requirements of Section 17.12.050, except for those signs deemed exempt in Section 17.12.050(C).
- 2. When any regulation in Section 17.12.050 conflicts with any other regulation in this Ordinance, the more strict interpretation shall prevail, except when the Community Development Director determines otherwise. When any regulation in the Supplementary Standards for Specific Uses conflicts with any other regulation in this Ordinance, the Supplementary Standards for Specific Uses shall prevail.

#### C. Exemptions.

- 1. The signs listed in this section shall be exempt from the standards contained in Section 17.12.050.
  - i. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
  - ii. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the property line of the lot or parcel on which the sign is located.
  - iii. Works of art that do not include a commercial message, place name, or logo.
  - iv. Holiday lights and decorations with no commercial message, except that the decorations may contain sponsor names that are uniform in design with no other advertising, logos, or any other words or graphics that are unique to a sponsor.
  - v. Traffic control signs on public or private property, such as "Stop," "Yield," and similar signs, the faces of which meet New Mexico Department of Transportation standards and do not contain a commercial message of any sort.

# D. Prohibited Signs.

- 1. The following signs listed in this section are prohibited in all districts. These signs shall be removed or brought into conformance with the standards contained in this section or shall be considered in violation and subject to the penalty provisions contained in this Article and Section 17.14.050(D).
  - i. Abandoned signs located on a property that is vacant, unoccupied, or where the use has been discontinued for a period of 30 days or longer.
  - ii. Signs with mechanical movement (e.g. moving parts or rotation) and/or flashing, oscillating, or rotating lights or other illuminating devices that change in brightness or intensity of color.
  - iii. Billboards.
  - iv. Roof signs or attached signs extending above the roof line.

- v. Signs that exceed two square feet in area on vehicles or trailers that are parked or located for the primary purpose of displaying the sign.
- vi. Signs with exposed incandescent, metal halide, or fluorescent light bulbs.
- vii. Signs with direct illumination by incandescent light bulbs rated at above 375 lumens.
- viii. Signs that contain a beacon of any type and/or contain a spotlight providing direct illumination to the public.
  - ix. No additions, streamers, other similar accessories, or items listed in Section 17.12.050(D)(1)(ii) of this Ordinance shall be attached to or used in conjunction with any permanent or temporary sign.
  - x. Signs, permanent or temporary, located within 15 feet of the pavement edge in either direction of an intersection and taller than three feet in height or that otherwise obstructs the clear sight triangle impeding access to a sidewalk, street, driveway, traffic control apparatus, bus stop, fire hydrant, street furniture, or otherwise creates a hazard, such as tripping.
  - xi. Signs, other than directional or official traffic signs, designed in a manner that could be confused with an authorized traffic sign, signal, or device, or utilizing the words "stop," "look," "drive-in," "danger," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse drivers.
- xii. Signs on trees, rocks, or other natural objects, or on any human-constructed object not intended to support a sign, such as a utility pole, light pole, or fire escape; whether attached or painted onto such object.
- E. Signs Allowed on Private Property.

Primary, secondary, and temporary signs on private property shall be subject to the type, size, and number of signs permitted and as further outlined in Section 17.12.050(H).

- 1. <u>Primary signs</u> are considered permanent, require a Sign Permit, and may require a building permit issued by the New Mexico Construction Industries Division (NMCID) in which case a Development Plan Application shall be submitted to the Community Development Department. Primary signs identify an establishment or premises while the establishment is in operation and/or while the premises is occupied. Primary signs include:
  - i. Awning signs.
  - ii. Canopy signs.
  - iii. Hanging signs.
  - iv. Home occupation signs.
  - v. Marquee signs.
  - vi. Monument signs.

- vii. Post and Panel.
- viii. Pylon/pole signs.
  - ix. Subdivision signs.
  - x. Wall signs.
- 2. <u>Secondary signs</u> provide information that is secondary to identifying the major activities occurring on the premises and may be permanent or temporary, but do not require a Sign Permit. Permanent and temporary secondary signs include:
  - i. Building identification signs.
  - ii. Bulletin boards.
  - iii. Collection box signs.
  - iv. Directional signs.
  - v. Government signs.
  - vi. Incidental signs.
  - vii. Informational signs.
  - viii. Window signs.
- 3. <u>Temporary signs</u> are used for a specific reason and for a specific length of time as specified in Section 17.12.050(H). Temporary signs on private property do not require a Sign Permit. For temporary signs located in the public right-of-way see Section 17.12.050(F). Temporary signs include:
  - i. Banner signs.
  - ii. Development/construction signs.
  - iii. Flags and pennants.
  - iv. Flex-pole signs.
  - v. Garage sale signs.
  - vi. Inflatable signs.
  - vii. Mobile Billboard signs.
  - viii. Open house signs.
    - ix. Political signs.
    - x. Portable signs.
  - xi. Real estate signs.
  - xii. Single event signs.
  - xiii. Special event signs.

- xiv. Subdivision directional signs.
- xv. Window signs.
- xvi. Yard signs.
- F. Signs Allowed Within Public Right-of-Way.

For the purposes of Section 17.12.050 regulations, the right-of-way excludes State of New Mexico facilities managed by the New Mexico Department of Transportation (NMDOT), including Interstate 25, NM Highway 6 (Main St.), NM Highway 263, NM Highway 314, and NM Highway 47. Signs within the State of New Mexico right-of-way must comply with the provisions set forth in §66-7-108 NMSA 1978, or as amended. Signs placed within the Village of Los Lunas right-of-way are prohibited, except for the following:

- 1. <u>Permanent signs</u>. This includes government signs erected by or on behalf of a governmental agency such as legal notices; signs to identify public property, convey public information, or direct or regulate pedestrian and vehicular traffic; bus stop signs; and informational signs of a public utility regarding its poles, lines, pipes or facilities.
- 2. <u>Temporary signs</u>. Signs allowed within the public right-of-way and posted in accordance with Section 17.12.050(H) and Section 17.12.050(G)(5).
- 3. <u>Emergency warning signs</u>. This includes signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way that serve to warn the public of emergencies.
- 4. Other signs forfeited. Any sign installed or placed on public property, except in conformance with the requirements of Section 17.12.050, shall be forfeited and subject to confiscation by the Village. The Village shall have the right to recover the full cost of removal and disposal of the sign from the property owner or person that placed the sign in violation of Section 17.12.050.
- G. Signs Allowed on a Temporary Basis.
  - 1. Temporary signs are allowed only so long as they do not violate the purpose and intent of Section 17.12.050.
  - 2. Temporary signs may be posted on property in all zone districts, subject to the following requirements and applicable provisions within Section 17.12.050:
    - i. A temporary sign may be posted only with the consent of the property owner or occupant.
    - ii. All temporary signs must be constructed and designed of materials durable enough to withstand the elements and inclement weather.
    - iii. Temporary signs shall not be illuminated or painted with light-reflecting paint.
  - 3. Temporary signs on private property in residential zone districts shall be subject to the type, size, and number of signs permitted and as further outlined in Section 17.20.050(H) and the following regulations:

- i. The total square footage for temporary signs posted within a residential zone district, in the aggregate, shall not exceed a total of 32 square feet in area.
- ii. No individual temporary sign within a residential zone district shall exceed 32 square feet in area or six feet in height if freestanding, unless otherwise outlined in Section 17.12.050(H) of this Ordinance.
- iii. Temporary signs in a residential zone are prohibited from advertising or promoting any off-premises commercial enterprise.
- 4. Temporary signs on private property in non-residential zone districts shall be subject to the type, size, and number of signs permitted and as described in Section 17.12.050(H) and the following regulations:
  - i. The total square footage for all temporary signs posted within a non-residential zone district, in the aggregate, shall not exceed 64 square feet.
  - ii. No individual temporary sign within a non-residential zone district shall exceed a total of 32 square feet in area.
  - iii. Development located on a single lot, premises, or tract of land that is 20 or more acres is permitted to post temporary signage that does not, in the aggregate, exceed a total of 128 square feet in area.
  - iv. Temporary signs in a non-residential zone are prohibited from advertising or promoting any off-premises commercial enterprise.
- 5. The following temporary signs are allowed in the public right-of-way shall be subject to the type, size, and number of signs permitted and as further outlined in Section 17.20.050(H) and the following regulations:
  - i. A Sign Permit is required for all temporary signs within the public right-of-way.
  - ii. Subdivision Directional Signs. Permits for temporary signs in the public right-of-way are allowed on a limited basis during periods of new construction activity that require the need for subdivision directional signs. Directional signs may only be used to direct traffic to subdivisions that are less than 90 percent complete. The purpose of such signs is to minimize confusion among prospective homebuyers who wish to inspect development projects, while promoting traffic safety and reducing the visual blight of sign proliferation. This type of sign is allowed as follows:
    - a. Subdivision directional signs shall not exceed eight square feet in area.
    - b. The maximum number of subdivision directional signs that may be posted with a permit is six signs per builder, per subdivision.
    - c. Subdivision signs shall not be placed closer than 20 feet from any other permitted sign.
    - d. A permit is valid for one calendar month; however, permits may be purchased in advance for a period not to exceed one year.

- iii. <u>Special Event Signs</u>. Special Event signs are intended to provide the public or event staff with directions to an event lasting more than one day. These signs include but are not limited to, signs that provide directions to filming locations, fiestas, festivals, fairs, temporary markets, and multi-day community gatherings.
  - a. No more than one application will be approved for the same event, and it will be reviewed on a first come first served basis.
  - b. Special event signs shall not be placed in the public right-of-way sooner than one week before the event and must be removed no later than 24 hours after the conclusion of the event unless otherwise stated in Section 17.12.050(H).
- iv. <u>Single Event Signs</u>. Are intended to provide the public with directions to an event of a limited duration. These signs include, but are not limited to, signs that provide directions to garage sales, open houses, and public community meetings.
  - a. No more than one application will be approved for the same event, and it will be reviewed on a first come first served basis.
  - b. Single event signs shall not be placed in the public right-of-way sooner than 48 hours before the event and must be removed no later than 24 hours after the conclusion of the event unless otherwise stated in Section 17.12.050(H).
- H. Signage Type, Frequency, Location and Placement, and Size Regulations.
  - 1. S-U zone district sign regulations shall comply with the most similar zone standards warranted by the specific development as determined by the Community Development Director or their designee.

Table 17.12.050(	Table 17.12.050(1): Signage Type, Frequency, Location and Placement, and Size					
	ZONES					
SIGN TYPE	A-R, R-R, R-1,	R-3 & R-4		C-1 & C-2	M-1 & M-2	TOD-MU &
	R-M, & R-2					TOD-R
	SIGNS ON PR	RIVATE PROPEI	RTY: PI	ERMANENT PR	IMARY SIGNS	
Awning	Not allowed	Signs shall recover more than 20% of the awning.     Awnings wisigns shall be located at the leasing office and community buildings on Awnings wisigns shall be allowed at each doorway accessible to the public.	thee ee ee elly. thee eay	_	cover more than 50% signs shall be allowed e public.	_

Table 17.12.050(1): Signage Type, Frequency, Location and Placement, and Size					
CICN TVDE	4 D D D D 1	D 2 0 D 4	ZONES	NA 1 0 NA 2	TOD MIL 0
SIGN TYPE	A-R, R-R, R-1, R-M, & R-2	R-3 & R-4	C-1 & C-2	M-1 & M-2	TOD-MU & TOD-R
		IVATE PROPERTY	: PERMANENT PR	AIMARY SIGNS	
Billboard	Not allowed	T .	T		
Canopy	Not allowed	<ul> <li>Canopy signs shall not exceed 30% of the sign area.</li> <li>Canopy signs shall be located at the leasing office and community buildings only.</li> <li>Canopy signs shall be allowed at each doorway accessible to the public.</li> </ul>	<ul><li>24 inches in he</li><li>Canopy signs of shall not exceed</li></ul>	fueling canopy letters ight.  other than motor vehice d 30% of the sign area shall be allowed at each	le fueling canopies
Electronic	Not allowed		sign types (e.g. wall) and must primary sign ty with specific el regulations liste o Messa exceed o A mes static to second transit o Additioutline	pe standards, along ectronic sign ed below: age area shall not d 50 square feet. asage shall remain for a minimum of 8 ds between	Not allowed
Hanging (4)	Not allowed		<ul><li>1 sign up to 12 tenant space.</li><li>Signs shall be of</li></ul>	square feet per oriented o the building of	<ul> <li>1 sign up to         <ul> <li>4 square feet</li> <li>per street</li> <li>level</li> <li>business.</li> </ul> </li> <li>Signs shall         <ul> <li>be oriented</li> <li>perpendicula</li> <li>r to the</li> <li>building of</li> <li>which it's</li> <li>attached.</li> </ul> </li> <li>Signs shall         <ul> <li>be made of</li> <li>wood, metal,</li> <li>or similar</li> <li>material.</li> </ul> </li> </ul>

<b>Table 17.12.050</b>	(1): Signage Type, Fi	equency, Location ar		ize	
CICN TYPE	A D D D D 1	D 2 0 D 4	ZONES	M-1 & M-2	TOD-MU &
SIGN TYPE	A-R, R-R, R-1, R-M, & R-2	R-3 & R-4	C-1 & C-2	NI-1 & NI-2	TOD-R
		IVATE PROPERTY	: PERMANENT PR	RIMARY SIGNS	TOD K
Home Occupation	• 1 sign up to 2 square feet	1 sign up to 2 square feet     Signs shall not be allowed in multi-family developments on one lot.	• 1 sign up to 2 square feet	Not allowed	<ul> <li>Signs shall be allowed only on lots within a TOD-R zone.</li> <li>1 sign up to 2 square feet</li> <li>Sign shall be mounted on the wall of the dwelling unit.</li> </ul>
Marquee	Not allowed		<ul> <li>Signs shall not building to whi</li> <li>Signs shall pro from finished g</li> <li>Signs may cove</li> </ul>	exceed 20 feet in height project more than 10 fich it is attached. Wide a clearance of not grade to the bottom of the entire width of a tway but shall not encounter.	ght. feet from the less than 8 feet the sign. a sidewalk or
Monument	Not allowed	<ul> <li>1 sign up to 32 square feet.</li> <li>Signs shall not exceed 10 feet in height.</li> <li>Signs shall only be allowed in multi-family developments on one lot.</li> </ul>	<ul> <li>1 sign per stree square feet.</li> <li>Signs shall not height.</li> <li>A minimum of</li> </ul>	exceed 20 feet in 100 ft. shall be ween freestanding et and adjacent	<ul> <li>1 sign up to 32 square feet.</li> <li>Signs shall not exceed 10 feet in height.</li> </ul>
Post and Panel	<ul> <li>1 sign up to 16 square feet.</li> <li>Signs shall not exceed 6 feet in height.</li> <li>Signs shall be setback a minimum of 3 feet from the property line.</li> </ul>	<ul> <li>1 sign up to 16 square feet.</li> <li>Signs shall not exceed 6 feet in height.</li> <li>Signs shall be setback a minimum of 3 feet from the property line.</li> </ul>	square feet.	exceed 10 feet in	<ul> <li>1 sign up to 16 square feet.</li> <li>Signs shall not exceed 6 feet in height.</li> <li>Signs shall be setback a minimum of 3 feet from the property line.</li> </ul>

Table 17.12.050(	1): Signage Type, Fr	equency, Location as	nd Placement, and Si	ize	
			ZONES		
SIGN TYPE	A-R, R-R, R-1, R-M, & R-2	R-3 & R-4	C-1 & C-2	M-1 & M-2	TOD-MU & TOD-R
		IVATE PROPERTY	: PERMANENT PR	IMARY SIGNS	
Pylon/Pole	Not allowed		square feet.  Signs shall not height.  A minimum of maintained between	exceed 20 feet in  100 feet shall be ween freestanding oject and adjacent	Not allowed
Revolving	Not allowed		properties.		
Roof	Not allowed				
Subdivision	• 1 sign up to 64	square feet per princip exceed 6 feet in height			
Wall	Not allowed oth provisions outling Occupation with the second secon	ned in Home		gregate shall not building elevation.	Commercial establishme nts all signs in aggregate shall not exceed 30% of building elevation     Residential units are not allowed to display a sign other than the provisions outlined in Home Occupation within this table.
SIGNS	S ON PRIVATE PRO	OPERTY: PERMAN	ENT OR TEMPOR	ARY SECONDARY	SIGNS
Building Identification	<ul> <li>1 sign up to 1 square foot per building.</li> <li>For lots with an ADU the primary building may have up to 1 additional sign.</li> </ul>	<ul><li>1 sign up to 4 sq</li><li>For buildings wi</li></ul>	uare feet per building th multiple units the b to 1 square foot. The	building may have up	to 1 additional
Bulletin Board	Not Allowed	• 1 bulletin board	per common area up	to 10 square feet.	
		<ul> <li>Bulletin board shall be weather resistance and enclosed to limit litter.</li> </ul>			
Collection Box	Not Allowed	Signs shall be a collection box as	ffixed directly to the s nd shall not extend or r horizontally or verti	surface of the project beyond the	Not Allowed

<b>Table 17.12.050</b>	(1): Signage Type, Fi	requency, Location a		ize		
SIGN TYPE	A-R, R-R, R-1,	R-3 & R-4	ZONES C-1 & C-2	M-1 & M-2	n	TOD-MU &
SIGNTIFE	R-M, & R-2	K-3 & K-4	C-1 & C-2	IVI-1 & IVI-2	_	TOD-NIO &
Directional	All signs in aggregate shall not exceed 32 square feet.	Allowed			•	All signs in aggregate shall not exceed 32 square feet.
Governmental	Allowed					
Incidental	All signs in aggregate shall not exceed 32 square feet.	Allowed			•	All signs in aggregate shall not exceed 32 square feet.
Informational	All signs in aggregate shall not exceed 32 square feet.	Allowed			•	All signs in aggregate shall not exceed 32 square feet.
Window	Not allowed	Allowed			•	All signs in aggregate shall not exceed 32 square feet. Residential units are not allowed to display a window
	SIGNS	 ON PRIVATE PROP.	FRTV: TEMPORAR	RV SIGNS		sign.
Banner	• See single or sp		<ul> <li>All signs in agg exceed 64 squa</li> <li>An individual s displayed for m</li> <li>Signs removed 30-day display reinstalled on the for a minimum days.</li> <li>Signs shall be k condition, free or other damage</li> <li>Signs shall not attached to any</li> <li>For commercial projects, 1 sign per contractor.</li> <li>For commercial projects, signs and signs and signs are contractor.</li> </ul>	gregate shall not re feet. ign shall not be tore than 30 days. after the maximum period shall not be the same property of 60 consecutive stept in good from tears, fading, e. be permanently structure. I construction up to 32 square feet I construction are exempt from the ment and shall be time of	•	See single or special event.

Table 17.12.050	(1): Signage Type, Frequency, Location a	nd Placement, and Siz	ze			
SIGN TYPE	A-R, R-R, R-1, R-3 & R-4 R-M, & R-2	C-1 & C-2	M-1 & M-2	TOD-MU & TOD-R		
	SIGNS ON PRIVATE PROP	ERTY: TEMPORAR	RY SIGNS			
Development/ Construction	<ul> <li>1 sign up to 32 square feet per principal entrance.</li> <li>Signs shall not exceed 6 feet in height.</li> <li>For commercial projects, signs shall be removed at the time of development completion.</li> <li>For subdivisions, signs shall be removed once the development is 90% complete.</li> </ul>					
Flags	Allowed	1	<u> </u>			
Flex-pole	Not allowed	<ul> <li>2 signs up to 40 aggregate per but Signs shall not but outside of busin</li> <li>Signs shall be k condition, free for other damage</li> </ul>	usiness. be displayed less hours. ept in good from tears, fading,	Not allowed		
Garage sale	<ul> <li>1 sign up to 3 square feet.</li> <li>Signs shall be removed within 24 hours after the conclusion.</li> </ul>	• 4 signs up to 24 aggregate.	square feet in emoved within 24	<ul> <li>1 sign up to 3 square feet.</li> <li>Signs shall be removed within 24 hours after the conclusion.</li> </ul>		
Inflatable	Not allowed	<ul> <li>1 sign per street</li> <li>Signs shall not be outside of busin</li> <li>Signs shall be ke condition, free for other damage</li> </ul>	be displayed less hours. ept in good from tears, fading,	Not allowed		
Mobile Billboard	Not allowed	<ul> <li>Mobile billboard for more than 4</li> <li>A route map shat the permit appli</li> <li>Mobile billboard stationary for maday, provided the fueling or on brown only in legal sto</li> </ul>	ds shall not operate hours per day. all be included with cation. ds shall not be tore than 1 hour per ne operator is eak. ds shall be parked	Not allowed		
Open House	<ul> <li>1 sign up to 3 square feet.</li> <li>Signs shall be removed within 24 hours after the conclusion.</li> </ul>	• 4 signs up to 24 aggregate.	emoved within 24	<ul> <li>1 sign up to 3 square feet.</li> <li>Signs shall be removed within 24 hours after the conclusion.</li> </ul>		

- Table 17.12.030	(1): Signage Type, Frequency, Location at	ZONES		
SIGN TYPE	A-R, R-R, R-1, R-M, & R-2	C-1 & C-2	M-1 & M-2	TOD-MU & TOD-R
	SIGNS ON PRIVATE PROP	ERTY: TEMPORAR	RY SIGNS	
Pennant Political	All signs in aggregate shall not exceed 32 square feet. This aggregate is independent of and does not count toward the aggregate limitation for all other sign types on the property.	exceed 128 squ aggregate is ind does not count	lependent of and toward the ation for all other	All signs in aggregate shall not exceed 32 square feet. This aggregate is independent of and does not count toward the aggregate limitation for all other sign types on the
Portable	Not allowed	1 sign per tenan square feet.     Signs shall not outside of busing the square feet.		on the property.  For commercial establishme nts, 1 sign per tenant not to exceed 12 square feet.  Residential units are not allowed to display a sign.  Signs shall not be displayed outside of business hours.
Real estate	<ul> <li>1 sign per street frontage up to 6 square feet.</li> <li>Signs shall not exceed 6 feet in height.</li> </ul>	square feet. For more see Section 17.12.050(G)(4		<ul> <li>1 sign per street frontage up to 6 square feet.</li> <li>Signs shall not exceed 6 feet in height.</li> </ul>

Table 17.12.050(1): Signage Type, Frequency, Location and Placement, and Size						
CICAL TABLE	4 D D D D 1	D 2 0 D 4	ZONES	M 1 0 M 2	TOD MIL 0	
SIGN TYPE	A-R, R-R, R-1, R-M, & R-2	R-3 & R-4	C-1 & C-2	M-1 & M-2	TOD-MU & TOD-R	
		N PRIVATE PROP	L ERTY: TEMPORAI	RY SIGNS	TOD-K	
Single event	<ul> <li>1 sign up to 3 so</li> <li>Signs shall not l than 48 hours be</li> </ul>	quare feet.  be placed sooner  efore the event.  emoved within 24	<ul> <li>4 signs up to 32 aggregate.</li> <li>Signs shall not than 48 hours be</li> </ul>	2 square feet in be placed sooner pefore the event. removed within 24	<ul> <li>1 sign up to 3 square feet.</li> <li>Signs shall not be placed sooner than 48 hours before the event.</li> <li>Signs shall be removed within 24 hours after the conclusion.</li> </ul>	
Special event	1 week before the	e placed sooner than he event.	than 1 week be	be placed sooner fore the event.	<ul> <li>1 sign up to 3 square feet.</li> <li>Signs shall not be placed sooner than 1 week before the event.</li> <li>Signs shall be removed within 24 hours after the conclusion.</li> </ul>	
Subdivision directional	Subdivision • 1 sign up to 32 square feet per principal entrance.					
Yard	• 1 sign up to 3 so	-	• 4 signs up to 24 aggregate.	-	• 1 sign up to 3 square feet.	
	SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY: TEMPORARY SIGNS					
Government Mobile Billboard	<ul><li>A route map sha</li><li>Mobile billboar fueling or on br</li></ul>	eak.	e permit application.  ary for more than 1 ho	er day.  Our per day, provided as and shall not be seen	-	

Table 17.12.050(	Table 17.12.050(1): Signage Type, Frequency, Location and Placement, and Size					
			ZONES		_	
SIGN TYPE	A-R, R-R, R-1, R-M, & R-2	R-3 & R-4	C-1 & C-2	M-1 & M-2	TOD-MU & TOD-R	
		THE PUBLIC RIG	HT-OF-WAY: TEM	IPORARY SIGNS	10211	
Special event, Banner	<ul><li>Banners shall b and Public Wor</li><li>Signs shall not</li></ul>	<ul> <li>and Public Works to determine the quantity, location, placement, and size restrictions.</li> <li>Signs shall not be placed sooner than 2 weeks before the event.</li> </ul>				
Special event, Garage sale/Open house	<ul> <li>10 signs up to 3 square feet.</li> <li>Signs shall not exceed 3 feet in height.</li> <li>A placement map shall be included with the permit application.</li> <li>Signs shall be placed within 1 mile of the event location.</li> <li>Signs shall not be placed sooner than 48 hours before the event.</li> <li>Signs shall be removed within 24 hours after the conclusion.</li> </ul>					
Special event, Yard	<ul> <li>Signs shall be removed within 24 hours after the conclusion.</li> <li>10 signs up to 3 square feet.</li> <li>Signs shall not exceed 3 feet in height.</li> <li>A placement map shall be included with the permit application.</li> <li>Signs shall be placed within 2 miles of the event location.</li> <li>Signs shall not be placed soon than 1 week before the event.</li> <li>Signs shall be removed within 24 hours after the conclusion.</li> </ul>					
Single event, Banner	<ul><li>and Public Wor</li><li>Banners shall b</li><li>Signs shall not</li></ul>	<ul> <li>Banners shall be approved on a limited basis, and in coordination with Community Development and Public Works to determine the quantity, placement, and size restrictions.</li> <li>Banners shall be placed within 0.25 miles of the event location.</li> <li>Signs shall not be placed sooner than 48 hours before the event.</li> </ul>				
Single event, Garage sale/Open house	<ul> <li>Signs shall be removed within 24 hours after the conclusion.</li> <li>6 signs up to 3 square feet.</li> <li>Signs shall not exceed 3 feet in height.</li> <li>A placement map shall be included with the permit application.</li> <li>Signs shall be placed within 0.5 mile of the event location.</li> <li>Signs shall not be placed sooner than 48 hours before the event.</li> <li>Signs shall be removed within 24 hours after the conclusion.</li> </ul>					
Single event, Yard	<ul> <li>6 signs up to 3</li> <li>Signs shall not</li> <li>A placement m</li> <li>Signs shall be p</li> <li>Signs shall not</li> </ul>		t.  vith the permit applica  f the event location.  48 hours before the e	ition.		
Subdivision directional	<ul> <li>Signs shall not</li> <li>A placement me</li> <li>Signs shall be p</li> <li>Signs shall not</li> <li>For commercial</li> </ul>		t.  vith the permit applica e of the subdivision. eet of each other.  hall be removed at the	e time of development ment is 90% complete		

# I. Electronic Signs.

Electronic signs are prohibited within residential zone districts but are permitted elsewhere in accordance with Section 17.12.050(H) Signage Type, Frequency, Location, Placement, and Size Regulations and shall conform to the following:

- 1. Electronic sign message area shall not exceed 50 square feet.
- 2. Electronic signs shall be prohibited from displaying animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.
- 3. Electronic signs shall be prohibited from containing any audio message.
- 4. Electronic signs shall display a static message for a minimum of eight seconds between transitions. The transition from one message to the other shall appear instantaneous as perceived by the human eye. Each sign message shall be complete in itself and shall not continue on a subsequent sign message.
- 5. Electronic signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of 0.3-foot candles above ambient lights, as measured using a foot candle meter.
- 6. Light measurements shall be taken with the light meter aimed directly at the sign message face, or at the area of the sign emitting the brightest light if that area is not the sign message face. Measurements shall be taken as shown in Table 17.12.050(2):
  - i. Ambient light. An ambient light measurement shall be taken using a foot candle meter at a distance as required by Table 17.12.050(2) between 30 minutes past sunset and 30 minutes before sunrise with the electronic sign turned off to a black screen. Immediately following the ambient light measurement, an operating sign light measurement shall be taken with the sign turned on to a full white copy. The brightness of a sign conforms to the brightness requirements of Section H. if the difference between the ambient light measurement and the operating sign light measurement is 0.3-foot candles or less.
  - ii. <u>Default mechanism</u>. All electronic signs shall contain a default mechanism that will cause the electronic sign to revert immediately to a black screen if the sign malfunctions.

Table 17.12.050(2): Electronic Sign Luminance Measurements				
Sign Area (square feet)	Distance of Measurement (linear feet)			
1 to 15	36			
16 to 25	47			
26 to 35	56			
36 to 50	67			
51+ (not allowed)	N/A			

- J. Measurement and Calculation of Permissible Sign Area.
  - 1. The sign face area permitted for all signs, except freestanding signs, shall be calculated by measuring the area of the smallest regular geometric shape (rectangle, circle, etc.) or a combination of regular shapes, that encompasses all words, letters, figures, emblems, and background colors of the sign area, including the space between the different elements, but shall not include the area that is part of the architecture of the building or supporting structure.
  - 2. Wall signs. The method for determining the allowable sign area for wall signs is based on the aggregate area of the elevation (height x width in feet and inches) excluding any area determined by the Community Development Director as unrelated to the subject elevation of the building or tenant space in question.
  - 3. <u>Freestanding signs</u>. The total sign area of a freestanding sign shall include the frame, if any, but shall not include:
    - i. A pole or other structural support unless such is intentionally illuminated or otherwise designed to constitute a display device, or a part of a display device.
    - ii. Architectural features that are either part of the building or freestanding structure and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.
  - 4. <u>Multi-faced signs</u>. The measurements for a multi-faced sign shall be calculated as follows:
    - i. For signs containing back-to-back displays of which both faces advertise the same business, only one face shall be considered the sign face area.
      - a. In instances where one face is larger than the other, the larger face shall be considered the sign face area.
    - ii. For signs containing back-to-back displays of which each face advertises a separate business, the area of both faces added together shall be considered the sign face area.

#### 5. Calculation of Height.

- i. The height of a sign shall be calculated as the distance from the base of the sign at the adjacent sidewalk or street, whichever is higher, to the top of the highest attached component of the sign.
- K. Signage Construction, Maintenance, and Removals.
  - 1. <u>Construction</u>. All signs shall be installed, constructed, placed, and supported in such manner so they will not be or become dangerous to the general public or to surrounding property.
    - i. All signs identified within Section 17.12.050 as requiring a permit for construction/installation shall submit and receive an approved Sign Permit from the Community Development Department.

- ii. All signs identified by the Community Development Director or their designee as requiring a Development Plan Application for construction/installation shall comply with the provisions set forth in Section 17.14.020(E)(4).
  - a. Signs located with a Special Flood Hazard Area (SFHA) as identified by the current Flood Insurance Rate Map (FIRM) shall comply with all provisions of Chapter 15.24 Flood Area Development Restrictions.
- 2. <u>Maintenance</u>. Complete maintenance is required for all signs, whether or not the sign was in existence prior to adoption of this Ordinance. Maintenance shall include periodic cleaning; replacement of flickering, burned out, or broken light bulbs or fixtures; repair or replacement of any faded, peeled, cracked, rusting, or otherwise damaged or broken parts of a sign including the sign face or its components; and any other activity necessary to restore the sign so that it continues to conform to the requirements and contents of the Sign Permit issued for its original installation and provisions of Section 17.12.050, additionally maintenance in accordance with Section 17.14.020(E)(2)(ii) shall not require a Sign Permit.
- 3. The numerical address of the business/development shall be included on freestanding signage.
- 4. Illumination of signs may be direct or indirect; however, all lighting shall comply with the lighting provisions contained in Section 17.12.040 Outdoor Lighting and the State of New Mexico Night Sky Protection Act.
- 5. If any permanent or temporary sign becomes a nuisance as defined in Section 17.12.050, such signs may be subject to removal, relocation, or other actions to eliminate the nuisance, either by the owner of the sign or by the Village.
- L. Nonconforming Signs.
  - 1. See Section 17.14.040(F).

#### ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

#### 17.14.010 Review and Decision-Making Bodies

- A. Village Council.
  - Authority and Duty. The Village Council is the zoning authority for the Village of Los Lunas and confers decisions on applications shown as Council responsibilities in Table 17.14.020(1). In addition, the Village Council has delegated some of its broad planning and zoning authority to the Planning and Zoning Commission, Development Review Committee, and the Community Development Department, as authorized by law, and the effect of those delegations is shown in this Ordinance.
    - i. Appeals from any order, decision, requirement, or interpretation made by the Planning and Zoning Commission shall be heard by the Village Council for a final decision.

- B. Planning and Zoning Commission.
  - Authority and Duty. The Planning and Zoning Commission shall have the authority to
    make recommendations to the Village Council concerning applications for Designated
    Use Permits, Zone Map Amendments, and other legislative policy decisions. The
    Planning and Zoning Commission shall also have the authority to hear and make final
    decisions on the following:
    - i. Appeals from any order, decision, requirement, or interpretation made by the Community Development Director or the Development Review Committee.
    - ii. Applications for Conditional Use Permits and Variances.
    - iii. Interpretations of the zoning map, including zoning district boundary lines.
  - 2. <u>Appointments</u>. The Planning and Zoning Commission is a five-member board of Village residents that is appointed by the Mayor and affirmed for a two-year term by the Village Council. There is one at-large member and four district members, each representing an individual district, which follow the same boundaries as the Village Council districts.
    - i. Members of the Planning and Zoning Commission are compensated for their service.
    - ii. If a vacancy occurs prior to the expiration of a Commission member's term, it shall be filled within 90 days of its occurrence by appointment by the Mayor, with affirmation by the Village Council, for the remainder of the unexpired term.
    - iii. Any Planning and Zoning Commission member who is absent for three consecutive meetings or five meetings during any calendar year may be removed by the council at any time after a public hearing. The Mayor, with approval of the Village Council, may remove a member of the Planning and Zoning Commission after a public hearing and for cause(s) stated in writing and made part of the public record.
    - iv. At its first meeting of each year, the Planning and Zoning Commission shall, by majority vote, elect one of its members to serve as Chairperson and preside over the Commission hearings and one member to serve as Vice-chairperson during those times the Chairperson is not present or declares a conflict of interest.
      - a. The Commissioners so designated shall serve in these capacities for a term of one year.
      - b. The Chairperson and Vice-chairperson may take part in all deliberations and vote on all issues.
  - 3. <u>Public Hearings</u>. The Planning and Zoning Commission shall hold a public hearing at least once a month in the Village Council Chambers at Village Hall. The Planning and Zoning Commission shall approve a public hearing schedule at the end of each calendar year for the following calendar year. Special meetings may be convened as needed.
    - i. A quorum shall consist of three members.

- ii. All applications for approval or recommendation heard by the Planning and Zoning Commission shall require a majority vote of the quorum present at the hearing.
- iii. Any member of the Planning and Zoning Commission who has a personal interest or a conflict of interest in any application or issue presented to the Planning and Zoning Commission for a recommendation or decision shall abstain from discussion and voting on such.
- iv. Each recommendation and decision by the Planning and Zoning Commission shall be recorded by a written determination that contains findings of fact.
- v. Records of official actions shall be filed in the Community Development Department and shall be a public record.
- vi. The Community Development Department shall provide staffing support to the Planning and Zoning Commission in the performance of its duties.
- C. Development Review Committee.
  - 1. <u>Authority and Duty</u>. The Development Review Committee shall have the authority and duty to review and decide on administrative development requirements, make recommendations, suggest conditions, and any additional limitations and requirements further imposed by the Planning and Zoning Commission and Village Council.
  - 2. <u>Appointments</u>. The Development Review Committee comprises the Directors and Chiefs or their designees of key municipal departments, including Community Development, Public Works, Parks and Recreation, Fire, and Police Departments.
    - Directors and Chiefs shall be appointed members of the Development Review Committee by their position as department heads and serve as part of their departmental responsibilities; they are not compensated separately for their service.
      - Directors and Chiefs shall have the authority to designate a member of their staff as a member of the Development Review Committee in their absence.
    - ii. Outside agencies such as the New Mexico Department of Transportation, Midregion Council of Governments, Middle Rio Grande Conservancy District, Los Lunas Schools, utility companies, and similar organizations may have input on projects but do not have planning, zoning, or development authority over private or village-owned property within Village limits.
  - 3. <u>Recommendations</u>. The Development Review Committee shall have the authority to make recommendations, suggest conditions, and any additional limitations and requirements contained in this Ordinance and as follows:
    - i. Make recommendations and suggest conditions for quasi-judicial land use cases.
    - ii. Make recommendations and suggest conditions for legislative cases.

- 4. <u>Administrative Decisions</u>. The Development Review Committee shall have the authority to decide on the requirements contained in this Ordinance administratively and as follows:
  - Establish lot size, setbacks, building height, and other relevant development standards for special-use applications, which the Planning and Zoning Commission and Village Council further impose.
  - ii. Approve site plans with permissive zoning for multi-family, multi-use, commercial, and industrial developments.
  - iii. Approve site plans and quantity of single mobile food trucks operating on commercial lots.
  - iv. Approve site plans for mobile food truck courts.
  - v. Decide off-street parking requirements as specified by Table 17.12.010(1).
  - vi. Decide parking reductions as specified by Section 17.12.010(E).
- 5. <u>Meetings</u>. The Development Review Committee meetings shall be held twice a month to review, recommend, and decide on applications and issues within its authority.
  - i. Members with a personal conflict of interest in any application shall abstain from discussions, recommendations, and decisions.
  - ii. A written determination shall record each recommendation, condition, and/or decision of the Development Review Committee.
  - iii. Records of actions shall be filed in the Community Development Department and shall be a public record.
  - iv. Each meeting shall be open to the public.
- D. Community Development Department.
  - 1. <u>Authority and Duty</u>. The Community Development Department shall have the authority and duty of interpreting, determining, administrating, and enforcing this Ordinance, including the inspection of premises and the issuing of permits. The Community Development Director or their designee to whom these functions are assigned shall be employees of the Community Development Department.
  - 2. <u>Administrative Decisions</u>. The Community Development Director shall have the authority to approve site plan deviations of certain dimensional standards contained in this Ordinance and as follows:
    - i. Deviations of 10 percent or less, to lot size, lot width, building height, setbacks, landscape and screening, or off-street parking unless specifically specified within a separate section of this Ordinance.
    - ii. Deviations to wall and fence height shall not exceed one foot.
  - 3. <u>Authority to Inspect Premises</u>. To enforce the provisions of this Ordinance, the Community Development Director or their designee shall have the authority to enter

buildings or premises for inspection purposes. If such building or premises is occupied, the inspector shall first present proper Village credentials and request entry from the owner or occupant of the building or premises. Entry without consent is not permitted unless a 24-hour notice of intent to enter has been served to the owner or occupant.

- i. If entry to the building or premises is refused, the Village Administrator or their designee shall obtain a search warrant for the inspection by filing a complaint to the municipal court. The complaint shall include:
  - a. Identification of the building, premises, or portion thereof sought to be inspected.
  - b. Statement that the owner or occupant of the building, premises, or portion thereof has refused entry.
  - c. Statement that the inspection of the building, premises, or portion thereof is necessary to determine whether it complies with the regulations contained in this Ordinance.
  - d. Identification of the provision(s) of the Ordinance sought to be enforced.
  - e. Identification of any other reason necessitating the inspection, including knowledge or belief that a condition exists in the building, premises, or portion thereof that constitutes a violation of this Ordinance.
  - f. Statement that the Community Development Department is authorized by this Ordinance to make such inspection.
- ii. Inspectors from the Community Development Department shall be furnished with a Village identification card which must be available and presented during the performance of the inspectors' duties.

#### 17.14.020 Development Procedures

A. Procedures Summary.

Table 17.14.020(1) below lists the types of development/permit applications authorized by this Ordinance. For each type of development/permit application, the table indicates which decision-making body reviews the application and whether it can be approved administratively or requires a public hearing or a quasi-judicial hearing.

Table 17.14.020(1): Summary of Development Review Procedures				
Rev = Review   Rec = Recommendation   Dec = Decision				
Review and Decision-Making Bodies				
Type of Application	Community Development Department	Development Review Committee	Planning & Zoning Commission	Village Council
Administrative Decisions (no hearing required)				
Development Plan Application	Dec	Rev		
Short-Term Rental Permit	Dec			
Sign Permit	Dec			
Site Plan Deviation	Dec			
Temporary Dwelling Permit ≤ 14 days	Dec			
Quasi-Judicial Decisions (hearing required)				
Conditional Use Permit	Rev	Rec	Dec	
Designated Use Permit	Rev	Rec	Rec	Dec
Sign Special Exception	Rev	Rec	Dec	
Temporary Dwelling Permit ≥ 15 days ≤ 180 days	Rev	Rec	Dec	
Variance	Rev	Rec	Dec	
Zone Map Amendment / Special Use	Rev	Rec	Rec	Dec
Legislative Policy Decisions (hearing required)				
Amendment to Area Plan	Rev	Rec	Rec	Dec
Annexation	Rev	Rec	Rec	Dec

# B. Staff Consultation Prior to Application.

- 1. An applicant shall schedule a pre-application meeting with the Community Development Department prior to submitting any application. This requirement ensures the applicant or agent understands the requirements, provisions, fees, and procedures contained in this Ordinance.
  - i. Should a submitted application substantially change from what was discussed during the pre-application meeting a new meeting shall be required.
  - ii. Should 90 days or more elapse between a pre-application meeting and an application submittal, a new meeting may be required as determined by the Community Development Director.
- 2. At the pre-application meeting, the Community Development Department may provide informal guidance and help the applicant analyze, plan, and ensure a proposed development's compliance with this Ordinance to identify and resolve potential issues early on with the intent to simplify and save on expenses and time. No fees shall be assessed to an applicant for a pre-application meeting.

# C. Burden of Applicant.

- 1. The applicant bears the burden of scheduling a pre-application meeting with the Community Development Department.
- 2. The applicant bears the burden of submitting a complete application for the requested action to the Community Development Department.
- 3. The applicant bears the burden of presenting a sound justification for approving the requested action, based on substantial evidence.
- 4. The applicant bears the burden of showing compliance with required standards and criteria for the requested action through written and technical analysis, maps, illustrations, photos, or other exhibits.

# D. Actions by Reviewing and Decision-Making Bodies

- 1. The applicable decision-making body shall take one of the following actions:
  - i. Approve or recommend approval of the application as presented.
  - ii. Approve or recommend approval of the application and impose conditions, as applicable.
  - iii. Deny or recommend denial of the application.
  - iv. Defer or continue the discussion of the application to a future hearing, as applicable.

#### E. Administrative Applications.

#### 1. Short-term Rental Permit.

- All short-term rentals operating within the Village require an annual permit, which must be submitted on or before December 31 each calendar year.
   Permits not renewed by December 31 shall expire. Renewals submitted after January 31 shall be subject to a late fee, per Section 17.14.060. Application fees shall not be prorated.
- ii. A valid permit number shall be included in all advertising for the short-term rental, including listings on web-based sites.
- iii. Permits shall specify the maximum number of vehicles and the maximum number of occupants.
- iv. Permits shall not be transferable to another person or property.
- v. An application for a Short-term Rental Permit shall include the following:
  - a. A complete application on the prescribed form, to include the name and phone number of the local owner/operator who is available 24 hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the short-term rental unit.

- b. A statement signed by the owner/operator that the short-term rental shall be operated in compliance with Section 17.10.060(I) and all other applicable Village codes.
- c. For initial applications, proof of all required inspections and proof of adequate short-term rental insurance coverage.
- vi. For renewal applications, a statement of compliance with all applicable fire, health, and safety requirements.
- vii. The Community Development Director or their designee shall be authorized to approve Short-term Rental Permits administratively.
- viii. Short-term Rental Permits shall not be valid until all applicable fees have been paid by the applicant in accordance with Section 17.14.060.
  - ix. Short-term rentals shall require a business registration in addition to a Short-term Rental Permit, which can be submitted and renewed concurrently.
  - x. An owner of an expired Short-term Rental Permit may submit a new application for a Short-term Rental Permit to the Community Development Department in accordance with Section 17.10.060(I).

#### 2. Sign Permit.

- i. If a sign requiring a permit under the provisions of Section 17.12.050 is to be placed, constructed, erected, or modified on a lot, the owner or authorized agent of the lot shall secure a Sign Permit prior to the placement, construction, erection, or modification of a sign in accordance with Section 17.12.050 requirements.
- ii. The following modifications to a legally installed sign shall be considered maintenance and shall not require a Sign Permit:
  - a. Updating the phone number, street address, and other contact information of the sign owner or lessee in order to ensure that such information is current.
  - b. Adding, changing, or removing content, such as letters, on a sign.
  - c. Any and all maintenance as required in Section 17.12.050(K)(2) of this section.
- iii. No signs shall be erected in the public right-of-way, except in accordance with Sections 17.12.050(F) and 17.12.050(G)(5).
- iv. No Sign Permit of any kind shall be issued for an existing or proposed sign unless the sign is consistent with the requirements of Section 17.12.050 (including those protecting existing signs) and/or any other approvals in effect for the property.

- v. Placement of a sign in a public utility easement is subject to an approved encroachment agreement with the utility company providing for the installation, maintenance, and removal of the sign and shall be recorded with the Valencia County Clerk.
- vi. <u>Sign Permit Application</u>. Applicants requesting approval of a Sign Permit of any kind shall submit the request to the Community Development Department on the prescribed form, and include a completed application form and the following information:
  - a. Name, address, telephone number, and/or email address of the applicant and/or agent.
  - b. Name of person, firm, corporation, or association installing the sign.
  - c. Written consent of the owner of the building, structure, or lot to which or on which the sign is to be installed.
    - 1. For applications in the right-of-way, in accordance with Section 17.12.050(F) and 17.12.050(G)(5), Village approval of the application will suffice for consent.
  - d. One copy of the sign plans and specifications, which shall be submitted in accordance with current permit acceptance procedures, and shall include:
    - 1. A site plan displaying the location of the building, structure, or lot to which or upon which all signs are to be installed.
      - i. For applications in the right-of-way a site plan displaying the location(s) within the required distance buffer all signs are to be installed.
      - ii. For mobile billboard applications a route map is required.
    - 2. Location and orientation of the sign or other advertising structure in relation to nearby buildings or structures.
    - 3. Method of construction and attachment to the building or inground installation including compliance with Chapter 15.24 as applicable.
    - 4. A plan set displaying the dimensions (height, depth, width) for each proposed sign and the dimensions of any face of a building or structure to which or upon the sign is to be installed.
  - e. An approved Development Plan Application and/or Floodplain Development Permit, as applicable.

- vii. <u>Sign Permit Fees</u>. A sign permit shall not be deemed valid until such time that the applicable fees set forth by Section 17.14.060 have been paid by the applicant.
- viii. <u>Sign Permit Application Completeness</u>. The Community Development Director or their designee shall review an application for a Sign Permit for completeness within 10 business days of receiving the application. If the Director or their designee finds that the application is incomplete, the Director or their designee shall notify the applicant within five business days of the specific ways in which the application is deficient relative to specific provisions within Section 17.12.050.
- ix. Action on Sign Permit. The Community Development Director or their designee, within 10 business days of the submission of a complete application for a Sign Permit, shall either:
  - a. Issue the Sign Permit, confirming the sign conforms in every respect with the requirements of Section 17.12.050; or
  - b. Reject the Sign Permit, finding that the sign fails in some way or ways to conform to the requirements of Section 17.12.050. In case of a notice of rejection, the Community Development Director or their designee shall specify the section or sections of Section 17.12.050 with which the sign is inconsistent.
- x. If the work authorized under an approved Sign Permit has not commenced or has not been completed within 180 days after the date of issuance, the Sign Permit shall become null and void.

## 3. Site Plan Deviation.

- An application for a site plan deviation to a dimensional standard required by this Ordinance shall be submitted to the Community Development Department for review and determination if the deviation is justified.
- ii. Deviations to a dimensional standard shall not exceed 10 percent in aggregate. Requests to vary from a dimensional standard by more than 10 percent in aggregate shall follow the Variance procedures as outlined in Section 17.14.020(F)(3).
- iii. Deviations to a dimensional standard may only be authorized for minimum lot size, lot width, building height, setback, landscaping and screening, off-street parking spaces, and wall or fence height.
- iv. An application for a site plan deviation shall be approved if it meets all the following criteria:
  - a. The proposed deviation maintains the general intent and purpose of this Ordinance, ensuring that the overall goals and objectives of the Comprehensive Plan are upheld.

- b. The approval of the request for deviation shall not cause adverse impacts on adjacent or surrounding properties.
- v. Any deviation granted that is associated with a site plan shall be noted on the approved site plan.
- vi. Site plan deviation application shall include:
  - a. The name, address, telephone number, and/or email of the applicant and/or agent.
  - b. Written consent of the property owner of which the site plan deviation shall apply.
  - c. The legal description and UPC of the subject property.
  - d. The specific provisions of Title 17 of which the applicant desires a site plan deviation.
  - e. A site plan, drawn to scale, that illustrates the extent and effect of the deviation requested for the subject property.
  - f. A written response to each criterion listed under Section 17.14.020(E)(3)(iv).

#### 4. <u>Development Plan Application</u>.

Any property within the municipal limits of the Village shall not be altered, including but not limited to substantial topographic modifications, installation of major infrastructure, the construction, erection, movement, placement, or significant alteration to buildings or other structures intended to be permanent, temporary, or otherwise except when in strict compliance with the following provisions or as provided in Section 17.14.020:

- i. A Development Plan Application shall be submitted to the Community Development Department for review and decision.
- ii. The following are exempt from the provisions of Section 17.14.020(E)(4):
  - a. Buildings and other structures intended to be permanent or temporary that are 120 square feet or less shall comply with the provisions set forth in §14.5.2 NMAC or as amended.
  - b. Residential roof-mounted solar.
  - c. Residential re-roofs where the building or structure is not expanded vertically or horizontally, and no structural modifications are made.
  - d. Temporary buildings or structures such as recreational vehicles or similar, provided they are in strict compliance with the provisions of Section 17.10.070.

- iii. The Community Development Director or their designee shall determine if a subdivision procedure, Site Plan Deviation, Conditional Use Permit, Designated Use Permit, Zone Map Amendment, or Variance is required and, if so, notify the applicant that a request for such permit or application must be submitted. A permit or application must be approved prior to performing site modifications.
- iv. <u>Residential Development Plan Applications</u> shall include one set of the following:
  - a. A completed Development Plan Application on the prescribed form.
  - b. A completed New Mexico Construction Industries Division application on the prescribed form.
    - For manufactured and mobile homes, a complete New Mexico Manufactured Housing Division application on the prescribed form.
  - c. Proof of ownership such as a warranty deed, tax card, or similar.
    - 1. In the event the applicant is not the property owner, a document from the property owner acknowledging the application shall be included.
  - d. A Site Plan that shall be drawn to scale and includes the following:
    - 1. Site address, UPC, and legal descriptions as applicable.
    - 2. Scale (numeric and graphic).
    - 3. North arrow.
    - 4. Length and width of the property, measured in feet and rounded to the nearest foot.
    - 5. Public right-of-way adjacent to and within 150 feet of the
    - 6. Location of all proposed and existing structures on site including walls, retaining walls, and fences.
    - 7. Length, width, and height of all proposed structures including walls, retaining walls, and fences measured in feet and inches.
    - 8. Distance from each exterior side of the proposed structure to the closest parallel property line measured in feet and inches.
    - 9. Distance from all other proposed and existing structures on site measured in feet and inches.

- Location and measurements of front, side, and rear setbacks measured in feet and inches as applicable to the project proposal.
- 11. Location of proposed and existing access and/or curb cuts.
- e. Applications for manufactured and mobile homes shall include the following:
  - 1. Tie-down or foundation plans.
  - 2. A description of skirting, also known as underpinning.
  - 3. A certification label, also known as a Housing and Urban Development (HUD) Tag, for manufactured homes.
- f. Applications for a new residential dwelling shall include an approved curb cut issued by the Public Works Department.
- g. Properties located within a FEMA designated Special Flood Hazard Area (SFHA) shall include the following:
  - 1. A completed Floodplain Development Application.
  - 2. Documents as required by the Floodplain Administrator and the provisions of Chapter 15.24.
- h. The Community Development Director or their designee may determine that additional documents are necessary for a complete development review.
- v. <u>Commercial and Industrial Development Plan Applications</u> shall include one set of the following:
  - a. A completed Development Plan Application on the prescribed form.
  - b. A completed New Mexico Construction Industries Division application on the prescribed form.
  - c. Proof of ownership such as a warranty deed, tax card, or similar.
    - 1. In the event the applicant is not the property owner, a document from the property owner acknowledging the application shall be included.
  - d. A Site Plan that shall be drawn to scale and includes the following:
    - 1. Site address, UPC, and legal descriptions as applicable.
    - 2. Scale (numeric and graphic).
    - 3. North arrow.
    - 4. Length and width of the property, measured in feet and rounded to the closest foot.

- 5. Public right-of-way adjacent to and within 150 feet of the site.
- 6. Location of all proposed and existing structures on site including walls, retaining walls, and fences.
- 7. Length, width, and height of all proposed structures including walls, retaining walls, and fences measured in feet and inches.
- 8. Distance from each exterior side of the proposed structure to the closest parallel property line measured in feet and inches.
- 9. Distance from all other proposed and existing structures on site measured in feet and inches.
- Location and measurements of front, side, and rear setbacks measured in feet and inches as applicable to the project proposal.
- 11. Location of proposed and existing access and/or curb cuts.
- 12. Dumpster location.
- 13. Parking locations and calculations.
- 14. Drainage pond(s) location.
- e. Properties located within a FEMA designated Special Flood Hazard Area (SFHA) shall include the following:
  - 1. A completed Floodplain Development Application.
  - 2. Documents as required by the Floodplain Administrator and the provisions of Chapter 15.24.
- f. Certified fire plans.
- g. Certified grading and drainage plans.
- h. Landscape plans.
- i. Parking plans.
- j. Lighting plans.
- k. Utility plans.
- 1. Driveway/curb cut plans.
- m. The Community Development Director or their designee may determine that additional documents are necessary for a complete development review.

# vi. Development Plan Application Approval.

#### a. Residential.

- 1. Upon receiving an approved Development Plan Application for a site-built or modular structure from the Community Development Department, an application for a building permit and/or trade permit shall be submitted to the State of New Mexico Construction Industries Division. The Village does not issue building and trade permits or conduct inspections of such permits.
- 2. Upon receiving an approved Development Plan Application for a manufactured or mobile home from the Community Development Department, an application for an installation application shall be submitted to the State of New Mexico Manufactured Housing Division. The Village does not issue installation permits or conduct inspections of such permits.

#### b. Commercial and Industrial.

1. Upon receiving an approved Development Plan Application from the Community Development Department, an application for a building and/or trade permit shall be submitted to the State of New Mexico Construction Industries Division. The Village does not issue building and trade permits or conduct inspections of such permits.

#### vii. Development Plan Application Longevity of Approval:

- a. Construction must commence within 180 days from the date of approval, or the Development Plan Application shall be void. A new Development Plan Application shall be submitted, reviewed, and approved prior to the commencement of construction.
- b. An approved Development Plan Application shall be valid for the duration of construction from the date of approval unless the Community Development Director concludes that the applicant has not proceeded with due diligence, in good faith, or conditions have changed so substantially as to warrant a new application.
- c. If a State of New Mexico Construction Industries Division building and/or trade permit has expired or been revoked at any time, the associated Village Development Plan Application shall be void. A new Development Plan Application shall be submitted, reviewed, and approved prior to reinstatement of a building and/or trade permit.

- d. A development is considered abandoned if construction activity has ceased for a period of 180 days or more without a valid reason or without notifying the Community Development Department. A new Development Plan Application shall be submitted, reviewed, and approved prior to resuming construction. If construction is not resumed the development shall be subject to remediation and abatement as outlined in Subsection 17.14.050(F).
- viii. <u>Inspections</u>. Inspections by the Community Development Department ensure compliance with zoning and associated development regulations within Title 17 and Chapter 15.24 throughout the construction process, from initial Development Plan Application approval to final occupancy and are required for all residential, commercial, and industrial projects. It is the responsibility of the property owner or authorized agent to comply with the provisions as follows:
  - a. <u>Notifications</u>. The property owner or authorized agent is responsible for and shall notify the Community Development Director or their designee of key milestones.
    - 1. Building, trade, or installation permit issued by the State of New Mexico.
    - 2. Date and time of final inspections scheduled with the Village of Los Lunas Public Works Department.
    - 3. Date and time of final inspections scheduled with the State of New Mexico.
    - 4. Certificate of Occupancy issued by the State of New Mexico and received by the property owner or authorized agent.
    - 5. Date and time of warranty inspections if applicable.
  - b. <u>Inspection Schedule</u>. The property owner or authorized agent is responsible for and shall schedule inspections with the Community Development Director or their designee. Inspections shall be scheduled no less than five business days prior to the requested date; cancellations or rescheduling shall be requested no less than two business days prior to the scheduled inspection.
    - 1. <u>First Inspection</u>. The property owner or authorized agent shall schedule a first inspection with the Community Development Director or their designee after the State of New Mexico issues a building, trades, and/or installation permit and prior to the foundation phase or installation of a structure to ensure the site is prepped and demarcated to ensure accurate structure placement.

- 2. Second Inspection. The property owner or authorized agent shall schedule a second inspection with the Community Development Director or their designee prior to scheduling a final inspection with the State of New Mexico. This is to ensure compliance with development regulations within Title 17 and Chapter 15.24 and allow time for corrective action should the Community Development inspector deem an action necessary prior to State inspections. Should the Community Development inspector deem no corrective actions necessary, no further Community Development inspections are required, and the property owner or authorized agent may schedule final inspections with the State of New Mexico.
- 3. Corrective Inspection. Should the Community Development inspector note a requirement for corrective actions during the second or previous corrective inspection, the property owner or authorized agent shall schedule a corrective inspection with the Community Development Director or their designee to review and ensure compliance with Title 17 and Chapter 15.24. If the Community Development inspector deems no further corrective actions necessary, then no further Community Development inspections are required, and the property owner or authorized agent may schedule final inspections with the State of New Mexico.

# 5. Recreational Cannabis Permit Application.

- i. Any cannabis use shall not operate within the municipal limits of the Village except when in strict compliance with the following provisions or as provided in the following Sections:
  - a. 17.10.030(E) Cannabis Retail
  - b. 17.10.050(C) Cannabis Manufacturing
  - c. 17.10.050(B) Cannabis Cultivation/Production
  - d. 17.10.050(D) Cannabis Consumption Area
  - e. 17.10.060(D) Cannabis Research/Testing Laboratory
- ii. A Recreational Cannabis Permit application shall be submitted to the Community Development Department for review and decision.
- iii. Exempt from the provisions of Section 17.14.020(E)(5) are the following:
  - a. Homegrown/Homemade Cannabis use as defined by Section 17.10.060(C).

- iv. The Community Development Director or their designee shall determine if a subdivision procedure, Site Plan Deviation, Conditional Use Permit, Designated Use Permit, Zone Map Amendment, or Variance is required and, if so, notify the applicant that a request for such permit or application must be submitted. A permit or application must be approved prior to operating the cannabis use.
- v. The Community Development Director or their designee shall determine if the density capacity for cannabis uses has been met and, if so, shall deny the application and notify the applicant of the reason for application denial.
  - a. The Community Development Department accepts Recreational Cannabis Permit applications on a first come, first served basis only. The department shall not create or maintain a waiting list, nor shall it hold applications to circumvent this first come, first served basis.
- vi. <u>Recreational Cannabis Permit Applications</u> shall include one set of the following:
  - a. A completed Recreational Cannabis Permit application on the prescribed form.
  - b. A completed Business Registration application on the prescribed form.
  - c. Proof of ownership such as a warranty deed, tax card, or similar.
    - 1. In the event the applicant is not the property owner, a document from the property owner acknowledging the application shall be included.
  - d. Approved and effective State of New Mexico Cannabis License for the proposed use type.
  - e. A Site Plan that shall be drawn to scale and includes the following:
    - 1. Site address, UPC, and legal descriptions as applicable.
    - 2. Scale (numeric and graphic).
    - 3. North arrow.
    - 4. Length and width of the property, measured in feet and rounded to the closest foot.
    - 5. Public right-of-way adjacent to and within 150 feet of the site.
    - 6. Location of all proposed and existing structures on site including walls, retaining walls, and fences.

- 7. Length, width, and height of all proposed structures including walls, retaining walls, and fences measured in feet and inches.
- 8. Distance from each exterior side of the proposed structure to the closest parallel property line measured in feet and inches.
- 9. Distance from all other proposed and existing structures on site measured in feet and inches.
- Location and measurements of front, side, and rear setbacks measured in feet and inches as applicable to the project proposal.
- 11. Location of proposed and existing access and/or curb cuts.
- 12. Dumpster location.
- 13. Parking locations and calculations.
- f. Interior floor plan of the structure(s) associated with the cannabis use that includes the following:
  - 1. Use of each area (e.g. retail, storeroom, drying area, growing area, etc.)
  - 2. Camera Locations
  - 3. Entrances and Exits
  - 4. Windows
- g. Approved Village of Los Lunas Fire Department Inspection.
- h. The Community Development Director or their designee may determine that additional documents are necessary for a complete development review.

## vii. Recreational Cannabis Permit Application Longevity of Approval:

a. All permits shall be valid for one year, commencing on July 1st and expiring on June 30th of the following year. The initial permit fees shall be prorated based on the issuance date. Permits issued on or before September 30th shall be subject to the full annual fee; permits issued between October 1st and December 31st shall be subject to three-fourths of the annual fee; permits issued between January 1st and March 31st shall be subject to one-half of the annual fee; permits issued between April 1st and June 30th shall be subject to one-fourth of the annual fee. All permit fees shall comply with the provisions outlined in Section 17.14.060 of this Ordinance.

- b. The approved cannabis use must commence within 180 days from the date of approval, or the Recreational Cannabis Permit shall be void. A new Recreational Cannabis Permit shall be submitted, reviewed, and approved prior to the commencement of a cannabis use, and shall be subject to density requirements.
- c. If the State of New Mexico Cannabis License expires and/or becomes void, the approved Village of Los Lunas Recreational Cannabis Permit shall become null and void. A new Recreational Cannabis Permit shall be submitted, reviewed, and approved prior to resuming a cannabis use, and shall be subject to density requirements.
- d. A Recreational Cannabis Permit is considered abandoned if the approved activity has ceased for a period of 30 days or more without a valid reason or without notifying the Community Development Department. A new Recreational Cannabis Permit shall be submitted, reviewed, and approved prior to resuming the cannabis use, and shall be subject to density requirements.
- e. Any changes and or additions to the approved Recreational Cannabis Permit shall render the approved permit void. A new Recreational Cannabis Permit shall be submitted, reviewed, and approved prior to commending the cannabis use, and shall be subject to density requirements.

#### F. Quasi-judicial Applications.

- 1. <u>Conditional Use Permit</u>. An application for a Conditional Use Permit shall be submitted to the Community Development Department for review and consideration by the Planning and Zoning Commission.
  - i. An application for a Conditional Use Permit shall be approved if it meets all of the following criteria:
    - a. The application is considered complete.
    - b. The requested use is listed as a conditional use in the Allowable Use Table 17.08.020(1).
    - c. The conditional use shall not cause a significant adverse impact on adjacent or nearby properties or materially endanger the public health, safety, or welfare.
    - d. The conditional use shall not substantially injure the value or create adverse impacts on adjacent or nearby properties through a substantial increase in traffic congestion, parking congestion, or noise without adequate mitigation, as determined by the Planning and Zoning Commission.

- e. The conditional use shall be in accordance with all relevant requirements of this Ordinance.
- f. The conditional use shall be in general conformance with the goals and policies within the Comprehensive Plan and/or other plans adopted by Village Council.
- ii. <u>Conditional Use Permit Application</u>. An application for a Conditional Use Permit shall include the following information:
  - a. A completed Conditional Use Permit application on the prescribed form that shall include the following:
    - 1. The name, address, telephone number, and/or email of the applicant and/or agent.
    - 2. The legal description and UPC of the property for which the Conditional Use Permit is requested by the applicant.
  - b. Proof of ownership such as a warranty deed, tax card, or similar.
    - 1. In the event the applicant is not the property owner, a document from the property owner acknowledging the application shall be included.
  - c. A site plan that shall be drawn to scale and includes the following:
    - 1. Site address, UPC, and legal descriptions as applicable.
    - 2. Scale (numeric and graphic).
    - 3. North arrow.
    - 4. Public right-of-way adjacent to and within 150 feet of the site.
    - 5. Proposed and/or existing site access.
    - 6. Location of all proposed and existing structures, walls/fencing, off-street parking areas, loading areas, drainage ponds, dumpster location, and landscape areas as applicable.
    - 7. Existing and proposed easements within the subject property.
    - 8. Existing and proposed utilities within and adjacent to the subject property.
    - 9. Existing zoning and land use on the subject and adjacent properties.
  - d. A written response to each criterion listed under Section 17.14.020(F)(1)(i).

# iii. Conditional Use Permit Procedures.

- a. An application for a Conditional Use Permit shall be scheduled for review at a public hearing by the Planning and Zoning Commission within 30 business days of receiving the application and payment of the applicable fees.
- b. Notice of hearing shall be mailed, published, and posted in accordance with Section 17.14.020(I).
- c. The Planning and Zoning Commission shall approve, approve with conditions, deny, or defer the Conditional Use Permit application.
  - Whenever the Planning and Zoning Commission
    disapproves an application, the same or a similar application
    cannot be reconsidered within one year of the disapproval.
    However, the Community Development Director may grant
    an exception if the applicant demonstrates that significant
    changes have occurred that affect the property.
- d. Longevity of Approval. An approved Conditional Use Permit shall be valid for one year from the date of approval by the Planning and Zoning Commission, and the project associated with the conditional use shall commence within the allotted time frame. Should the project not commence within the one-year time frame, the Conditional Use Permit shall be deemed expired, and a new Conditional Use Permit shall be required. However, if the Conditional Use Permit is acted upon and developed as approved, it shall be valid in perpetuity until such a time that the conditional use is discontinued for a period of one year or more, a change in use, is removed, or modified so substantially as to warrant a new application.
- Designated Use Permit. An application for a Designated Use Permit shall be submitted to the Community Development Department for review and recommendation by the Planning and Zoning Commission and final action by the Village Council.
  - i. An application for a Designated Use Permit shall be approved if it meets all of the following criteria:
    - a. The application is considered complete.
    - b. The requested use is listed as a designated use in the Allowable Use Table 17.08.020(1).
    - c. The designated use shall not cause a significant adverse impact on adjacent or nearby properties or materially endanger the public health, safety, or welfare.

- d. The designated use shall not substantially injure the value or create adverse impacts on adjacent or nearby properties through a substantial increase in traffic congestion, parking congestion, or noise without adequate mitigation, as determined by the Planning and Zoning Commission and the Village Council.
- e. The designated use shall be in accordance with all relevant requirements of this Ordinance.
- f. The designated use shall be in general conformance with the goals and policies within the Comprehensive Plan and/or other plans adopted by Village Council.
- ii. <u>Designated Use Permit Application</u>. An application for a Designated Use Permit shall include the following information:
  - a. A completed Designated Use Permit application on the prescribed form and shall include the following:
    - 1. The name address, telephone number, and/or email of the applicant and/or agent.
    - 2. The legal description and UPC of the property for which the Designated Use Permit is being requested by the applicant.
  - b. Proof of ownership such as a warranty deed, tax card, or similar.
    - 1. In the event the applicant is not the property owner, a document from the property owner acknowledging the application shall be included.
  - c. A site plan that shall be drawn to scale and includes the following:
    - 1. Site address, UPC, and legal descriptions as applicable.
    - 2. Scale (numeric and graphic).
    - 3. North arrow.
    - 4. Public right -of-way adjacent to and within 150 feet of the site.
    - 5. Proposed and/or existing site access.
    - 6. Location of all proposed and existing structures, off-street parking areas, loading areas, drainage ponds, dumpster location, and landscape areas as applicable.
    - 7. Existing and proposed easements within the subject property.
    - 8. Existing and proposed utilities within and adjacent to the subject property.

- 9. Existing zoning and land use on the subject and adjacent properties
- d. A written response to each criterion listed under Section 17.14.020(F)(2)(i).

#### iii. Designated Use Permit Procedures.

- a. An application for a Designated Use Permit shall be scheduled for review at a public hearing by the Planning and Zoning Commission within 30 business days of receiving the application and payment of the applicable fees.
- b. Notice of hearing shall be mailed, published, and posted in accordance with Section 17.14.020(I).
- c. The Planning and Zoning Commission shall provide a recommendation to the Village Council whether to approve with conditions, or deny the Designated Use Permit application.
- d. The Village Council shall schedule a public hearing on the Designated Use Permit application within 30 business days of the Planning and Zoning Commission hearing.
- e. The Village Council shall consider the recommendation provided by the Planning and Zoning Commission; however, the Village Council shall not be bound by the recommendation in determining whether to approve or deny the Designated Use Permit application.
- f. The Village Council shall approve, approve with conditions, deny, or defer the Designated Use Permit application.
  - 1. Whenever the Village Council disapproves an application, the same or a similar application cannot be reconsidered within one year of the disapproval. However, the Community Development Director may grant an exception if the applicant demonstrates that significant changes have occurred that affect the property.
- g. Longevity of Approval. An approved Designated Use Permit shall be valid for one year from the date of approval by the Village Council, and the project associated with the designated use shall commence within the allotted time frame. Should the project not commence within the one-year time frame, the Designated Use Permit shall be deemed expired, and a new Designated Use Permit shall be required. However, if the Designated Use Permit is acted upon and developed as approved, it shall be valid in perpetuity until such a time that the designated use is discontinued for a period of one year or more, a change in use, is removed, and/or modified so substantially as to warrant a new application.

- 3. <u>Variance</u>. A Variance application shall be authorized only for minimum lot size, lot width, building height, setback, landscape and screening, off-street parking, and off-street loading requirements. A land use shall not qualify for a Variance and shall only be considered under the provisions of a Zone Map Amendment or Special Use application. An application for a Variance shall be submitted to the Community Development Department for review and consideration by the Planning and Zoning Commission.
  - i. An application for a Variance shall be approved if it meets all of the following stringent criteria:
    - a. There are special circumstances or conditions applicable to the property that are not self-imposed and do not generally apply to other properties in the same zone district, including but not limited to size, shape, topography, location, surroundings, natural forces, or by government actions for which no compensation was paid.
    - b. Strict compliance with the provisions of this Ordinance would deprive the applicant of development rights commonly enjoyed by other properties in the same zone district, causing extraordinary hardship resulting in a substantial limitation on the use of the property or practical difficulties.
    - c. The Variance is the minimum necessary to overcome the extraordinary hardship and provide reasonable use of the property.
    - d. Financial gain or loss to the applicant shall not be the determining factor in the decision whether to approve or deny a Variance.
    - e. The Variance shall not cause a significant adverse impact on adjacent or nearby properties or materially endanger the public health, safety, or welfare.
    - f. The Variance shall not undermine the intent or purpose of this Ordinance or the zone district in which the property is located.
    - g. The Variance shall not result in the expansion of a nonconforming use or structure, and no nonconforming use of adjacent or surrounding properties or structures shall be considered grounds for granting a Variance
  - ii. <u>Variance Application</u>. An application for a Variance shall include the following information:
    - a. A completed Variance application on the prescribed form and shall include the following:
      - 1. The name, address, telephone number, and/or email of the applicant and/or agent.
      - 2. The legal description and UPC of the property for which the Variance is being requested by the applicant.

- b. Proof of ownership such as a warranty deed, tax card, or similar.
  - 1. In the event the applicant is not the property owner, a document from the property owner acknowledging the application shall be included.
- c. The specific provisions of Title 17 of which the applicant desires a Variance.
- d. The nature of the hardship and the extent to which the applicant believes the property meets the acceptable grounds for a Variance.
- e. A site plan that shall be drawn to scale that illustrates the extent and effect of the Variance requested for the subject property and includes the following:
  - 1. Site address, UPC, and legal description as applicable.
  - 2. Scale (numeric and graphic).
  - 3. North arrow.
  - 4. Public right-of-way adjacent to and within 150 feet of the site.
  - 5. Location of proposed and/or existing site access.
  - 6. Location of all proposed and existing structures, off-street parking areas, loading areas, drainage ponds, dumpster location, and landscape areas as applicable.
  - Location and measurements of front, side, and rear setbacks measured in feet and inches as applicable to the project proposal.
  - 8. Existing and proposed easements within the subject property.
  - 9. Existing and proposed utilities within and adjacent to the subject property.
  - 10. Existing zoning and land use on the subject and adjacent properties.
- f. A written response to each criterion listed under Section 17.14.020(F)(3)(i).

#### iii. Variance Procedures.

a. An application for a Variance shall be scheduled for review at a
public hearing by the Planning and Zoning Commission within 30
business days of receiving the application and payment of the
applicable fees.

- b. Notice of hearing shall be mailed, published, and posted in accordance with Section 17.14.020(I).
- c. The Planning and Zoning Commission shall approve, approve with conditions, deny, or defer the Variance application.
  - Whenever the Planning and Zoning Commission
    disapproves an application, the same or a similar application
    cannot be reconsidered within one year of the disapproval.
    However, the Community Development Director may grant
    an exception if the applicant demonstrates that significant
    changes have occurred that affect the property.
- d. An application for a Variance shall not be approved until any necessary Conditional Use Permit, Designated Use Permit, or Zone Map Amendment has been approved by the applicable approval body.
- e. Any Variances granted by the Planning and Zoning Commission that are associated with a site plan shall be noted on the site plan and/or Development Plan Application and filed with the Community Development Department.
- f. Any Variances granted by the Planning and Zoning Commission shall be recorded with the Valencia County Clerk.
- g. Longevity of Approval. An approved Variance shall have longevity of one year from the date of approval by the Planning and Zoning Commission to commence with the Variance. If the project associated with the Variance has not commenced within one year from the approval date, the Variance shall be deemed expired, and approval of a new Variance shall be required. An approved Variance shall not be modified or expanded upon, or the Variance shall be deemed void. A new Variance shall be required for any modifications or expansions to a previously approved Variance. However, if the Variance is acted upon and developed as approved, it shall be valid in perpetuity until such a time that the Variance is discontinued for a period of one year or more, a change in use, is removed, and/or modified so substantially as to warrant a new application.
- 4. Zone Map Amendment. An application for a Zone Map Amendment shall be submitted to the Community Development Department for review and recommendation by the Planning and Zoning Commission and final action by the Village Council. These procedures shall also apply to an application for a Special Use. However, in cases where an existing Special Use has a proposed change in land use, a project to add, remove, alter, or expand any structures or site infrastructure such as parking, drive isles, ponding, and similar a new application shall be submitted to the Community Development Department.

- i. An application for a Zone Map Amendment shall be approved if it meets all of the following criteria:
  - a. The application is considered complete.
  - b. The property meets the minimum lot size of the requested zone district.
    - 1. If the premises consists of multiple lots, they shall be combined though a subdivision procedure to meet, a least, the minimum standard.
  - c. The Zone Map Amendment shall not cause a significant adverse impact on adjacent or nearby properties or materially endanger the public health, safety, or welfare.
  - d. The Zone Map Amendment shall be in general conformance with the goals and policies within the Comprehensive Plan and/or other plans adopted by Village Council.
  - e. The existing zone district is inappropriate because:
    - 1. There was a mapping error when the existing zoning district was applied to the subject property; or
    - 2. There has been a significant change in neighborhood or community conditions relevant to the subject property; or
    - 3. A different zone district is more beneficial to the Village social, economic, or environmental interests than the existing zoning district; or
    - 4. The zone district boundary divides a lot into two or more zoning districts thereby making development of the subject property difficult.
  - f. The permissive or conditional uses allowed in the requested zone shall not be harmful to adjacent or nearby properties unless the applicable Supplementary Standards for Specific Uses or conditions imposed by the Planning and Zoning Commission or Village Council adequately mitigates those impacts.
  - g. Financial gain or loss to the applicant shall not be the determining factor in the decision whether to approve a Zone Map Amendment.
  - h. The existing infrastructure adjacent to or in close proximity to the subject property has adequate capacity to serve a proposed development made possible by the Zone Map Amendment or will have adequate capacity once the applicant fulfills their infrastructure obligations per the Development Process Manual.

- i. The Zone Map Amendment does not create a spot zone unless the proposed zone clearly facilitates the goals and policies of the Comprehensive Plan and/or other plans adopted by Village Council and meets one of the following criteria:
  - 1. The subject property can function as a transition between zone districts; or
  - 2. The subject property is not suitable for the uses allowed in the existing zone district due to physical constraints, such as topography, traffic, access, or existing land uses adjacent to the subject property.
- ii. Zone Map Amendment Application. An application for a Zone Map Amendment shall include the following information:
  - a. A completed Zone Map Amendment application on the prescribed form that shall include the following:
    - 1. The name, address, telephone number, and/or email of the applicant and/or agent.
    - 2. The legal description and UPC of the property for which the Zone Map Amendment is being requested by the applicant.
  - b. Proof of ownership such as a warranty deed, tax card, or similar.
    - 1. In the event the applicant is not the property owner, a document from the property owner acknowledging the application shall be included.
  - c. A written response to each criterion listed under Section 17.14.020(F)(4)(i).
  - d. Description and exhibit of the proposed use.
  - e. A site plan that shall be drawn to scale and includes the following:
    - 1. Site address, UPC, and legal descriptions as applicable.
    - 2. Scale (numeric and graphic).
    - 3. North arrow.
    - 4. Length and width of the property, measured in feet and rounded to the closest foot.
    - 5. Public right-of-way adjacent to and within 150 feet of the site.
    - 6. Location of proposed and/or existing site access.
    - 7. Location of all proposed and existing structures on site including walls, retaining walls, and fences.

- 8. Length, width, and height of all proposed structures including walls, retaining walls, and fences measured in feet and inches.
- 9. Distance from each exterior side of the proposed structures to the closest parallel property line measured in feet and inches.
- 10. Distance from all other proposed and existing structures on site measured in feet and inches.
- 11. Location and measurements of front, side, and rear setbacks measured in feet and inches as applicable to the project proposal.
- 12. Location of proposed and existing access and/or curb cuts.
- 13. Dumpster location.
- 14. Parking locations and calculations.
- 15. Drainage pond(s) location.

# iii. Zone Map Amendment Procedures.

- a. An application for a Zone Map Amendment shall be scheduled for review at a public hearing by the Planning and Zoning Commission within 30 business days of receiving the application and payment of the applicable fees.
- b. Notice of hearing shall be mailed, published, and posted in accordance with Section 17.14.020(I).
- c. The Planning and Zoning Commission shall provide a recommendation to the Village Council whether to approve with conditions, or deny the Zone Map Amendment application.
- d. The Village Council shall schedule a public hearing on the Zone Map Amendment application within 30 business days of the Planning and Zoning Commission hearing.
- e. The Village Council shall consider the recommendation provided by the Planning and Zoning Commission; however, the Village Council shall not be bound by the recommendation in determining whether to approve or deny the Zone Map Amendment application.

- f. The Village Council shall approve, approve with conditions, deny, or defer the Zone Map Amendment application.
  - 1. Whenever the Village Council approves an application, the approved zone amendment shall take effect five (5) days after approval has been published in a newspaper of general circulation. However, a publication request shall not be placed until all conditions of the approval have been met.
  - 2. Whenever the Village Council disapproves an application, the same or a similar application cannot be reconsidered within one year of the disapproval. However, the Community Development Director may grant an exception if the applicant demonstrates that significant changes have occurred that affect the property.
- G. Quasi-judicial Hearings/Due Process.
  - 1. Quasi-judicial hearings held by the Planning and Zoning Commission and the Village Council are intended for discretionary decisions that result in changes to property rights or entitlements on a specific property or affecting a small area of the Village.
  - 2. The applicant or agent shall make an appearance of record in a quasi-judicial hearing by being present at such hearing to provide testimony, answer questions, and participate in discussions.
  - 3. All testimony at a quasi-judicial hearing given by Village staff, the applicant and/or agent, and members of the public shall be conducted under oath.
    - i. Members of the public providing testimony and/or evidence shall provide their full name and physical address.
  - 4. All parties to the application shall be given an opportunity to present evidence and to question witnesses on relevant issues.
  - 5. The decision-making body may impose reasonable limitations on the number of witnesses heard and the nature and length of their testimony.
  - 6. The hearing body may decide to continue the hearing to a future hearing, provided a hearing date is stated, and may keep the hearing open to take additional information up to the point a final decision has been made by the hearing body. No further notice of a continued hearing need be published, except if a period of six weeks or more elapses between hearing dates.
  - 7. A full record of the quasi-judicial hearing shall be created through recording or transcription, which shall be approved by the decision making body at the next scheduled meeting that is in session.
    - i. The complete record of the quasi-judicial hearing, once approved, shall be made available to the applicant, parties to the application, and interested members of the public.

- 8. Prior to hearing the application, making a decision, or during an appeal of a decision, the decision-making body shall refrain from:
  - i. Communicating, directly or indirectly, with any party or party representative in connection with the merits of any application, other than Village staff or the Village attorney.
  - ii. Using or relying on any communication, reports, or other materials prepared in connection with the application outside of the Village Planning agenda packet or those made a part of the case record during the quasi-judicial hearing.
- 9. Inspecting any property applicable to the application individually or with any party or their representative outside of the quasi-judicial hearing.
- 10. The hearing body shall make findings based exclusively on the record of the application, conformity with this Ordinance and any other approved Village plan or document, and supplemented by any evidence allowed to be introduced at the hearing.
- H. Legislative Policy Applications.
  - <u>Text Amendment</u>. An application for a text amendment to this Ordinance, the Comprehensive Plan, or another plan adopted by Village Council shall be submitted to the Community Development Department for review and recommendation by Planning and Zoning Commission and final action by the Village Council.
    - i. An application for a text amendment to this Ordinance or Comprehensive Plan shall be approved if it meets all the following criteria:
      - a. The application is considered complete.
      - b. Changed economic, social, environmental, or other conditions necessitate the text amendment.
      - c. The text amendment will protect the public health, safety, or welfare better than the existing Ordinance, Comprehensive Plan, or other plan adopted by Village Council.
      - d. The text amendment will be beneficial to a large portion of the residents or property owners in the Village.
      - e. The text amendment is consistent with the spirit and intent of the Comprehensive Plan.
    - ii. <u>Text Amendment Application</u>. An application for a text amendment shall include the following information:
      - a. The name, address, telephone number, and/or email of the applicant and/or agent.
      - b. An exhibit of all properties to be affected by the text amendment.

c. A written response to each criterion listed under Section 17.14.020(H)(1)(i).

# iii. Text Amendment Procedures.

- a. An application for a text amendment shall be scheduled for review at a public hearing by the Planning and Zoning Commission within 30 business days of receiving the application and payment of the applicable fees.
- b. Notice of Public Hearing shall be mailed, published, and posted in accordance with Section 17.14.020(I).
- c. The Planning and Zoning Commission shall provide a recommendation to the Village Council whether to approve with conditions, or deny the text amendment application.
- d. The Village Council shall schedule a public hearing on the text amendment application within 30 business days of the Planning and Zoning Commission hearing.
- e. The Village Council shall consider the recommendation provided by the Planning and Zoning Commission; however, the Village Council shall not be bound by the recommendation in determining whether to approve or deny the text amendment application.
- f. The Village Council shall approve, approve with conditions, deny, or defer the text amendment application.
  - Whenever the Village Council disapproves an application, the same of similar application cannot be reconsidered within one year of the disapproval. However, the Community Development Director may grant an exception if the applicant demonstrates that significant changes have occurred that affect the community.

# I. Notice of Hearing.

- 1. The Community Development Department shall provide notice of any required hearing as follows:
  - i. A written notice shall be mailed or emailed to the applicant or appellant a minimum of 15 calendar days before the hearing.
  - ii. Public notice shall be published a minimum of 15 calendar days before the hearing in a newspaper of general circulation in the area.
  - iii. Owners of property within 200 feet of the subject property line of the application or appeal, excluding public right-of-way, shall be notified in writing by certified mail, or first-class mail if the application is larger than one block in area. The excluded right-of-way distance shall be added to the notice buffer opposite the subject property to ensure effective notice.

- iv. Public notice shall be provided by prominently posting signs along each the street frontage of the subject property. Such signs shall be issued by the Community Development Department and posted a minimum of seven calendar days prior to the hearing.
- v. The required notices shall state the date, time, and place of the hearing, general location of the subject property, and a brief description of the proposed action.

# J. Permit Required.

- 1. The Community Development Director or their designee shall determine if a land use action is required prior to the acceptance of a Development Plan Application. If so, they will notify the applicant that such an application must be requested and approved prior to any building, structure, mobile, or manufactured home being used, occupied, substantially changed, constructed, erected, moved, or altered upon any premises. If no additional permits are required, the Community Development Director or their designee may approve the Development Plan Application and associated plans within 15 business days of their receipt. Commercial, industrial, or larger residential projects typically require a longer review and are subject to their own approval timeline.
- 2. No property, building, structure, nor mobile or manufactured home shall be used, occupied, substantially changed, constructed, erected, moved, or altered upon any premises except in accordance with and pursuant to the following, as applicable:
  - i. A Development Plan Application.
    - a. A State of New Mexico Construction Industries Division Building/Trades Permit.
    - b. A State of New Mexico Manufactured Housing Division Installation Permit.
  - ii. A Conditional Use Permit.
  - iii. A Designated Use Permit.
  - iv. A Special Use Permit.
  - v. A Sign Permit.
  - vi. A Short-term Rental Permit.
  - vii. Temporary Dwelling Permit.
- 3. Permits as described in Section 17.14.020(E) are approved and issued only after a complete review of the submitted application, confirming that the development will comply with the provisions of this Ordinance and other applicable approved Village plans and documents if completed as proposed.

- 4. Upon approval of a Development Plan Application, the applicant shall apply for a building/trades or installation permit to the State of New Mexico, as applicable. The Community Development Department does not issue building/trades or installation permits. Refer to Section 17.14.020(E)(4) for Development Plan Application requirements.
- 5. Issuance of such Village and State of New Mexico permits authorizes the applicant to commence the approved activity or to make necessary improvements to a subdivision. Additionally, a copy of a permit issued by the State of New Mexico shall be furnished upon request by the Community Development Department.
- 6. Physical improvements to land, the intended use shall not begin, no building may be occupied, and no lots may be sold until all the requirements of this Ordinance and the provisions of Title 16 have been met.

# K. Permit Revocation.

 Any permit may be revoked by the Village Council if the applicant fails to develop or maintain the property in accordance with the approved application, the requirements of this Ordinance, or any additional requirements lawfully imposed by the Planning and Zoning Commission or the Village Council.

# 17.14.030 Appeal Procedures

- A. Filing an Appeal.
  - 1. Any order, decision, requirement, or interpretation made by the Community Development Director, or the Development Review Committee may be appealed by the interested party within 15 business days after the decision.
    - i. Appeals shall be filed with the Community Development Department and heard by the Planning and Zoning Commission for a decision.
    - ii. The appeal shall state the section of this Ordinance, requirement, or interpretation applied to a decision that the appellant believes has not been decided or interpreted correctly.
  - 2. Any decisions made by the Planning and Zoning Commission may be appealed by the interested party within 15 business days after the decision.
    - i. Appeals shall be filed with the Community Development Department and heard by the Village Council for a decision.
    - ii. The appeal shall state the section of this Ordinance, requirement, or interpretation applied to a decision that the appellant believes has not been interpreted correctly.
  - 3. Any appeals of decisions by the Village Council shall be filed at District Court within 30 business days of the Council's final action by the interested party and shall follow the District Court's required procedures. The appellant shall provide a notice of intent to the Community Development Department within 10 business days of the Council's final action.

i. The notice of intent shall state the section of this Ordinance, requirement, or interpretation applied to a decision that the appellant believes has not been decided or interpreted correctly.

# B. Appeal Hearings.

- 1. Once the appeal has been received by the Community Development Department, the Department shall prepare and transmit a complete record of the case and the decision made to the applicable hearing body.
- 2. The Planning and Zoning Commission or Village Council shall schedule an appeal hearing within 30 business days of receiving the appeal.
- 3. Notice of hearing shall be mailed, published, and posted in accordance with Section 17.14.020(I).
- 4. The appeal hearing shall be open to all persons with an interest in the outcome of the appeal and the general public. Parties having an interest in the outcome of the appeal are defined as those parties entitled to mailed notice of the original application per Section 17.14.020(I)(1)(iii).
- 5. The hearing body may place reasonable limitations on the presentation of evidence and arguments so that the appeal may be heard and decided upon without undue delay.
- 6. The hearing body may decide to continue the appeal hearing to a future hearing and may keep the hearing open to take additional information up to the point a final decision has been made by the hearing body. No further notice of a continued hearing need be published, except if a period of six weeks or more elapses between hearing dates.
- 7. The hearing body shall make findings based exclusively on the record of the appealed decision and supplemented by any evidence allowed to be introduced at the appeal hearing.
- 8. The hearing body shall affirm, reverse, or modify the decision to deny or approve the application. Modifications may be required to bring the application into compliance with this Ordinance, except appeals heard by the Village Council may be remanded to the Planning and Zoning Commission and shall set forth the matters in part or in whole to be reconsidered.

#### 17.14.040 Nonconformities

# A. Purpose.

The purpose of Section 17.14.040 is to regulate land uses, buildings, lots, signs, and site features that were legally established under previous versions of the Municipal Zoning Ordinance, but do not conform to the current requirements of this Ordinance. These regulations are intended to reduce or eliminate over time any nonconformity that creates adverse impacts on adjacent or surrounding properties.

#### B. Applicability.

1. The regulations in Section 17.14.040 apply to land uses, structures, buildings, lots, signs, and site features, including:

- i. Those that were legally established prior to the effective date of this Ordinance but became nonconforming due to the adoption of this Ordinance.
- ii. Those that were legally established after the effective date of this Ordinance but became nonconforming at the time of future adoption of an amendment to this Ordinance.

#### C. Nonconforming Use.

- 1. A nonconforming use that was otherwise legally established under previous versions of this Ordinance may be continued as follows:
  - i. A nonconforming use shall be allowed to continue regardless of any change in ownership or occupancy of that use, unless the use is discontinued for a period of one year, in which case the nonconforming use shall not be allowed to continue.
  - ii. When determining whether a right to continue a nonconforming use is allowed, all of the structures, buildings, activities, and operations maintained on a lot shall be considered as a whole.
  - iii. A legal nonconforming use shall be issued a certificate of nonconformance as determined by the Community Development Director or their designee.

# D. Nonconforming Lot.

- Where a nonconforming lot can be used in conformity with the regulations contained in this Ordinance that are applicable to the intended use, except that the lot size does not meet the required minimum lot size, the nonconforming lot may be used as if it were conforming.
- 2. If an undeveloped nonconforming lot relative to minimum lot size adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest shall take advantage of the provisions of Section 17.14.040(D)(1).
- 3. Adjoining nonconforming lots under the same ownership, shall be combined with other undeveloped lots to create conforming lots that meet the minimum lot size of the zoning district in which the subject property is designated, where feasible.

# E. Nonconforming Structure.

- 1. A nonconforming building or structure that was otherwise legally constructed under previous versions of the Ordinance may continue to be used:
  - Regardless of any change in ownership or occupancy of that building or structure, unless the building or structure is vacant or remains unused for a period of one year, in which case the use of the nonconforming building or structure shall not be reestablished.
  - ii. A nonconforming building or structure may be maintained, repaired, or altered, but shall be in accordance with the following:

- a. A building or structure containing a nonconformity may be maintained, repaired, or altered, but shall not be expanded in such a way that creates new nonconformities.
- b. A building or structure that does not conform to maximum height regulations in the applicable zoning district shall not be modified in such a way that expands the building height nonconformity.
- c. A building or structure that does not conform to the minimum setback regulations in the applicable zoning district shall not be modified in such a way that expands the setback nonconformity.
- d. Where the nonconformity involves a mobile home, the nonconformity shall be extended to the life of that particular mobile home, but it shall not be reestablished.
- 2. A nonconforming fence, wall, or site feature may remain for the life of the structure, except where such fence, wall, or site feature has become dilapidated, a hazard, or does not meet the clear sight triangle and distance requirements.

# F. Nonconforming Sign.

- Except as provided by Section 17.12.050, signs lawfully established before the effective date of this Ordinance may continue to be displayed without modifications to their dimensions, appearance, or location, notwithstanding the effect of any more restrictive regulation. "Modification" shall not include maintenance as defined in Section 17.12.050(K)(2).
- 2. The following signs shall be subject to the regulations contained within Section 17.12.050 and come into compliance when:
  - i. Any nonconforming sign was established without complying with the signage regulations in effect at the time the sign was established.
  - ii. Any nonconforming sign that has been discontinued or abandoned for a period of at least 90 days, or which has been destroyed or damaged to an extent greater than 50 percent of its in-place replacement cost.
  - iii. Any nonconforming sign that is a part of a remodel or expansion that requires such sign to be removed and/or relocated.
  - iv. Any temporary sign that is removed or past its allowable display period.
  - v. Any sign that is unsafe or that is a hazard to the public.
- G. Repair, Maintenance, Renovation, and Replacement.
  - 1. Minor repairs to and routine maintenance of nonconforming buildings or structures are permitted and encouraged.
  - 2. Major Renovations or Repairs.

- i. Major renovations or repairs of nonconforming buildings, structures, or site features estimated to cost 49 percent or less of the appraised market value of the building, structure, or site feature, as determined by a private third-party appraiser, may only proceed following the issuance of an approved Development Plan Application, construction initiated within 180 days of approval, and is diligently continued until completion. Such renovations or repairs may restore the building, structure, or site feature to the condition in which it existed prior to the situation necessitating the renovation or repair provided the provisions of 14.40.040(E)(1)(ii) are met.
- ii. Major renovations or repairs of nonconforming buildings, structures, or site features estimated to cost 50 percent or more of the appraised market value of the building, structure, or site feature, as determined by a private third-party appraiser, may only proceed if the renovation or repair is intended to bring the building, structure, or site feature into conformity following the issuance of an approved Development Plan Application, construction initiated within 180 days of approval, and is diligently continued until completion.
  - a. If the estimated cost of major renovations or repairs exceeds 50 percent of the appraised market value, the building, structure, or site feature may be renovated or repaired, provided that prior approval is obtained from the Village Council. A request to wave the 50 percent threshold shall follow the requirements established by the appeals process.

#### Replacement.

- i. Replacement of nonconforming buildings, structures, or site features that are damaged through natural or other causes estimated to cost 49 percent or less of the appraised market value of the building, structure, or site feature, as determined by a private third-party appraiser, may only proceed following the issuance of an approved Development Plan Application, construction initiated within 180 days of approval, and is diligently continued until completion. Such replacement may restore the building, structure, or site feature to the condition in which it existed prior to the situation necessitating the renovation or repair provided the provisions of 14.40.040(E)(1)(ii) are met.
- ii. Replacement of nonconforming buildings, structures, or site features that are damaged through natural or other causes estimated to cost 50 percent or more of the appraised market value of the building, structure, or site feature, as determined by a private third-party appraiser, may only proceed if the replacement is intended to bring the building, structure, or site feature into conformity following the issuance of an approved Development Plan Application, construction initiated within 180 days of approval, and is diligently continued until completion.

a. If the estimated cost or replacement exceeds 50 percent of the appraised market value, the building, structure, or site feature may be replaced to its original state and as it existed prior to damage, provided that prior approval is obtained from the Village Council. A request to wave the 50 percent threshold shall follow the requirements established by the appeals process.

# 17.14.050 Violations, Enforcement, and Penalties

#### A. Purpose.

Section 17.14.050 defines what constitutes a violation of this Ordinance, how the standards and requirements of this Ordinance will be enforced, and what penalties the Village may impose for different types of violations.

#### B. General Violations.

- 1. The following activities and actions constitute a violation and are subject to the enforcement and penalty provisions of this Ordinance:
  - i. A building, structure, or sign erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Ordinance.
  - ii. Any building, structure, sign, or land used in violation of this Ordinance.
  - iii. Providing false or misleading information in an application for any permit or approval granted by the Village.
  - iv. Failure to comply with the terms or conditions attached to any permit or approval granted by the Village.
- 2. The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is in violation with the requirements of this Ordinance may be held responsible for the violation and be subject to the penalties and remedies provided in Section 17.14.050.

# C. Enforcement Authority and Procedures.

- 1. The Community Development Director or their designee has the authority and duty to enforce the provisions of this Ordinance pursuant to Section 17.14.010(D).
- 2. A permit, registration, or plan approval issued in conflict with the provisions of this Ordinance is void.
- 3. The Village may use any enforcement powers allowed by the State of New Mexico, in any order. The choice of one method of enforcement does not preclude the Village from pursuing other methods if the violation has not been remedied.

- 4. Whenever the Community Development Director or their designee receives a written or verbal complaint alleging a violation of this Ordinance, they shall investigate the complaint, take whatever action is warranted per the remedies provided in Section 17.14.050, and inform the complainant regarding actions that have been or will be taken, provided the complainant provides their name, telephone number and/or email.
- 5. If the Community Development Director or their designee finds that any provision of this Ordinance has been or is currently being violated, they shall first attempt to initiate an inperson contact to indicate the nature of the violation and issue any necessary corrective action. However, if in-person contact is unobtainable, a written notice shall be sent to the person(s) responsible for such violation, indicating the nature of the violation and ordering the necessary corrective action. Additional written notices may be sent at the Community Development Director's discretion.
  - i. The final written notice shall state what action the Community Development Director or their designee intends to take if the violation is not corrected and shall advise the person(s) who is responsible for the violation that the decision or order may be appealed to the Planning and Zoning Commission.
  - ii. In cases when a delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Community Development Director may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 17.14.050.
- 6. The Village may enforce this Ordinance through any of the following powers:
  - i. Institute legal proceedings to prevent the unlawful action.
  - ii. Deny, delay, or withhold permits and approvals.
  - iii. Revoke permits, registrations, and approvals after giving the property owner or applicant notice of intent to revoke the permit, registration, or approval.
  - iv. Issue a stop work order requiring that all work on a property, structure, or operation of a use that is in violation of this Ordinance cease, or if a violation is suspected but not known, until the existence or absence of the violation can be confirmed.
  - v. Order the removal or remove any building, structure, sign or violating portion of a buildings, structure, or sign that is erected or maintained in violation of the provisions this Ordinance.

# D. Sign Violations and Enforcement

- 1. If any permanent or temporary sign becomes a nuisance as defined in Section 17.12.050 or Section 17.14.050(D), such signs may be subject to removal, relocation, or other actions to eliminate the nuisance, either by the owner of the temporary sign or by the Village.
- 2. Any of the following actions shall be a violation of Section 17.12.050 and shall be subject to the enforcement remedies provided in this section:

- i. To install, create, erect, or maintain any sign in a way that is inconsistent with any approved plan or permit governing the sign or the lot on which the sign is located.
- ii. To install, create, erect, or maintain any sign requiring a permit without obtaining a Sign Permit.
- iii. To fail to remove any sign that is installed, created, erected, or maintained in violation of Section 17.12.050, or for which the sign approval or permit has lapsed.
- iv. Each day of a continued violation of Section 17.12.050 shall be considered a separate violation when applying the penalty portions of this Ordinance.
- 3. Removal of unused signs or support structures is required if a sign or sign support structure meets any of the following conditions:
  - i. Vacant and/or unused sign support structures, angle irons, sign poles, or other remnants of old signs that are not currently in use or proposed for reuse.
  - ii. Obsolete or abandoned signs that no longer advertise a currently existing business or product sold.
  - iii. Any sign or sign structure that has become so dilapidated as to be untellable or a menace to public safety and welfare.
- 4. Signs found to be in violation of Section 17.12.050 shall be subject to the following enforcement procedures:
  - i. The property owner shall receive a written notice outlining a compliance deadline of 10 business days. Failure to remedy the violation or comply with the provisions of Section 17.12.050 within 10 business days shall constitute a misdemeanor.
  - ii. Conviction of such misdemeanor shall result in a fine of not less than \$50 or more than \$500.
  - iii. Should the property owner fail to remedy the violation(s) within the 10-day compliance period, the Community Development Director or their designee is authorized to enter the property. Prior to entry, the property owner shall be provided with a 24-hour notice of entry. The Community Development Director or their designee shall then remove such sign(s), and all expenses associated with the removal shall be paid by the owner of the property, building, or structure to which the sign(s) is attached. A lien for the removal costs shall be assessed against the subject property, with foreclosed conducted in accordance with §3-36-1 through §3-36-6 NMSA 1978.
  - iv. Should the violation require additional remedies, the following may apply:
    - a. Issuing a stop-work order for all work on any signs on the same lot.
    - b. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or correction of the non-conformity.

- v. The Village shall not be responsible for damages to the property, building, structure, or confiscated signs.
- 5. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties provided under Section 17.14.050.
- E. Short-term Rental Violations and Enforcement.
  - 1. Violations of Section 17.10.060(I) and Section 17.14.020(E)(1) shall include:
    - i. Operating a dwelling unit as a short-term rental without a permit.
    - ii. Knowingly assisting an owner of property in advertising or renting a dwelling unit as a short-term rental, when said property does not have a permit.
    - iii. Failure to pay all applicable fees and taxes associated with the short-term rental, including lodgers' tax.
    - iv. Three or more violations of Village Ordinances by the owner/operator or renter relating to or occurring at a dwelling unit operating as a short-term rental resulting in the issuance of a citation from the Village to the owner/operator or a renter within a period of three years.
    - v. Two or more violations of Village Ordinances by the owner/operator or renter relating to or occurring at a dwelling unit operating as a short-term rental resulting in convictions of the owner/operator or renter in Los Lunas Municipal Court within a period of one year.
    - vi. Any conduct by a renter of a dwelling unit operating as a short-term rental that results in citation for noise violations, disorderly conduct, or any criminal complaint during the rental period.
    - vii. Outstanding nuisance, zoning, building, or fire code violations relating to a dwelling unit operating as a short-term rental.
    - viii. An owner/operator refusing to permit the Community Development Department to conduct random inspections of a short-term rental in accordance with procedures set forth in Section 17.10.060(I).
  - 2. Except as provided in Section 17.10.060(I), the Village shall give the owner/operator of a short-term rental a written notice of the violation, which shall be mailed either to the owner's local, business, or agent's address, informing the owner of the violation.
    - i. Renters who violate any Village ordinance may also subject the owner/operator to enforcement action by the Village.
    - ii. The owner/operator shall correct the violation within 15 business days or shall receive a citation to Los Lunas Municipal Court, except violations that endanger public health, safety, and welfare of residents or violations of Title 8 and Title 9 shall not require a 15-day compliance period and may result in the immediate issuance of a citation to the owner/operator.

- iii. An owner/operator who is convicted of a violation of this Ordinance or other applicable ordinances relating to or occurring at a dwelling unit operating as a short-term rental, or whose renter is convicted of a violation of this Ordinance or other applicable Ordinances relating to or occurring at a dwelling unit operating as a short-term rental, shall be subject to penalties as described below:
  - a. Upon conviction of a first violation, the Village shall revoke the Short-term Rental Permit for a period of one year and operation of the short-term rental shall cease within 30 calendar days.
  - b. Assess a fine of not less than \$50 or more than \$500.
  - c. Each day after the initial written notice of violation is a separate violation subjecting the owner/operator to the issuance of additional citations for violations of 17.10.060(I) and other applicable Village ordinances.
  - d. If the Village is awarded a monetary judgment following a court hearing and the defendant does not make timely payments to the Village, the Village may bring an action in lien or equity for the collection of any amounts due.
- iv. An agent who knowingly aids or abets an owner/operator in advertising or renting a dwelling unit as a short-term rental unit that is not permitted under this Ordinance is subject to the issuance of a citation for violating this Ordinance and the agent's business registration or license is subject to revocation.
- v. Should a Short-term Rental Permit be revoked, the owner/operator may reapply for a new permit after the one-year period has concluded and after the payment of all applicable fees.

#### F. Development.

- 1. <u>Violations</u>. Any of the following development actions shall be a violation of this Ordinance and shall be subject to the enforcement and remedies provided in this section:
  - i. Failure to obtain Development Plan Application approvals prior to any building, structure, mobile, or manufactured home being used, occupied, substantially changed, constructed, erected, moved, or altered upon any premises.
  - ii. Failure to complete the construction or installation of any on and off-site improvements as required by the approved application, such items shall include but are not limited to:
    - a. Buildings.
    - b. Curb cuts.
    - c. Drainage facilities.
    - d. Drive aisles.
    - e. Drive pads.

- f. Driveways.
- g. Fences/walls.
- Landscaping.
- Refuse facilities.
- i. Sidewalks.
- k. Structures.
- 1. Utilities.
- m. Or any other development items as determined by the Community Development Director or the Public Works Director.
- iii. Deviations from approved development plans or permit conditions without prior approval.
- iv. Abandonment of a development is prohibited and shall be considered as such if it meets any of the following criteria:
  - a. No substantial progress has been made, and the applicant has not proceeded with due diligence and in good faith.
  - b. Construction activity has ceased for a period of 180 days or more without a valid reason or notifying the Community Development Department.
  - c. Leaving the site unsecured or in a condition that poses a threat to public safety or welfare.
- v. An owner, architect, builder, contractor, agent, or other person refusing to permit the Community Development Department to conduct inspections in accordance with procedures set forth in 17.14.020(E)(4)(viii).
- 2. <u>Enforcement</u>. Developments, properties, owners, architects, builders, contractors, agents, or other persons found in violation of this Ordinance shall be subject to the following enforcement procedures:
  - i. <u>Failure to Obtain a Development Plan Application Approval</u>. If a developer, property owner, or responsible party fails to obtain a Development Plan Application approval prior to any building, structure, mobile, or manufactured home being used, occupied, substantially changed, constructed, erected, moved, or altered upon any premises, the Village may take the following actions:
    - a. The developer, property owner, or responsible party shall be subject to notice in accordance set forth in Section 17.14.050(C)(5).
    - b. Institute legal proceedings to prevent the unlawful action.
    - c. Deny, delay, or withhold additional permits and approvals on or off-site until the subject property is compliant.

- d. Revoke permits, registrations, and approvals after giving the property owner or applicant notice of intent to revoke the permit, registration, or approval on or off-site.
- e. Issue a stop work order requiring that all work on a property, structure, or operation of a use that is in violation of this Ordinance cease, or if a violation is suspected but not known, until the existence or absence of the violation can be confirmed.
- f. Order the removal or remove any debris, building, structure, infrastructure on or off-site, or violating portion of a buildings, structure, or infrastructure on or off-site maintained in violation of the provisions this Ordinance.
- ii. <u>Failure to Complete</u>. If a developer, property owner, or responsible party fails to complete the development as approved, including but not limited to Sections 17.14.050(F)(1)(ii) and Section 17.14.050(F)(1)(iii), the Village may take the following actions:
  - a. The developer, property owner, or responsible party shall be subject to notice in accordance set forth in Section 17.14.050(C)(5).
  - b. Institute legal proceedings to prevent the unlawful action.
  - c. Deny, delay, or withhold additional permits and approvals on or off-site until the subject property is compliant.
  - d. Order the completion of any building, structure, infrastructure on or off-site, or violating portion of a buildings, structure, or infrastructure on or off-site maintained in violation of the provisions this Ordinance.
- iii. <u>Abandonment</u>. If a developer, property owner, or responsible party abandons a development, the Village may take the following actions:
  - a. The developer, property owner, or responsible party shall be subject to notice in accordance set forth in Section 17.14.050(C)(5).
  - b. Institute legal proceedings to prevent the unlawful action.
  - c. Deny, delay, or withhold additional permits and approvals on or off-site until the subject property is compliant.
  - d. Revoke permits, registrations, and approvals after giving the property owner or applicant notice of intent to revoke the permit, registration, or approval.
  - e. Order the completion of any building, structure, infrastructure on or offsite, or violating portion of a buildings, structure, or infrastructure on or off-site maintained in violation of the provisions this Ordinance

- f. Order the removal or remove any debris, building, structure, infrastructure on or off-site, or violating portion of a buildings, structure, or infrastructure on or off-site maintained in violation of the provisions this Ordinance.
- g. Order that the subject property, building, structure, or any infrastructure be secured or left in a condition that shall not pose a threat to public safety or welfare.
- 3. <u>Abatement and Penalties</u>. Developments, properties, owners, architects, builders, contractors, agents, or other persons found in violation of this Ordinance and subject to the enforcement procedures of 17.14.050(F)(2) shall be subject to the following abatement and penalty procedures:
  - i. <u>Abatement</u>. Should a developer, property owner, or responsible party fail to remedy the violation(s) within the required compliance period, the Village may take the following actions:
    - a. The Community Development Director or their designee is authorized to enter the property. Prior to entry, the property owner shall be provided with a 24-hour notice of entry. The Community Development Director or their designee shall then remove such violations(s), and all expenses associated with the removal shall be paid by the owner of the property, building, or structure where the violation(s) occurred. A lien for the removal costs shall be assessed against the subject property, with foreclosed conducted in accordance with §3-36-1 through §3-36-6 NMSA 1978.
      - 1. The Village shall not be responsible for damages to the property, building, structure, other items, or other improvements as a result of enforcement actions taken under this section.
    - b. The Village may file a claim on any bonds associated with the project to complete the project through Village means, compel the original developer to complete the project, or arrange for another entity to complete the project.

#### ii. Penalties.

- a. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense.
- b. Penalties for violations shall be as follows:
  - 1. Failure to remedy any violation within the specified compliance period shall constitute a misdemeanor and a fine of not less than \$50 or more than \$500.

2. If the Village is awarded a monetary judgment following a court hearing and the defendant does not make timely payments to the Village, the Village may bring an action in lien or equity for the collection of any amounts due.

# 17.14.060 Fees

# A. Application Fees

- Reasonable application and associated fees sufficient to cover the costs of administration, inspection, mailings, publication of notice, recordation, and similar matters shall be charged to applicants for signs, subdivisions, zoning actions, and other administrative relief as determined by the Community Development Director.
- 2. The application fee listed in Table 17.14.060(1), are hereby established. Any amendments or modifications to Table 17.14.060(1) shall be approved by Resolution of Village Council.

	Table 17.14.060(1): Application Fees			
Туре	Description	Fee		
DEVELOPMENT PLAN APPLICATION				
<b>Corrective Permit</b> (required when construction or development work begins without prior approval, resulting				
in a Stop Work Order.)				
	Plan review fee	200% of original fee		
Commercial New Build*				
	Plan review fee	\$300.00		
Commercial Tenant Improvement*				
	Plan review fee	\$150.00		
Floodplain Development*				
	Plan review fee	\$25.00		
Industrial New Build*				
	Plan review fee	\$750.00		
Industrial Tenant Improvement*				
	Plan review fee	\$400.00		
Residential New Build*				
Manufactured Home	Plan review fee	\$50.00		
Modular Home		\$150.00		
Mobile Home	Plan review fee	\$50.00		
Site Built		\$150.00		
Tiny House	Plan review fee	\$50.00		
Residential Tenant Improvement*				
	Plan review fee	\$50.00		
Structure, Accessory*				
Carport	Plan review fee	\$25.00		
Fence / Wall	Plan review fee	\$25.00		
Shed		\$25.00		
Temporary Dwelling Permit 1 to14 Days*				
	Plan review fee	\$50.00		

	Table 17.14.060(1): Application Fees	
Туре	Description	Fee
	DEVELOPMENT PLAN APPLICATION	
<b>Wireless Transmission Facilit</b>		
	Plan review fee	\$100.00
	Location charge - Private property	\$0.00
	Location charge - Municipal property	\$50.00
	Location charge - Right-of-way	\$250.00
	SIGNS	
	red when construction or installation begins with	out prior approval, resulting in
a Stop Work Order.)	T	2000/ 0 : : 10
P. 1. 31. 1	Per sign	200% of original fee
Primary Sign*		Φ <b>7</b> 0.00
		\$50.00 up to 32 square feet,
	Per sign	plus \$1.00 for each
	8	additional square foot over
		32 square feet.
T C! I DOWN	Change to face only	\$25.00
Temporary Sign in ROW*		<b>₩</b> 2.5 0.0
	Per sign	\$25.00
	After the fact sign permit, per sign	\$50.00
	ZONING	
Annexation*		
	Application fee	\$0.00
	Notice of Public Hearing publication	Varies by case
	Notice of Public Hearing certified mail	Varies by case
Appeal*		
	Application fee	\$100.00
	Notice of Public Hearing publication	Varies by case
	Notice of Public Hearing certified mail	Varies by case
Conditional Use Permit*		
	Application fee	\$150.00
	Notice of Public Hearing publication	Varies by case
	Notice of Public Hearing certified mail	Varies by case
<b>Designated Use Permit*</b>		
	Application fee	\$150.00
	Notice of Public Hearing publication	Varies by case
	Notice of Public Hearing certified mail	Varies by case
<b>Ordinance Text Amendment*</b>		
	Application fee	\$200.00
	Notice of Public Hearing publication	Varies by case
	Notice of Public Hearing certified mail	Varies by case
Site Plan Deviation*		
	Commercial plan review fee	\$100.00
	Industrial plan review fee	\$200.00
	Multi-family residential plan review fee	\$200.00

Table 17.14.060(1): Application Fees				
Туре	Description	Fee		
	ZONING			
Special Use*				
	Application fee, single development	\$150.00		
	Application fee, master plan / area plan	\$400.00		
	Notice of Public Hearing publication	Varies by case		
	Notice of Public Hearing certified mail	Varies by case		
<b>Temporary Dwelling Permit 15 to</b>				
	Application fee	\$150.00		
	Notice of Public Hearing publication	Varies by case		
	Notice of Public Hearing certified mail	Varies by case		
Zone Map Amendment*				
	Application fee	\$200.00		
	Notice of Public Hearing publication	Varies by case		
	Notice of Public Hearing certified mail	Varies by case		
Variance*				
	Application fee	\$150.00		
	Notice of Public Hearing publication	Varies by case		
	Notice of Public Hearing certified mail	Varies by case		
	OTHER APPLICATIONS			
Liquor License				
	Application fee	\$50.00		
	Notice of Public Hearing publication	Varies by case		
	Notice of Public Hearing certified mail	Varies by case		
Recreational Cannabis Permit*				
	Initial application fee (prorated)			
	July 1 – September 30	\$200.00		
	October 1 – December 31	\$150.00		
	January 1 – March 31	\$100.00		
	April 1 – June 30	\$50.00		
	Yearly renewal fee	\$200.00		
	Late fee	\$50.00		
Short-Term Rental Permit*				
	Initial application fee	\$100.00		
	Reinspection fee (within 30 days of	\$40.00		
	permit issuance)	\$40.00		
	Yearly renewal fee	\$50.00		
	Late fee	\$50.00		
	OTHER REVIEWS			
	Engineering review	Actual cost		
	Grading and drainage review	Varies by case		
	Water budget review	Actual cost		
	Additional Reviews (as required by the			
	Community Development Director,			
	Public Works Director, Development	Actual cost		
	Review Committee, Planning and Zoning			
	Commission, or Village Council)			
	*Additional fees may apply			

PASSED, APPROVED, SIGNED, AND ADOPTED THIS  $30^{TH}$  DAY OF JANUARY, 2025.

Charles Griego, Mayor Village of Los Lunas

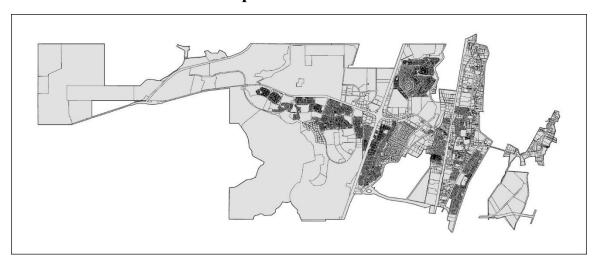
ATTEST:

Gregory D. Martin, Village Administrator

Village of Los Lunas

# Village of Los Lunas

# **Zone Map Atlas – Ordnance 481**

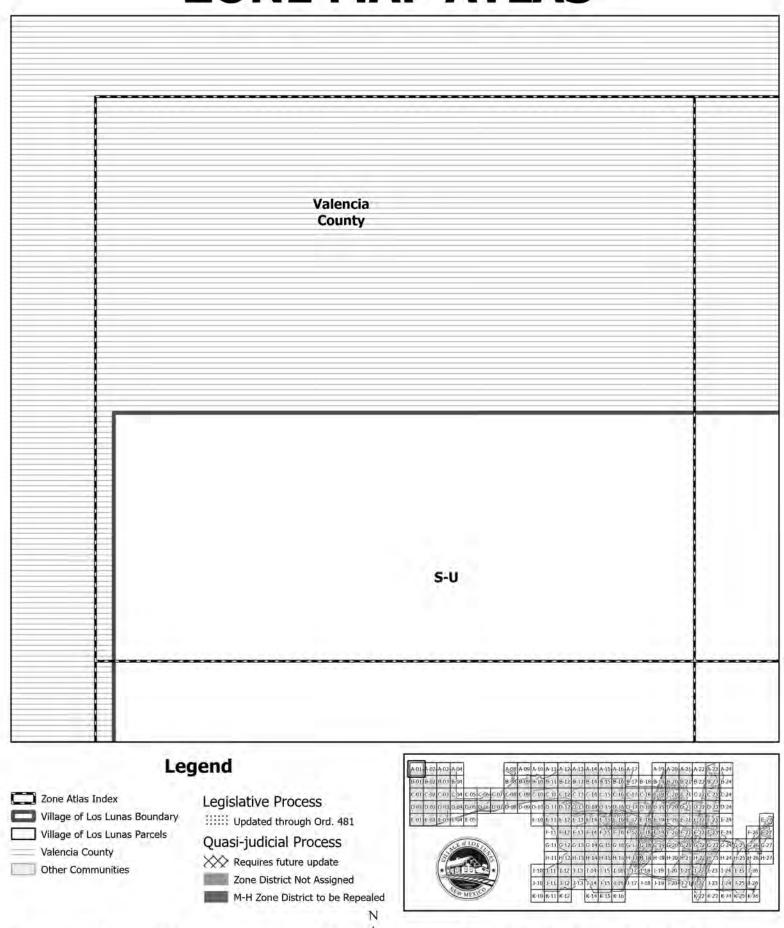


The Zone Map Atlas reflects the zoning designations within the external boundaries of the Village of Los Lunas, as established under Ordinance 481, the Municipal Zoning Code. This document serves as a reference for property owners, developers, and the public to understand the zone designation assigned to a property which guides land use and development within the Village.

Properties in this atlas are categorized as follows:

- Unchanged Properties:
  - These properties did not undergo a zone change and remain under their current zoning designations, as reflected in this atlas.
- Legislative Properties:
  - These properties underwent a zone change through the legislative rezoning process as part of the adoption of Ordinance 481. The updated zoning designations are shown in this atlas and can be identified by the "Legislative Process" symbol in the map legend.
- Quasi-Judicial Properties:
  - These properties retain their current zoning designations as shown in this atlas but may be considered non-conforming under Ordinance 481. Proposed zone changes for these properties will be addressed later through a quasi-judicial process. These properties are identified by the "Quasi-Judicial Process" symbol in the map legend.

# **ZONE MAP ATLAS**



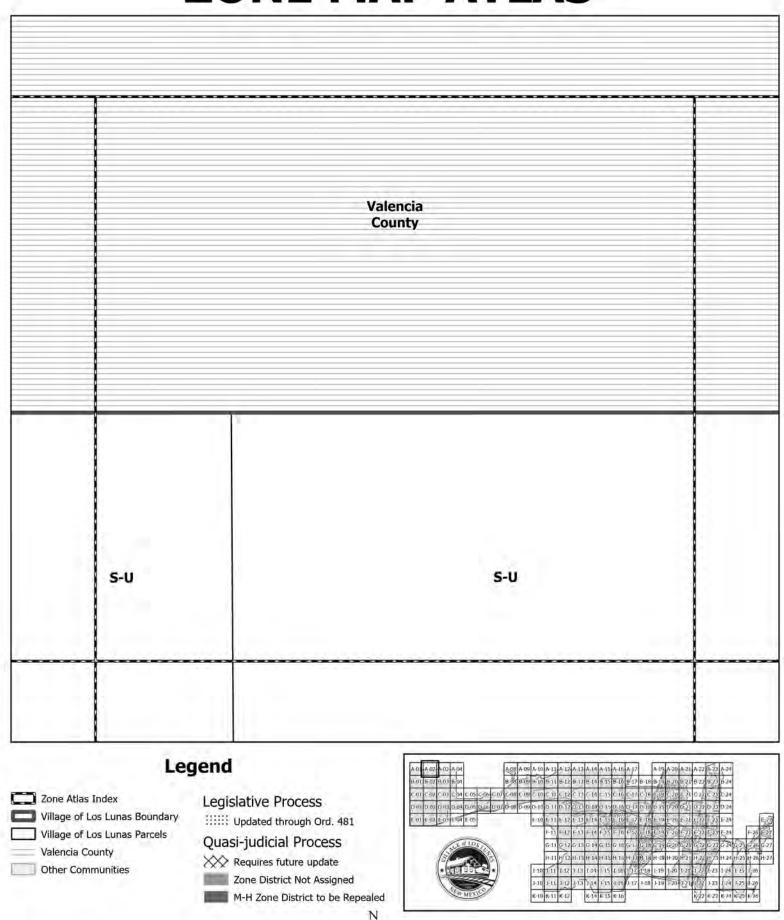
1,320 Feet

Atlas Index ID: A-01

330

660

# **ZONE MAP ATLAS**



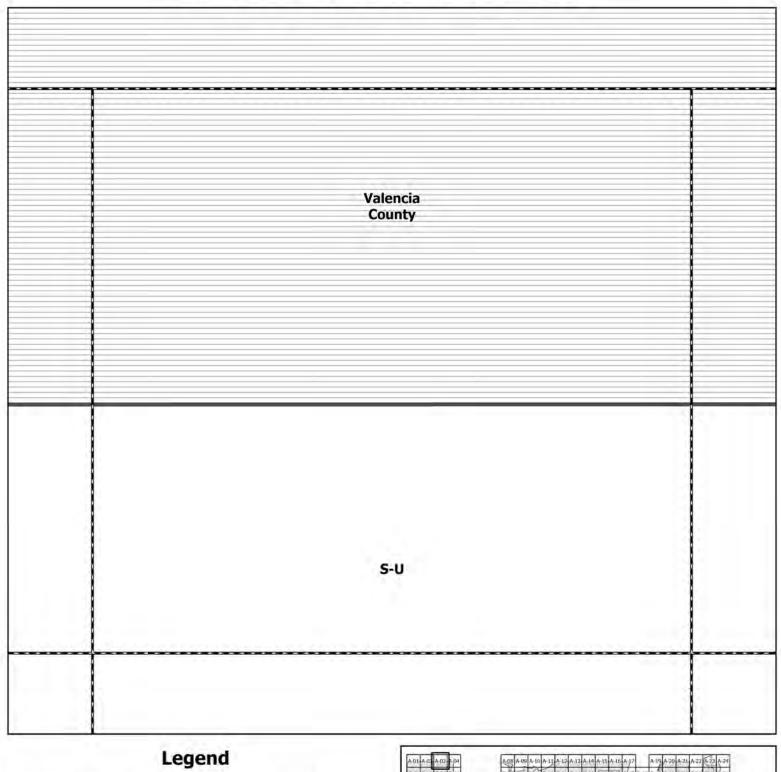
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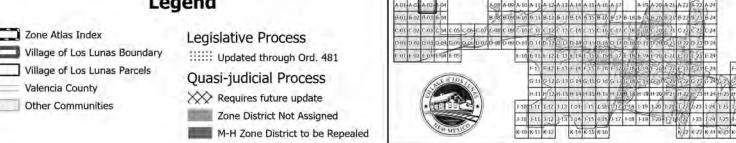
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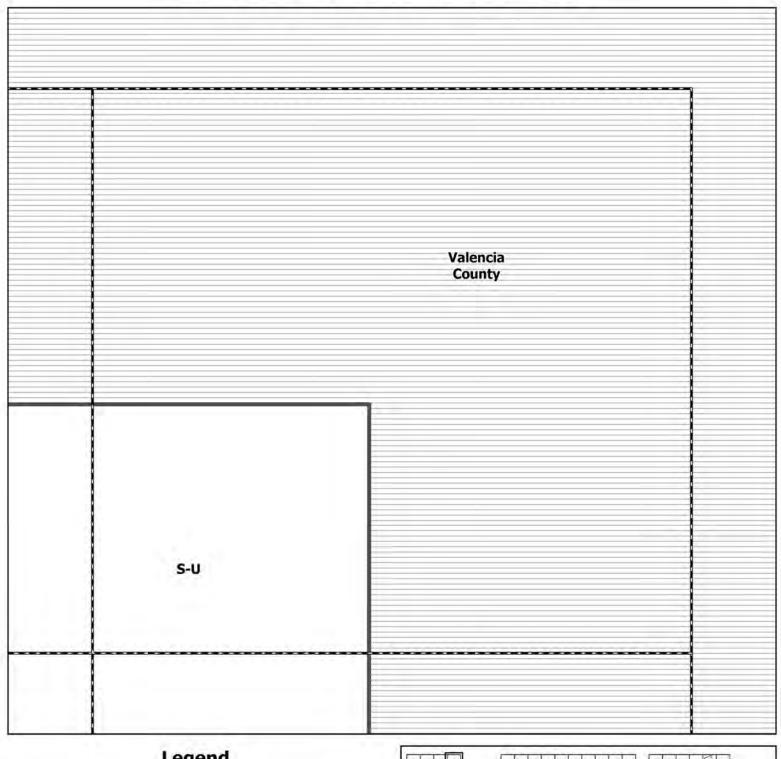
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# **ZONE MAP ATLAS**

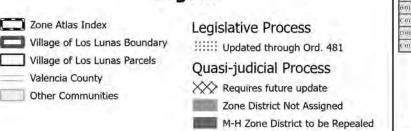




0 330 660 1,320 Feet

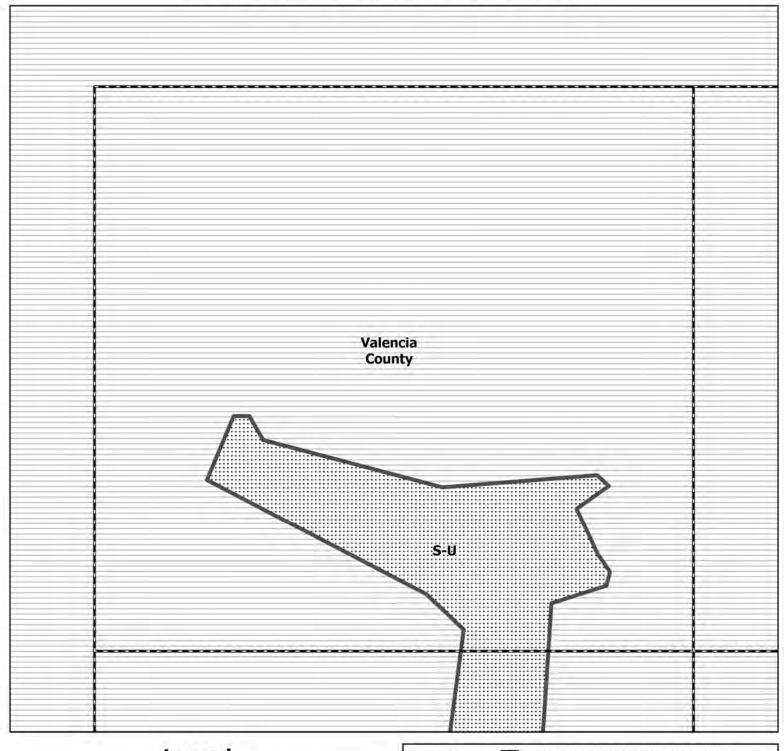


#### Legend

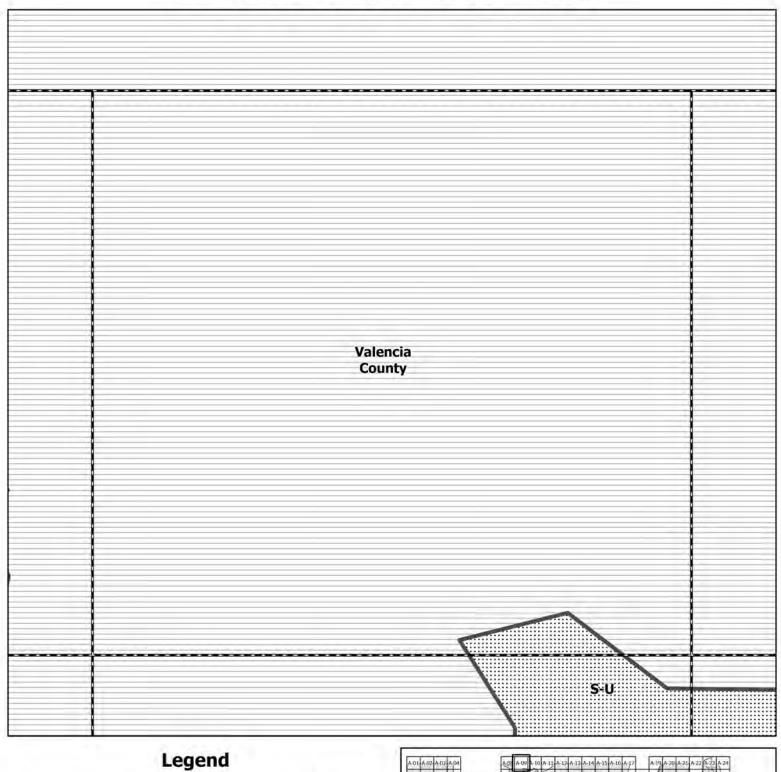


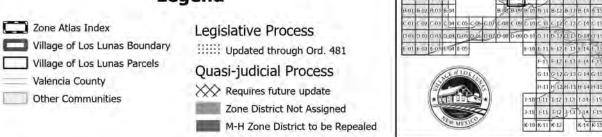


1,320 Feet 330 660



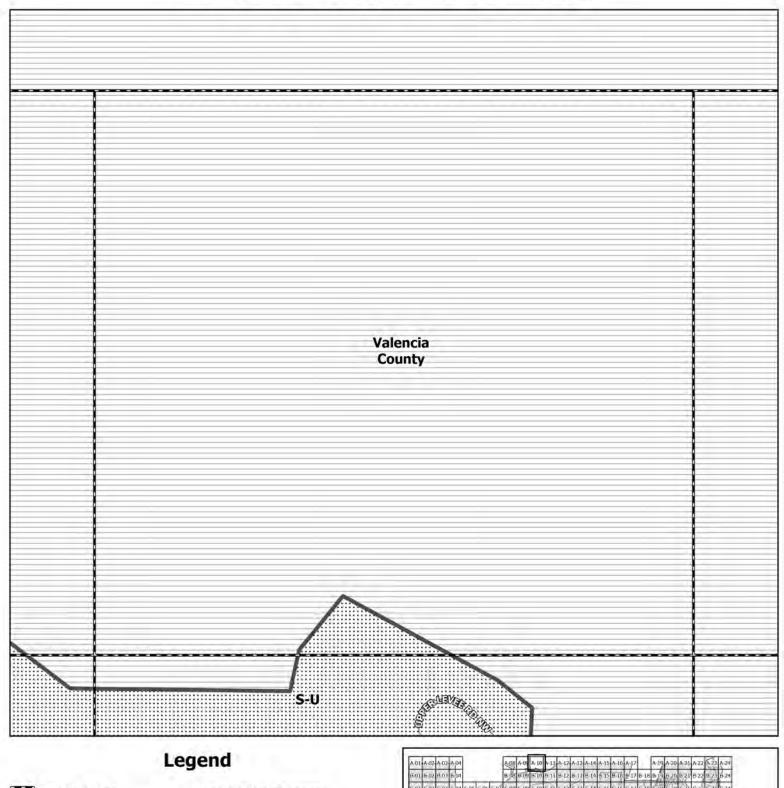
#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary !!!!!! Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: A-08

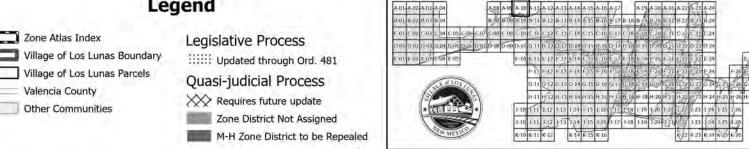




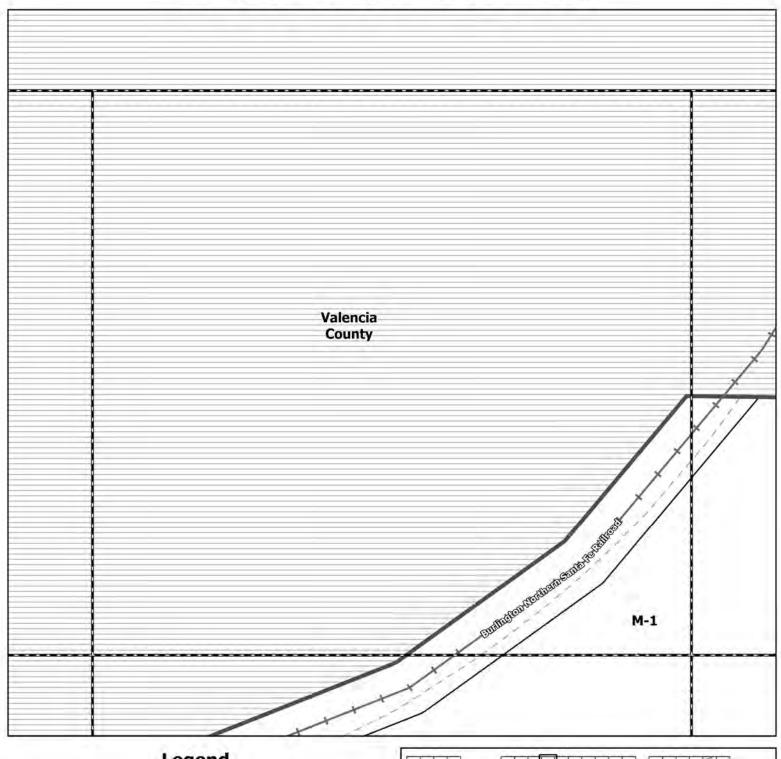


1,320 Feet 330 660



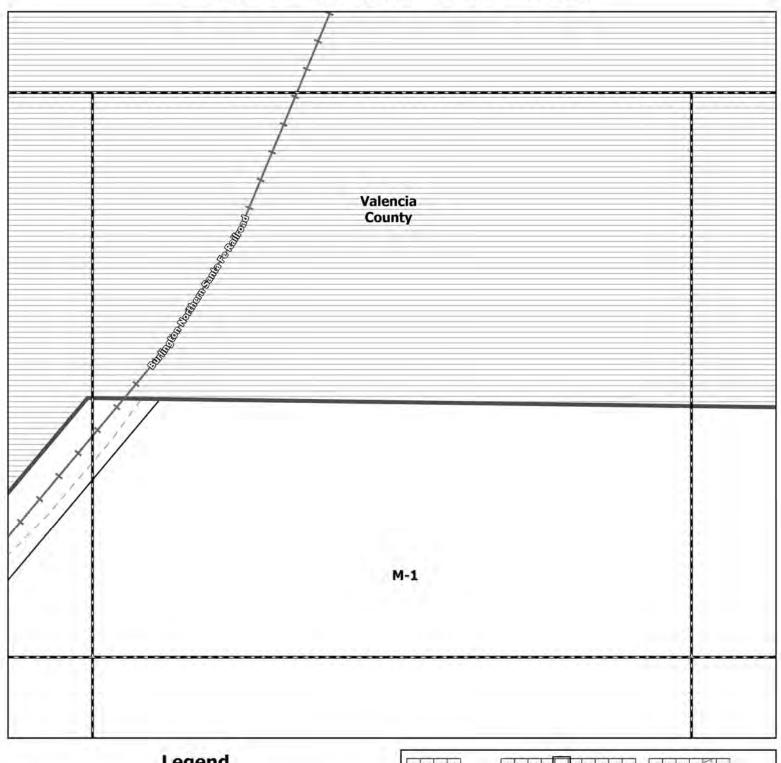


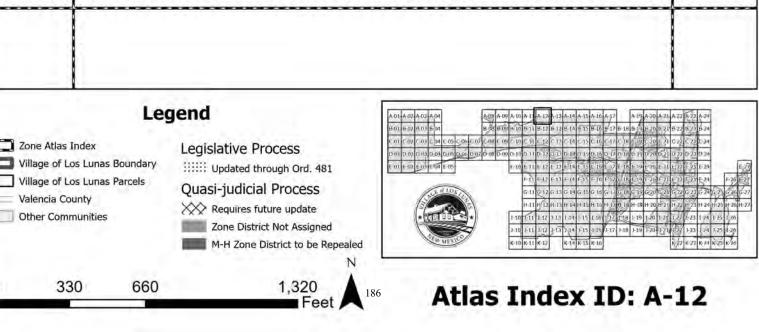
0 330 660 1,320 Feet

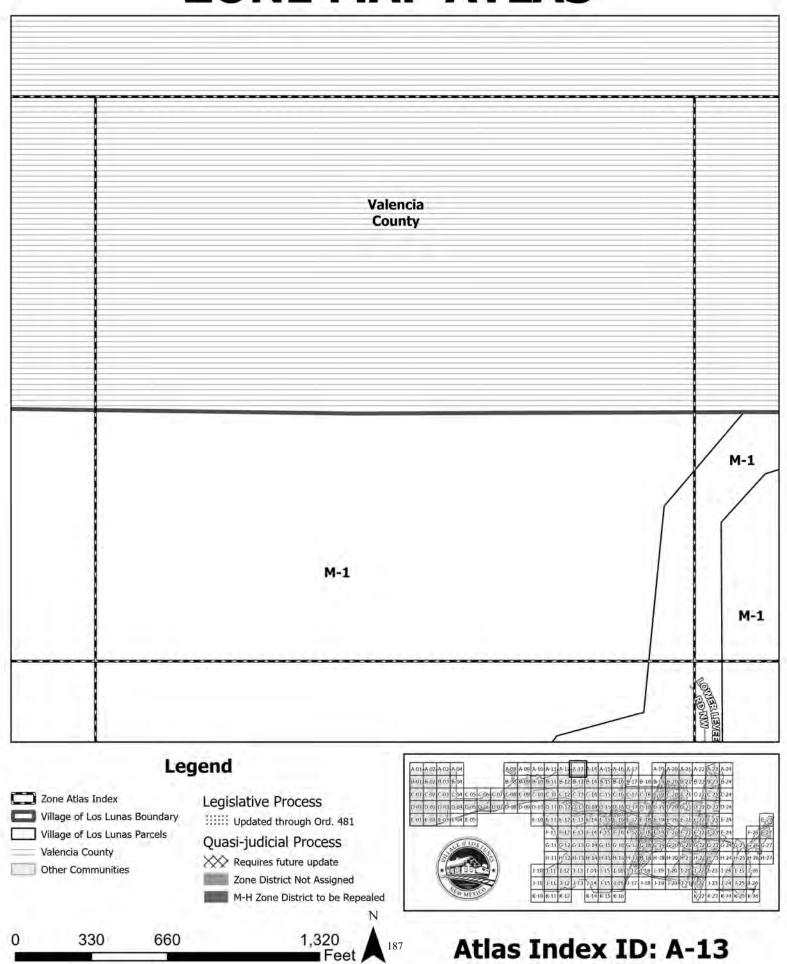


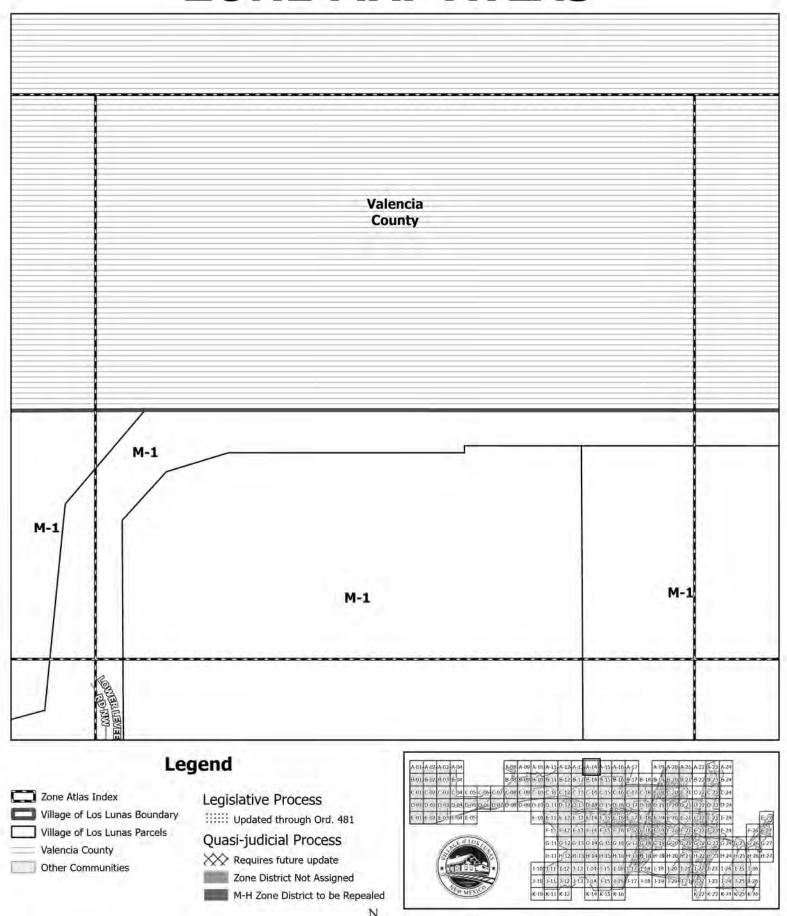
# Legislative Process Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Legislative Not Assigned M-H Zone District to be Repealed Note that the process of the process o

330 660 1,320 Feet





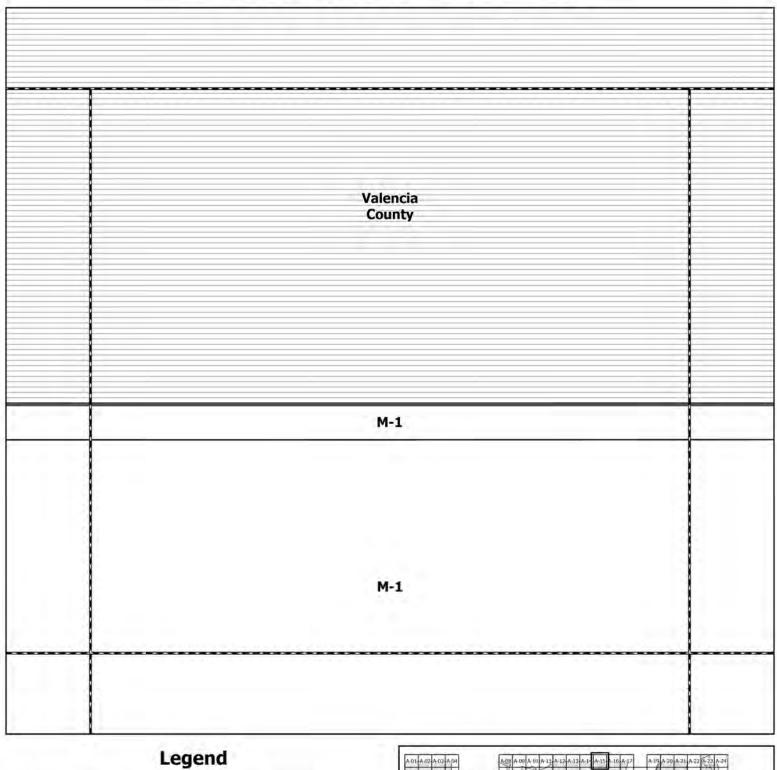


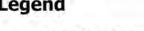


1,320 Feet

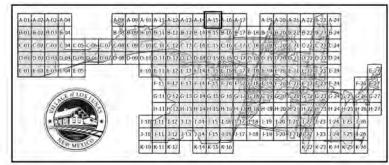
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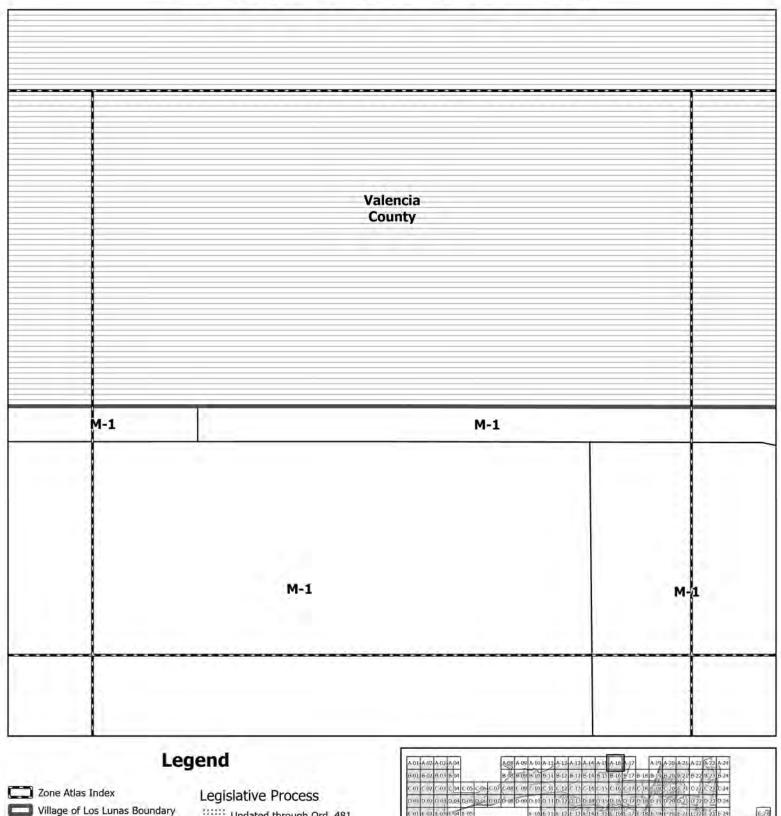


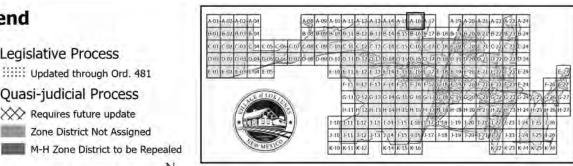






1,320 Feet 330 660





1,320 Feet 330 660

Village of Los Lunas Parcels

Valencia County

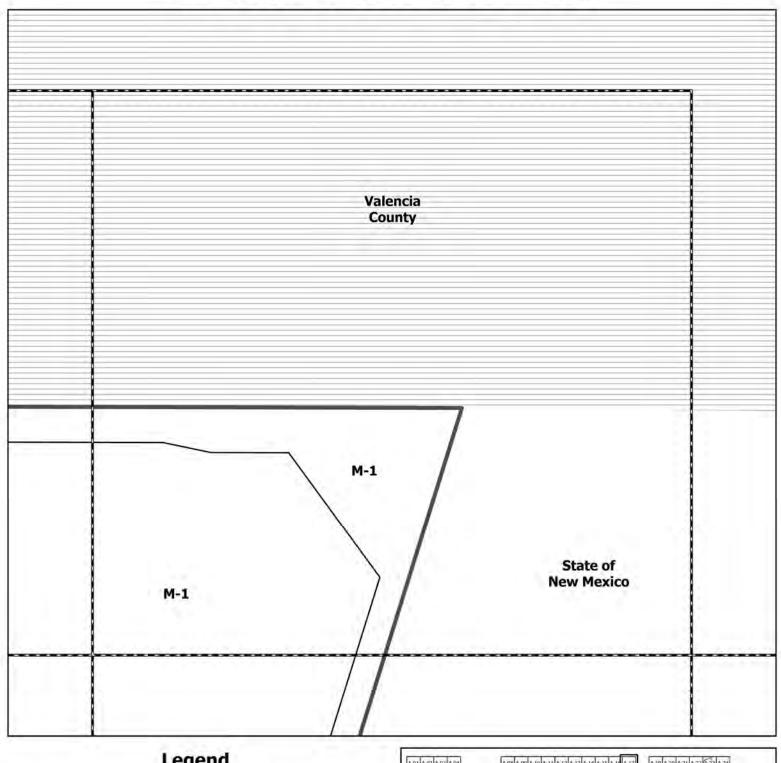
Other Communities

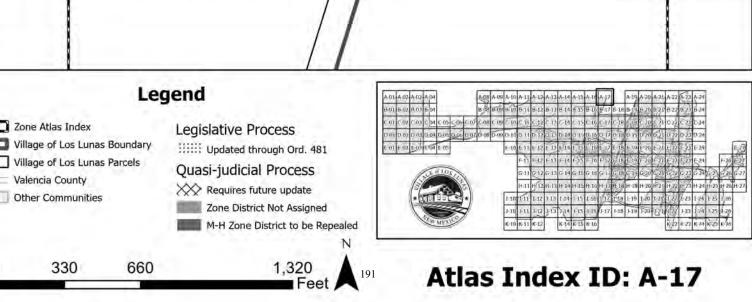
:::::: Updated through Ord. 481

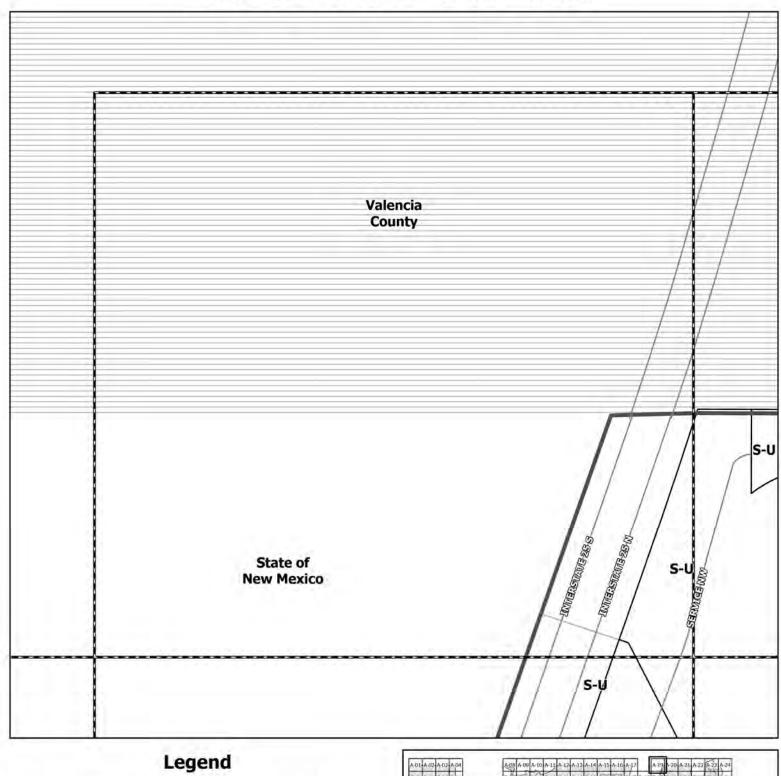
Zone District Not Assigned

Quasi-judicial Process

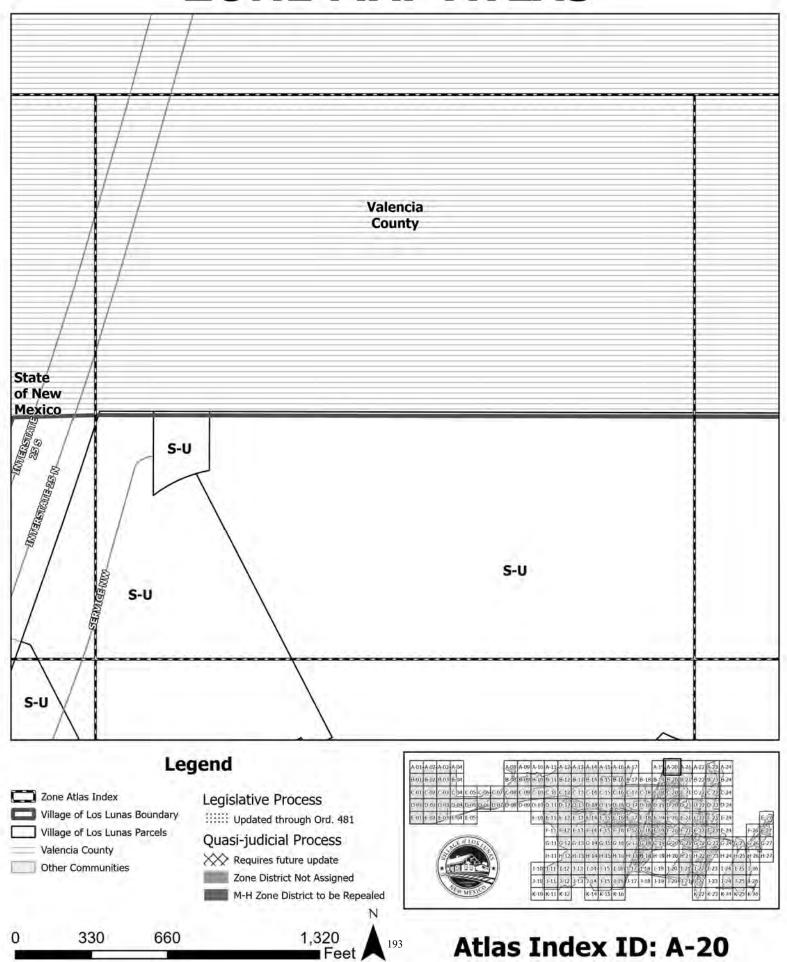
Requires future update

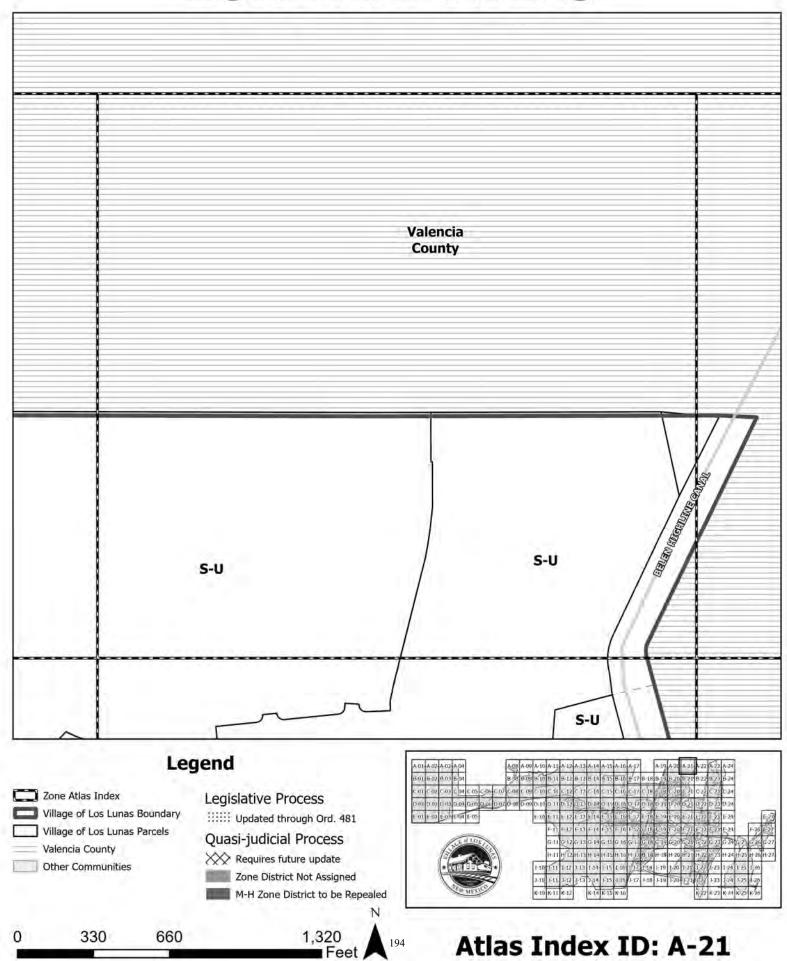


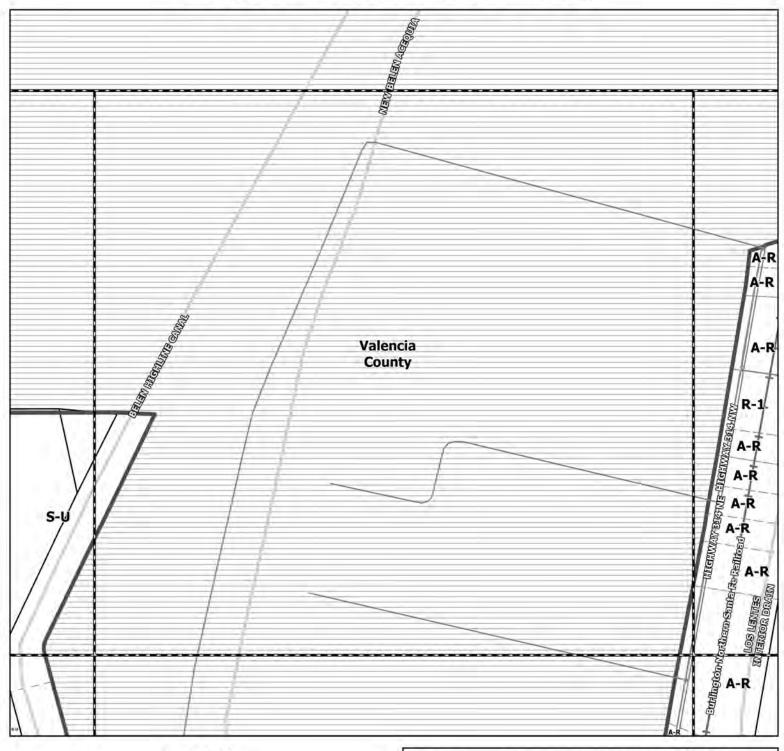


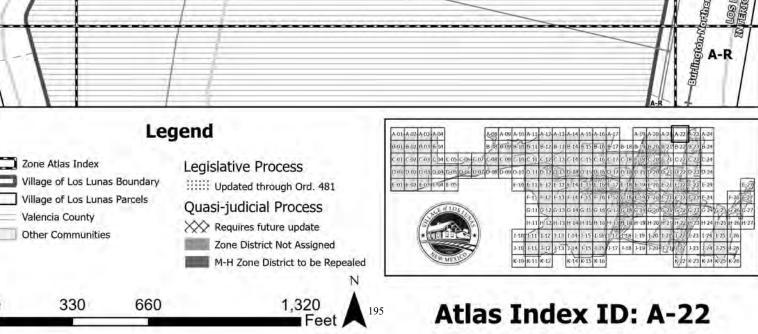


# Legend Zone Atlas Index Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Other Communities District Not Assigned M-H Zone District to be Repealed 1320 1320 1320 1320 1320 Atlas Index ID: A-19



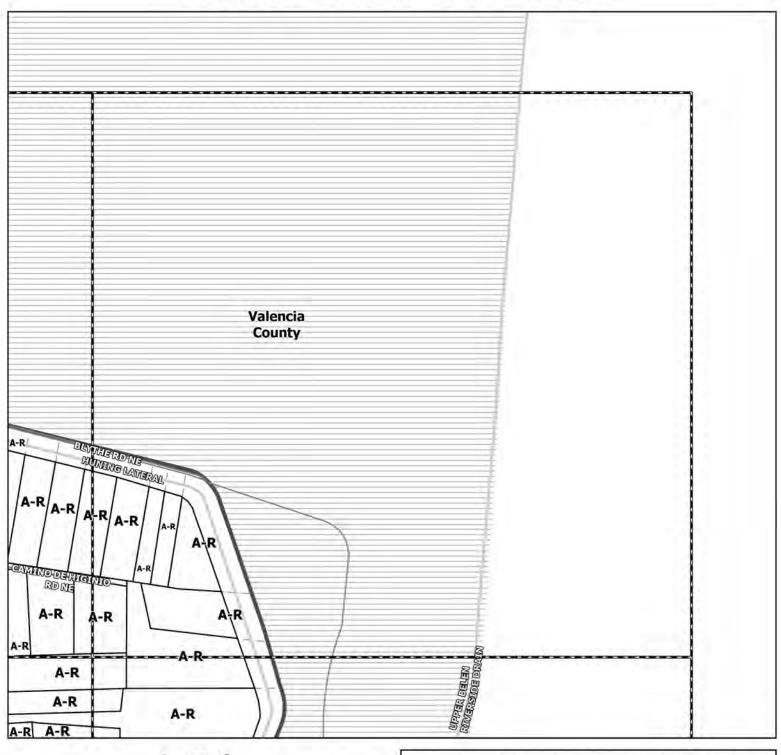




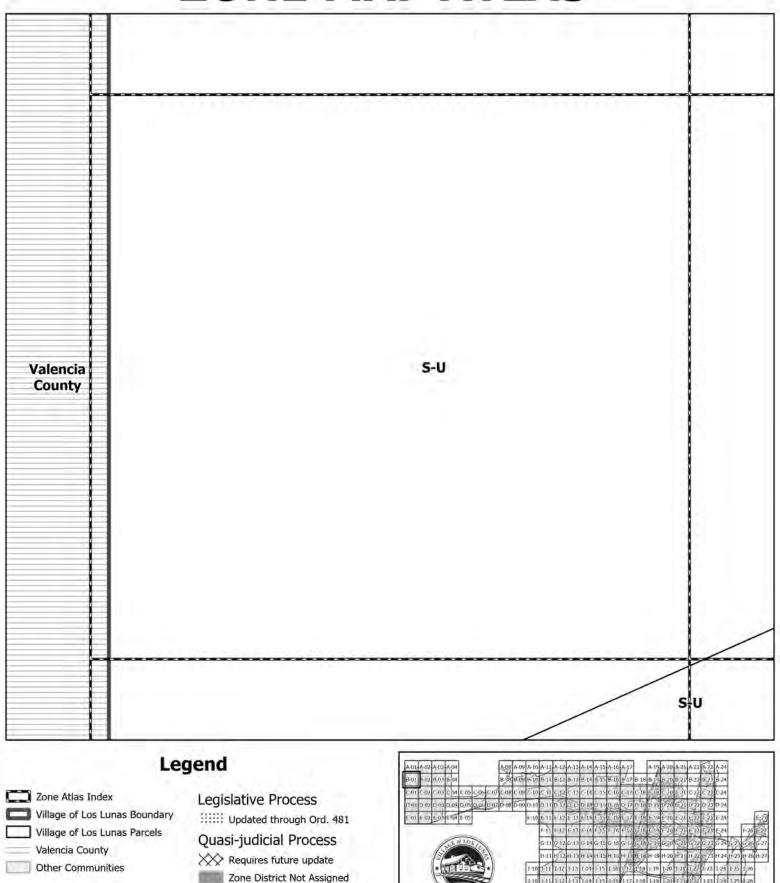




#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 330 660 1,320 Atlas Index ID: A-23

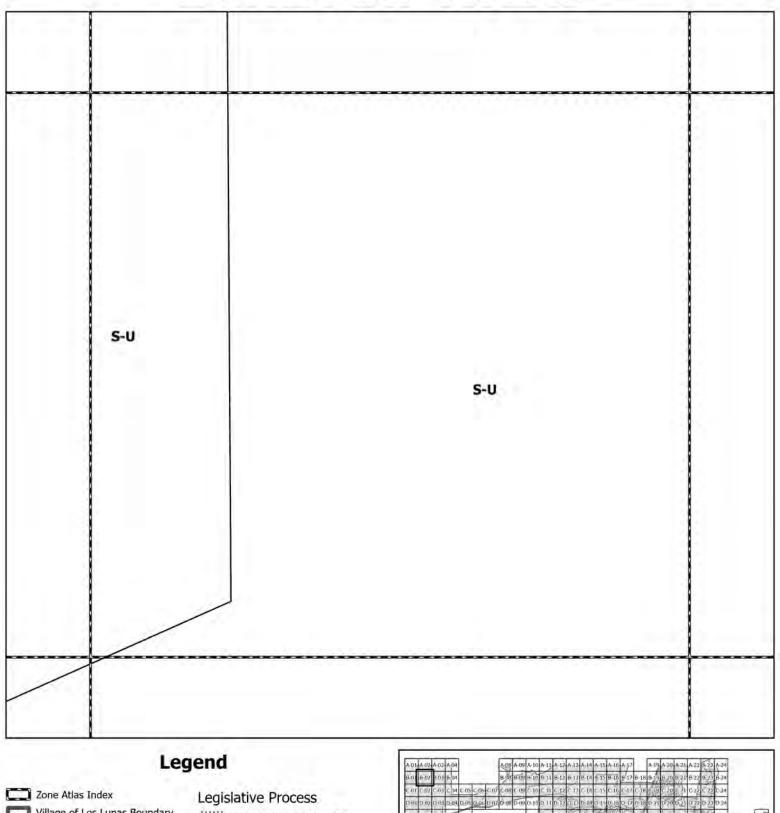


#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: A-24

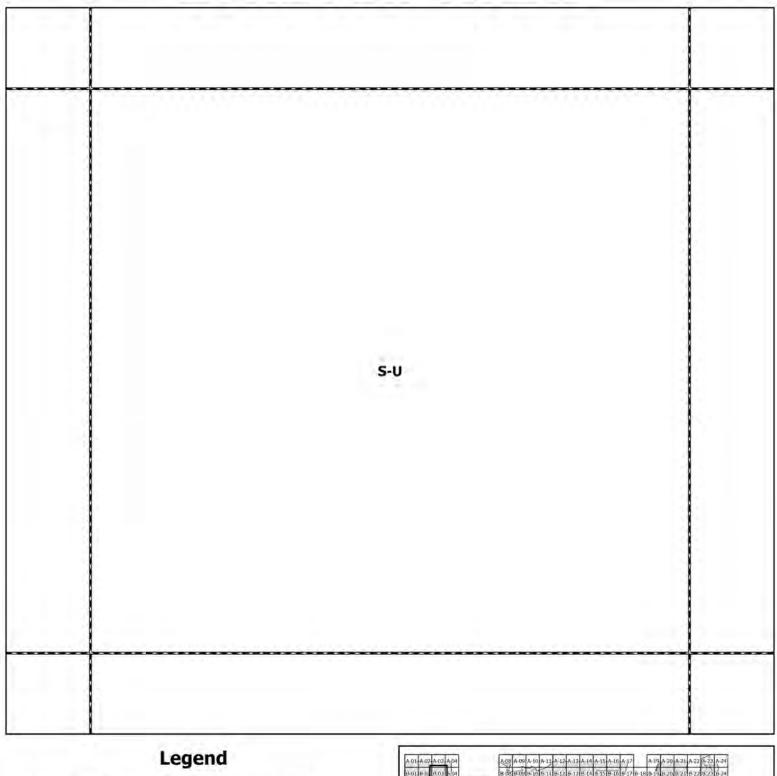


0 330 660 1,320 A

M-H Zone District to be Repealed



# Legend Zone Atlas Index Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Legislative Process Warring of Los Lunas Parcels Valencia County Other Communities 1330





:::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County

Zone Atlas Index

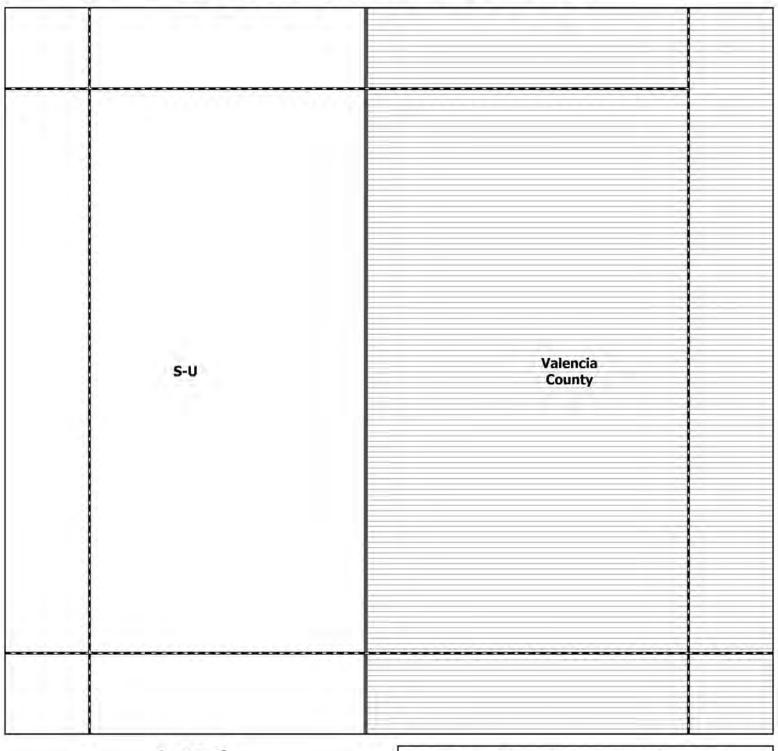
Other Communities

Requires future update Zone District Not Assigned

M-H Zone District to be Repealed



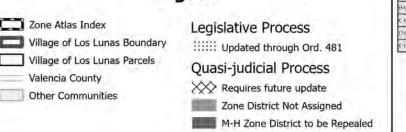
1,320 Feet 330 660

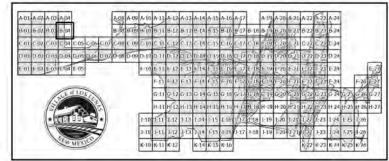


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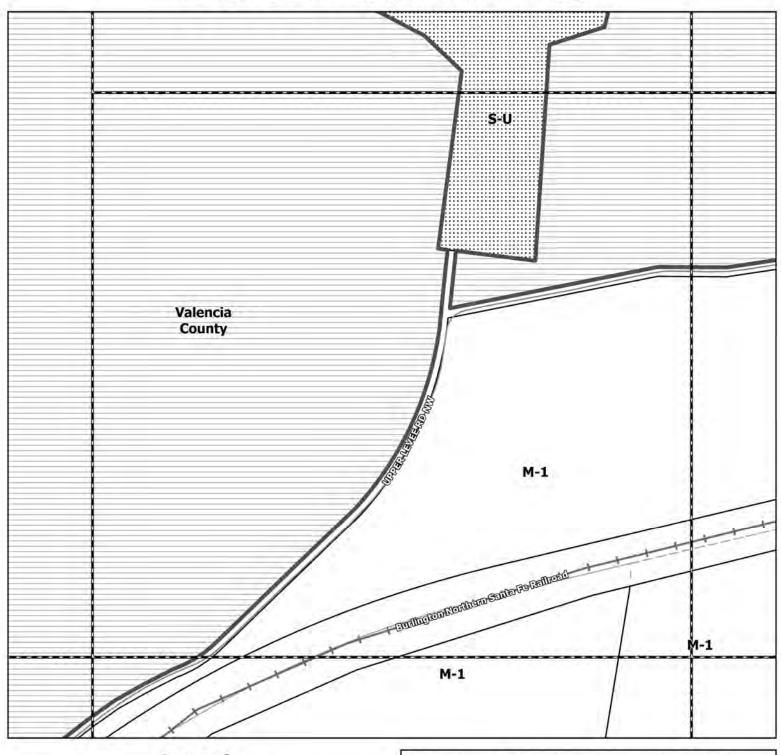
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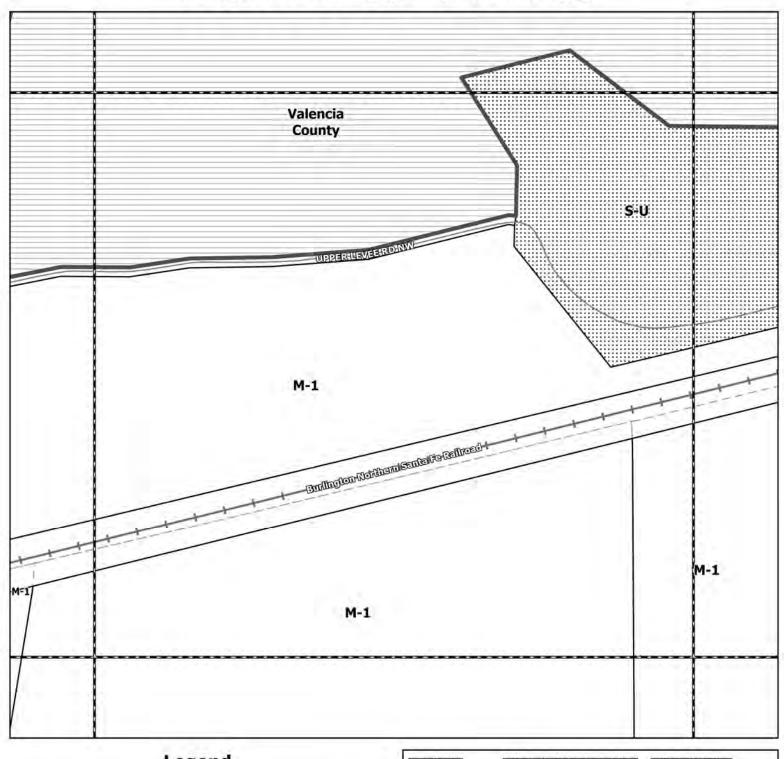




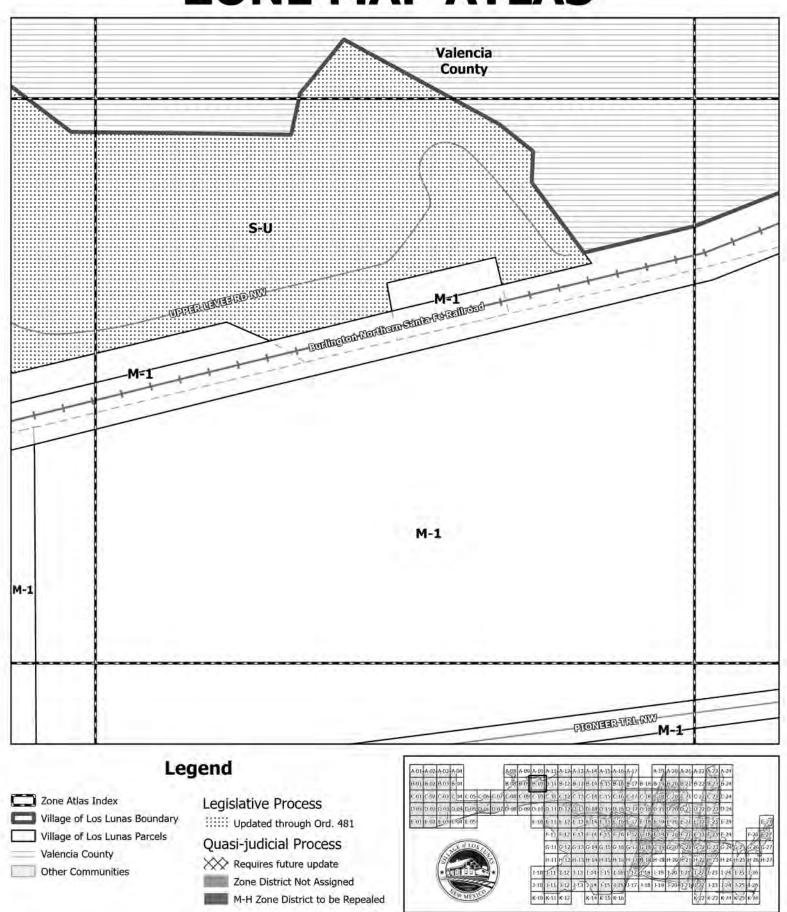
1,320 A 201



#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: B-08



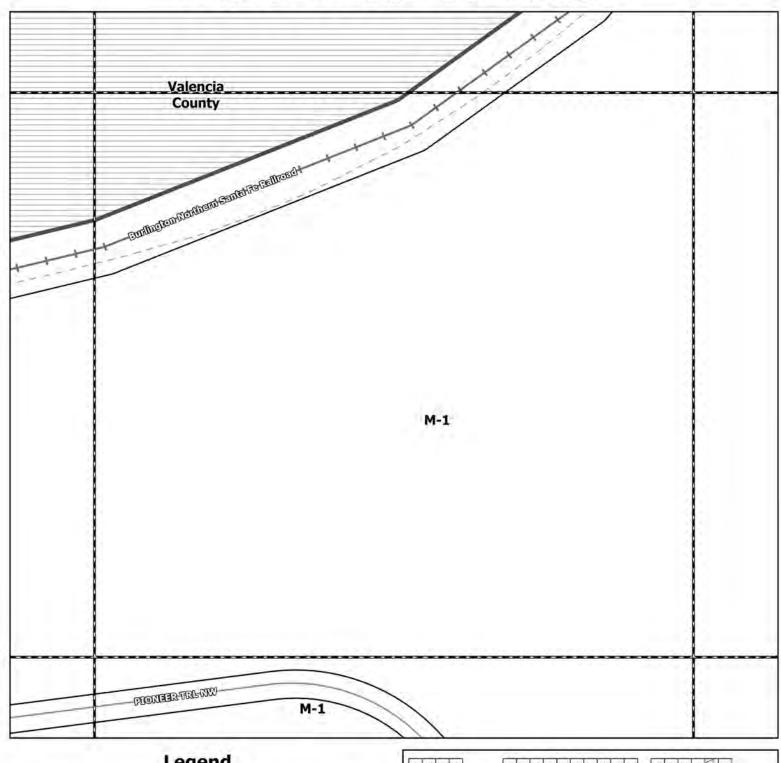
#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: B-09



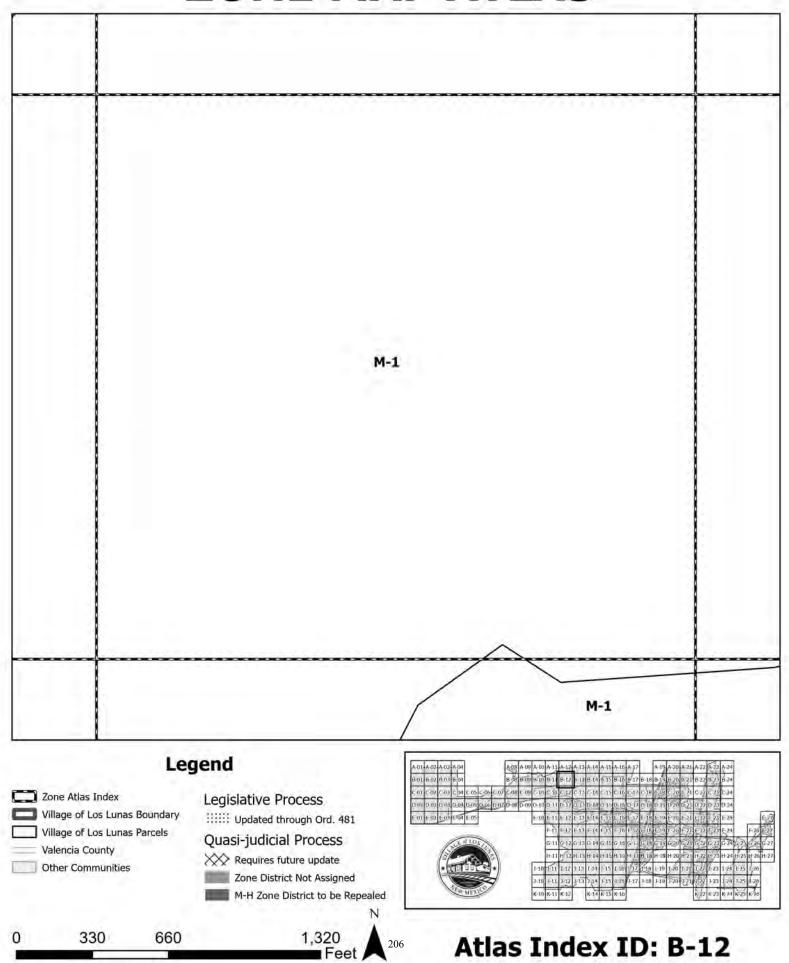
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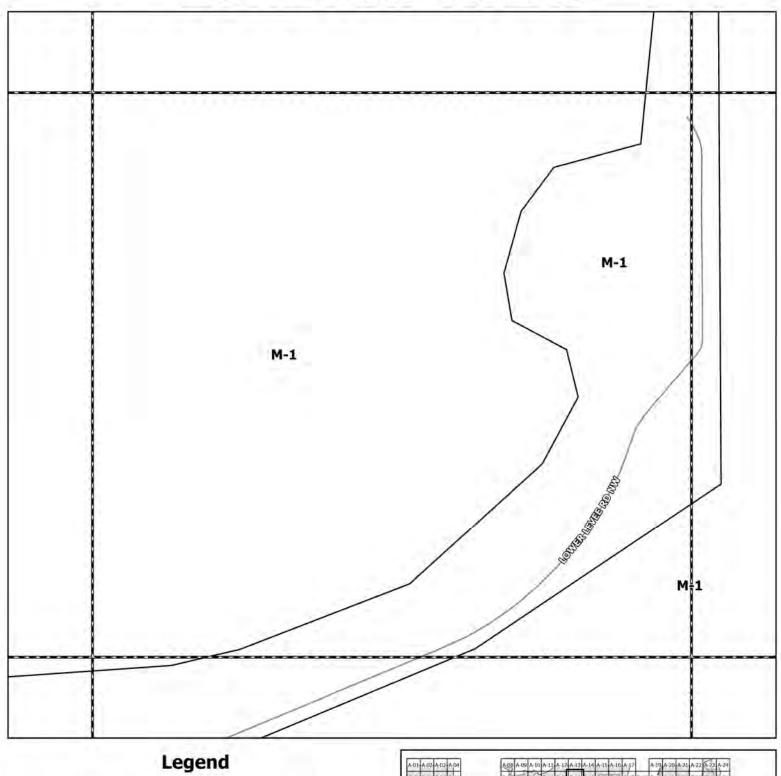
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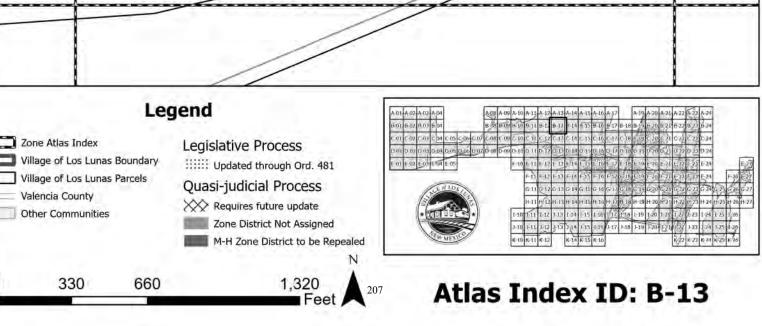
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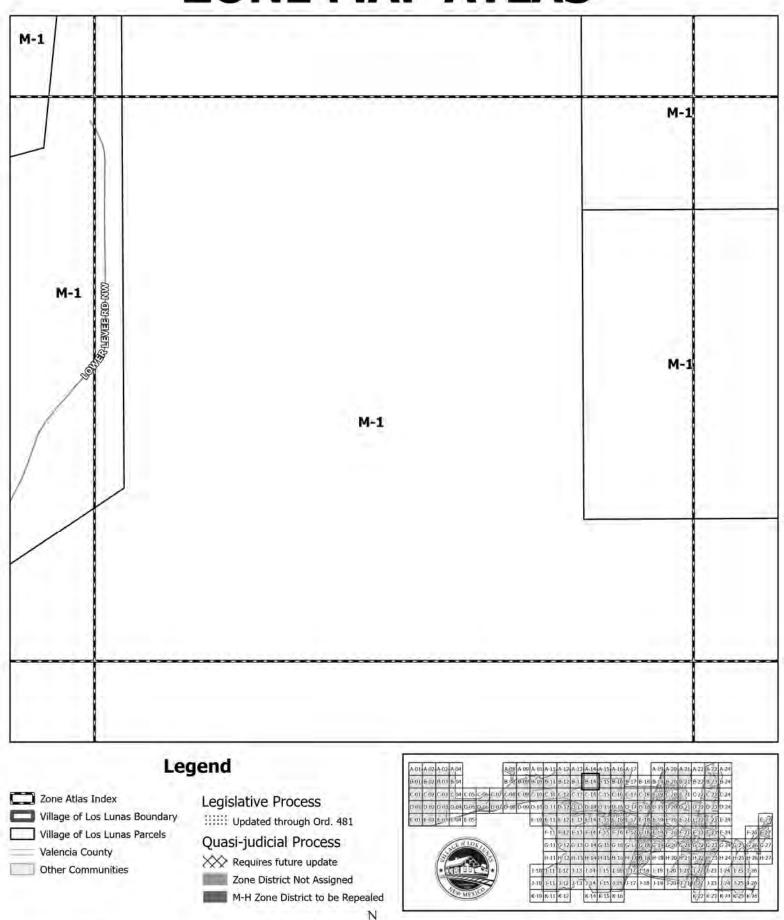


#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: B-11





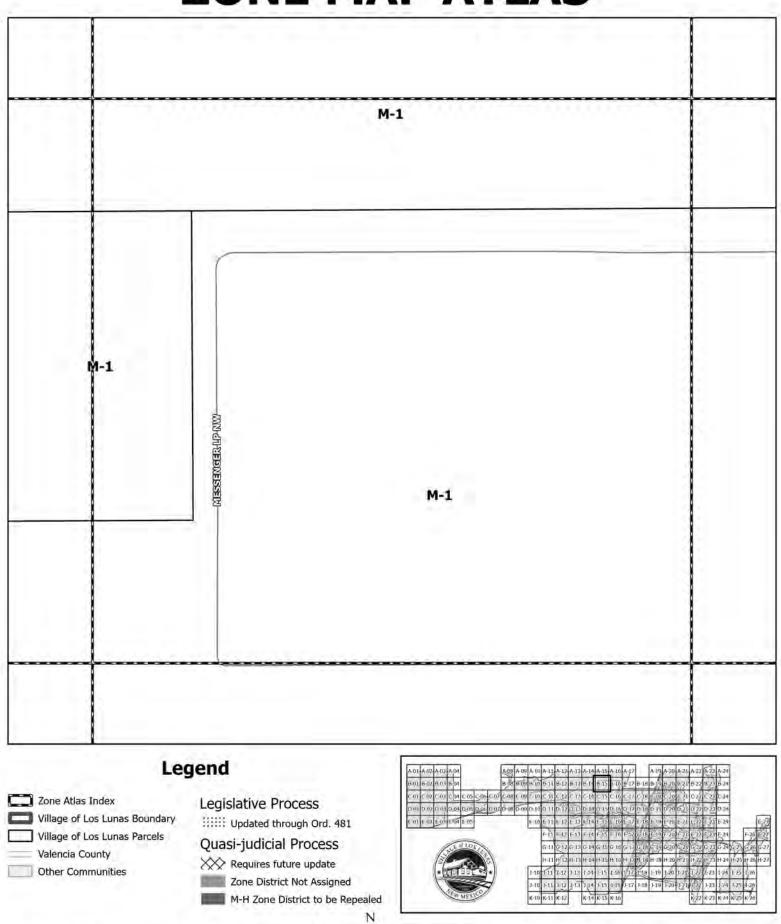




1,320 Feet

330

660

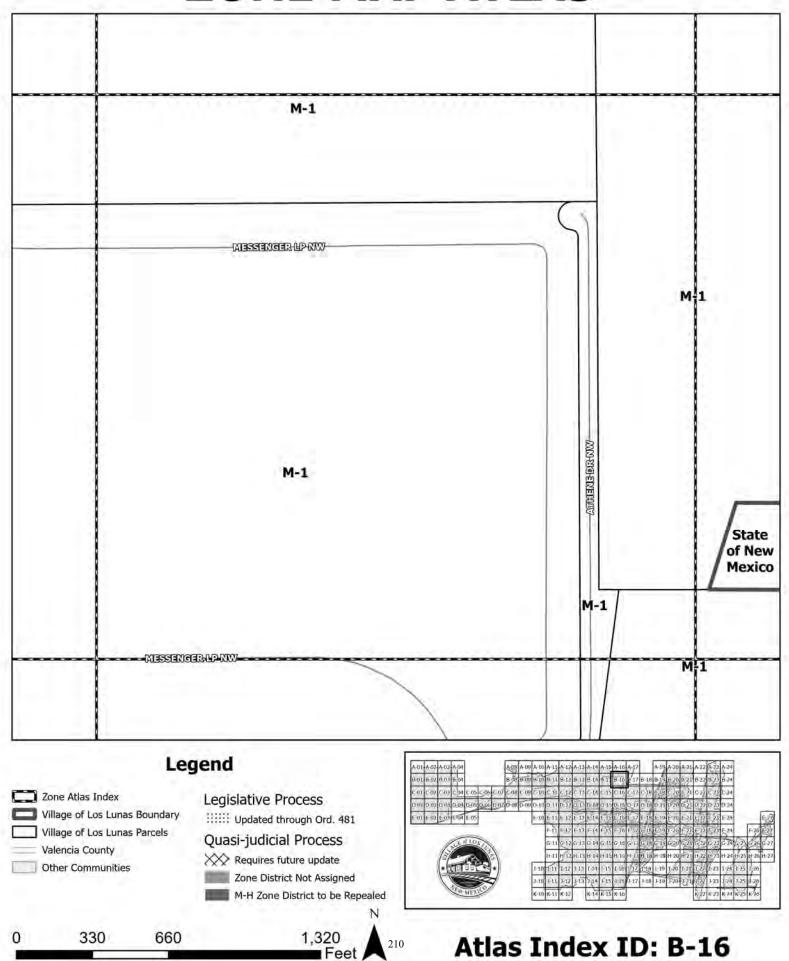


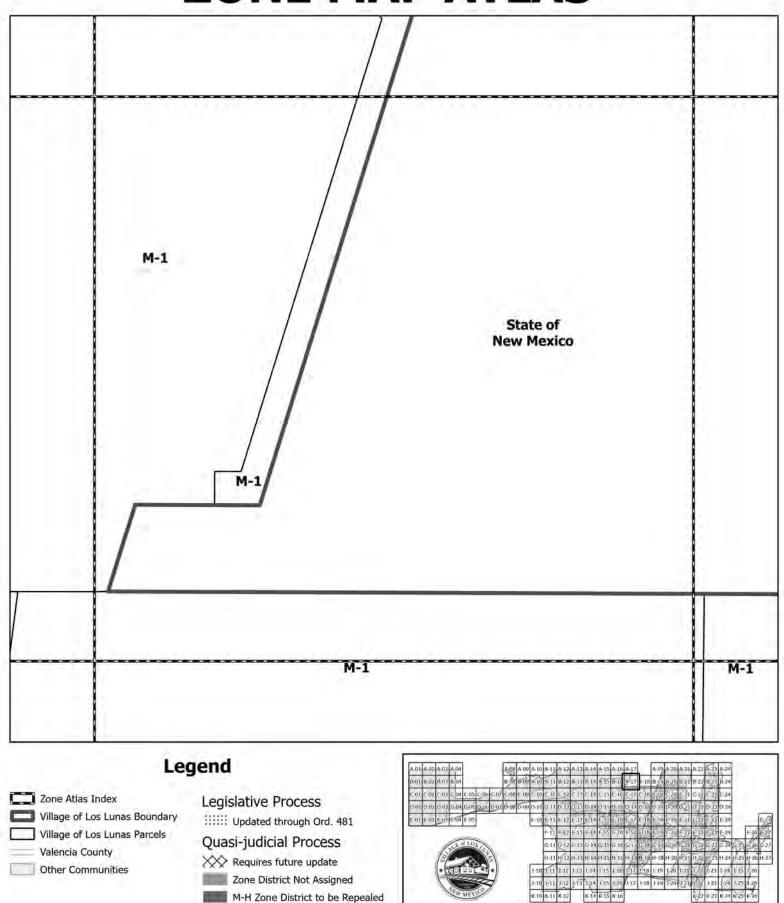
1,320 Feet

Atlas Index ID: B-15

330

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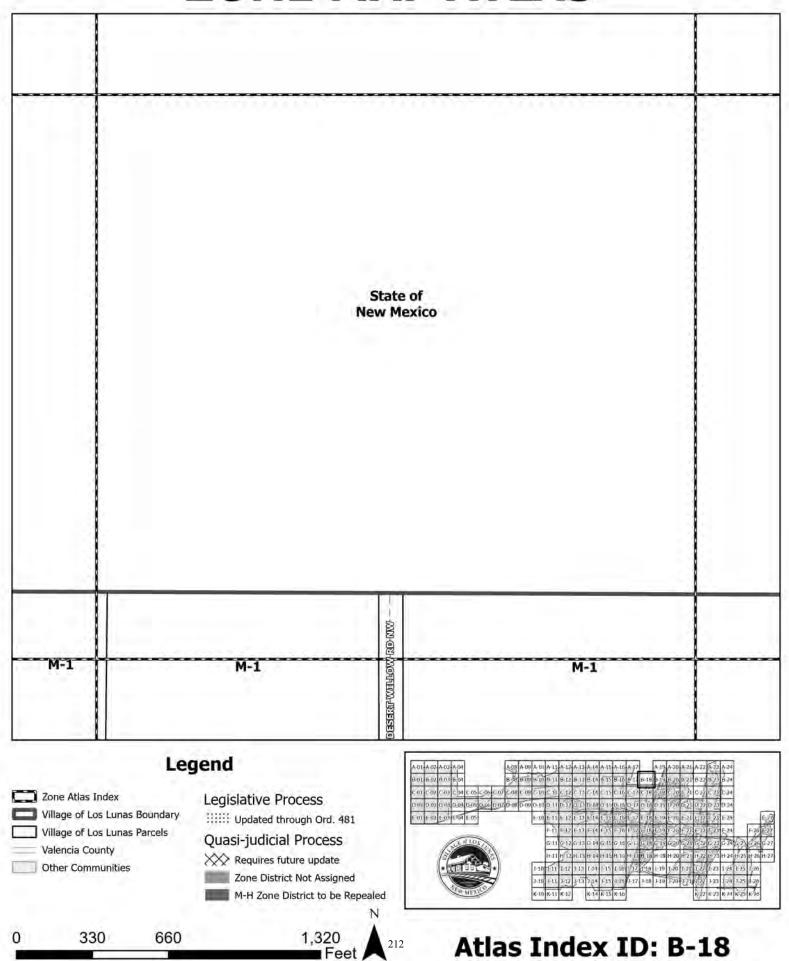


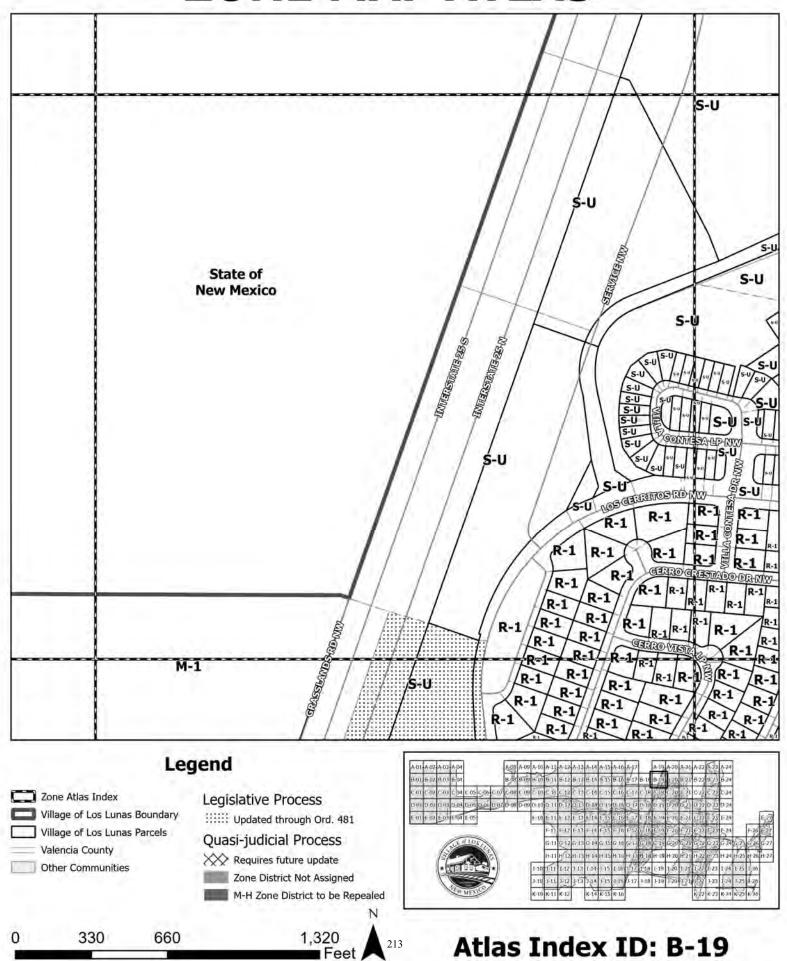


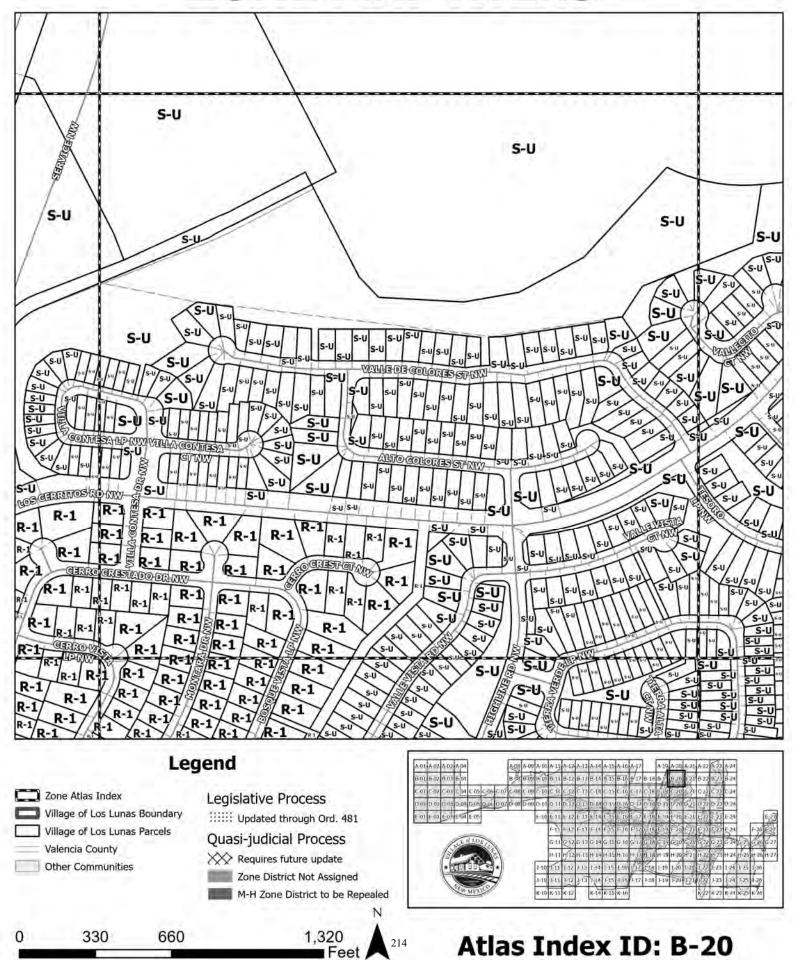
1,320 Feet

330

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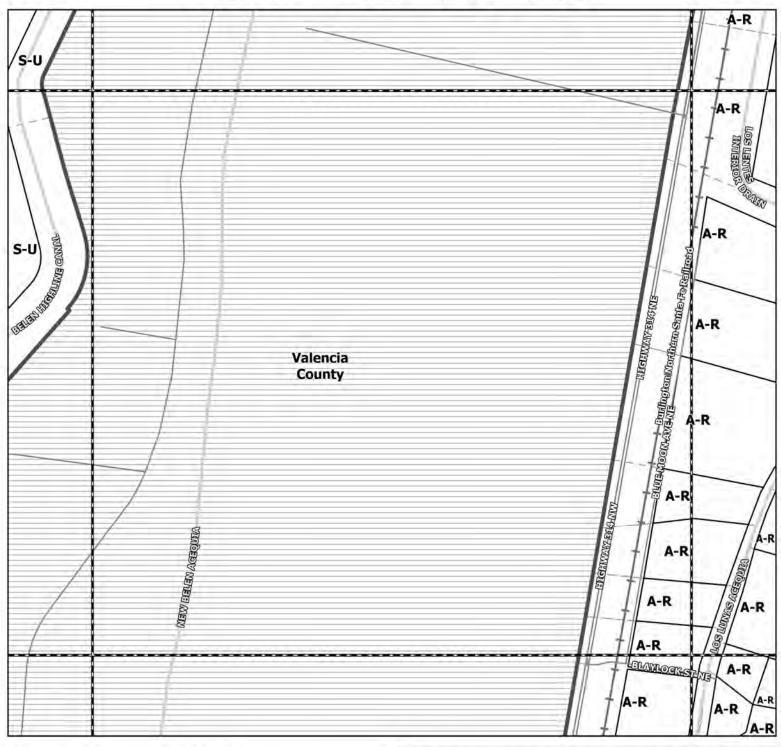


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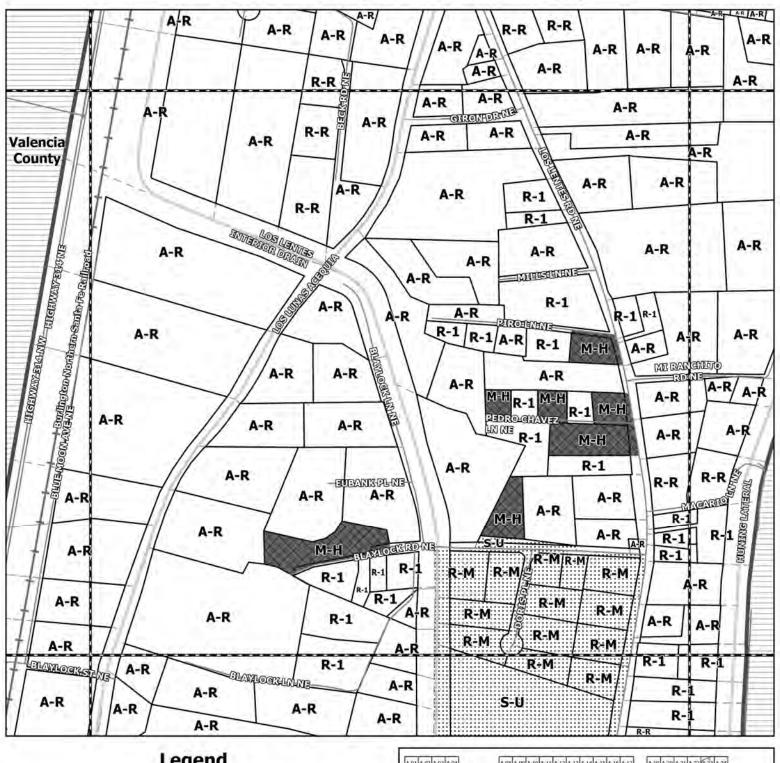




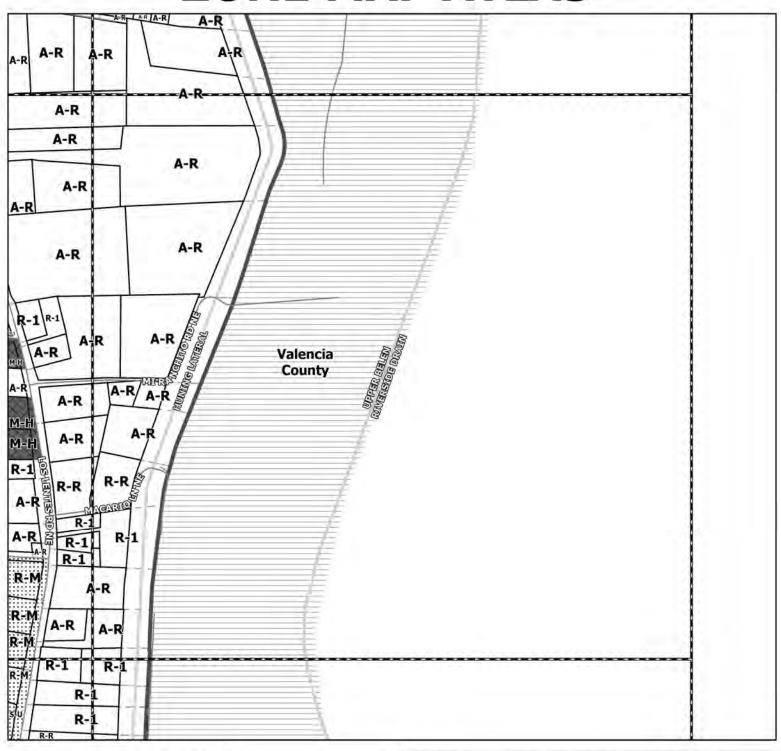
330 660 1,320 Feet



#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary ::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: B-22

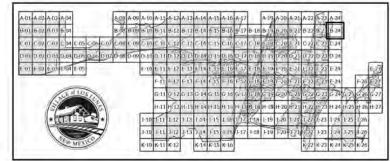


### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 0 Atlas Index ID: B-23

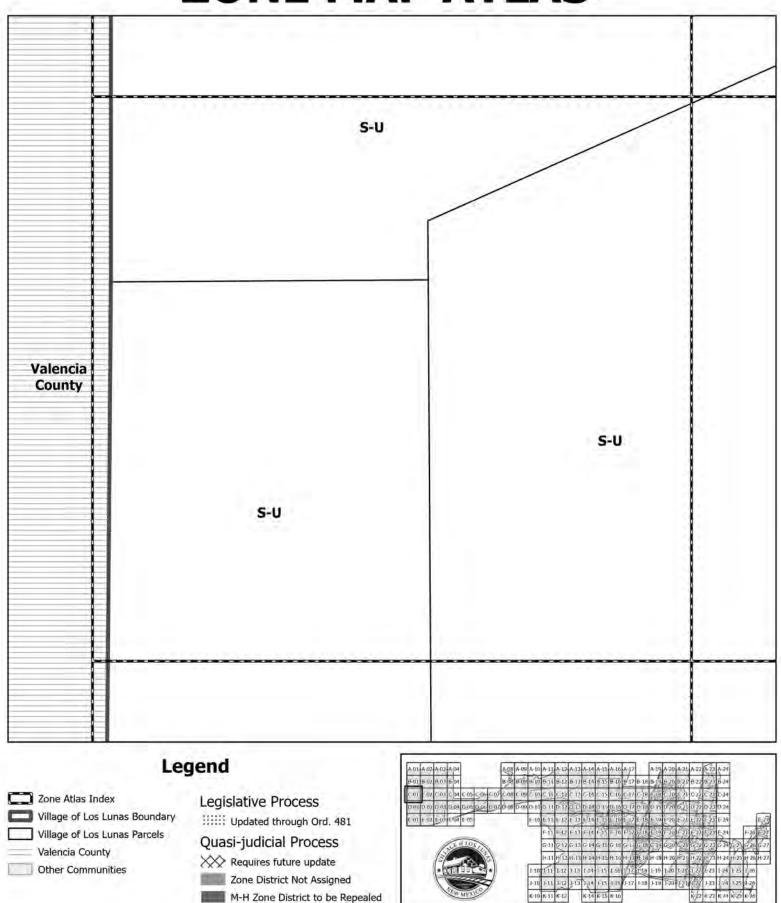


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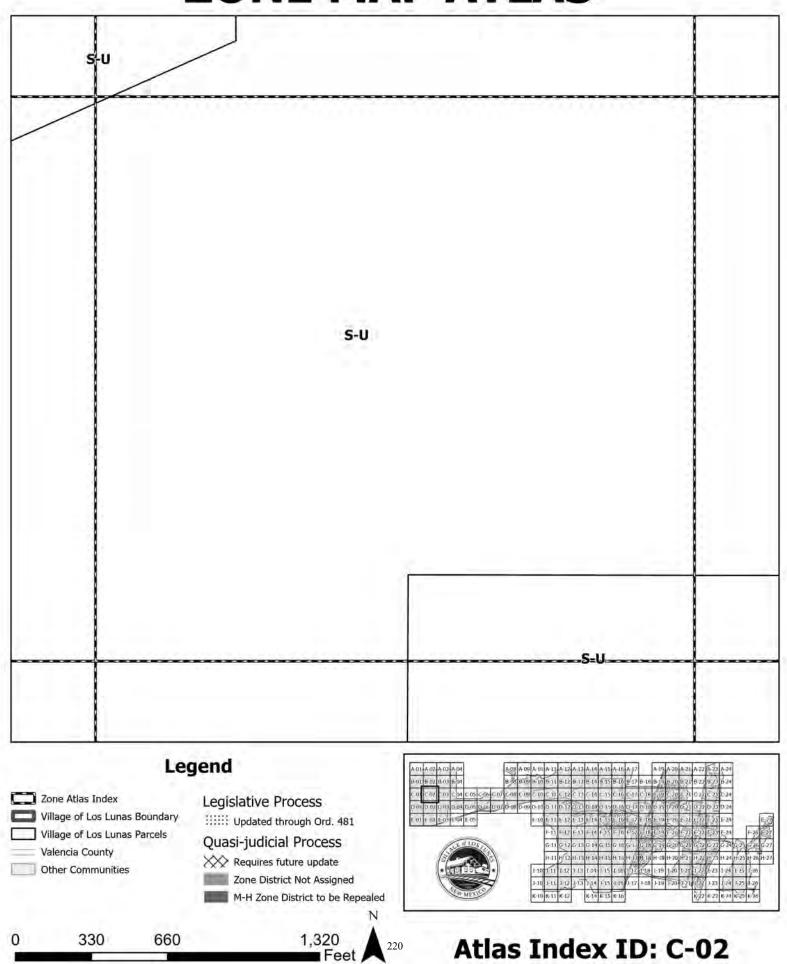


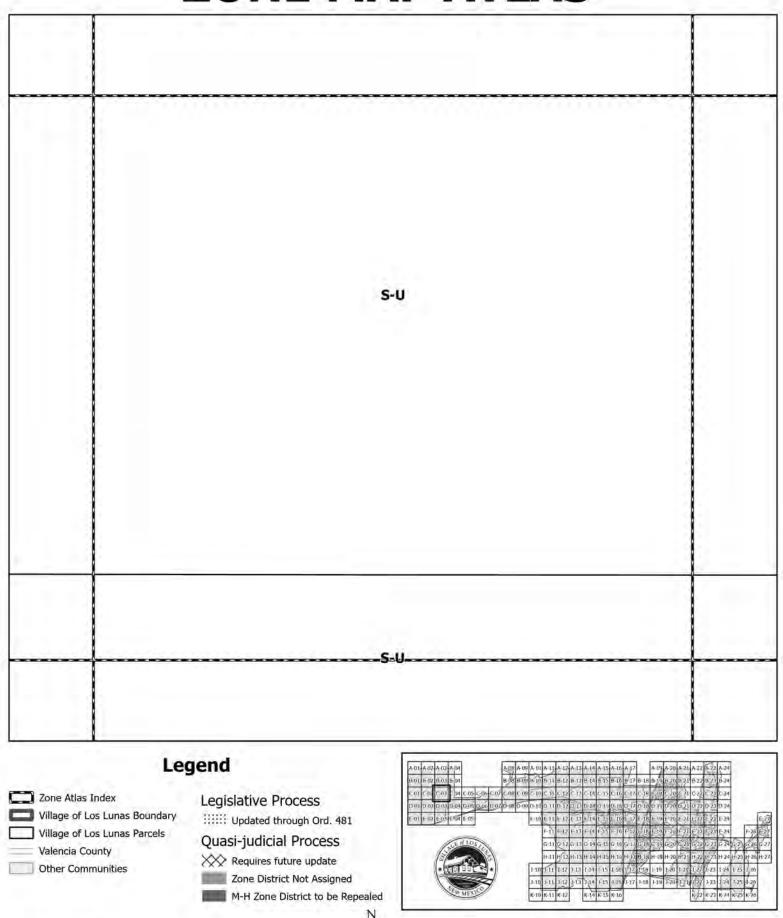


0 330 660 1,320 Feet 2



0 330 660 1,320 Feet

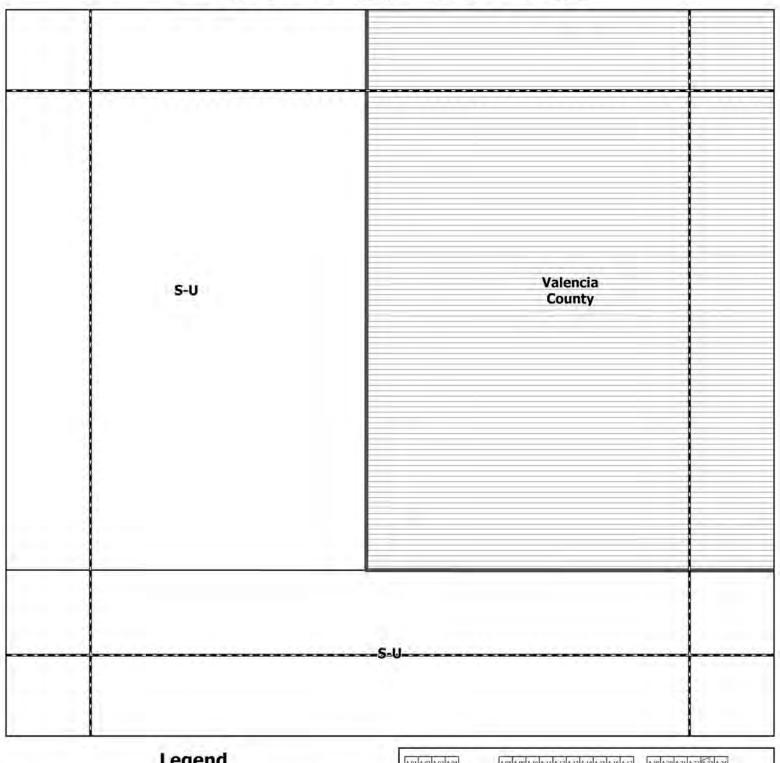




1,320 Feet

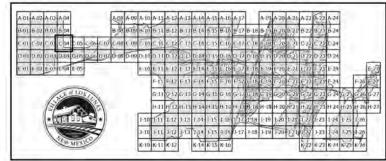
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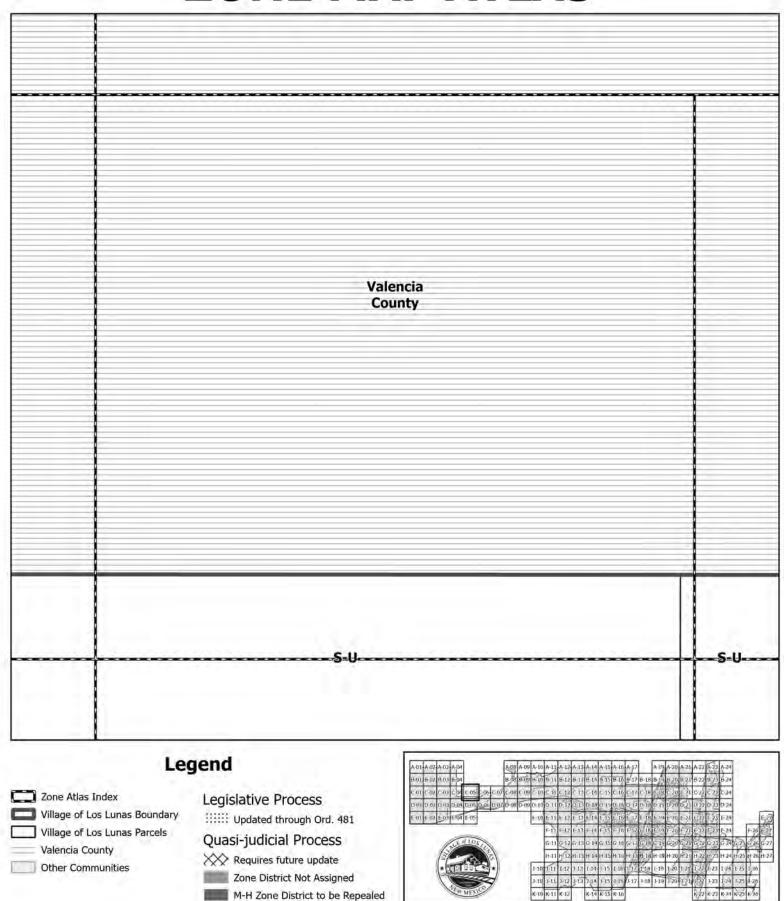


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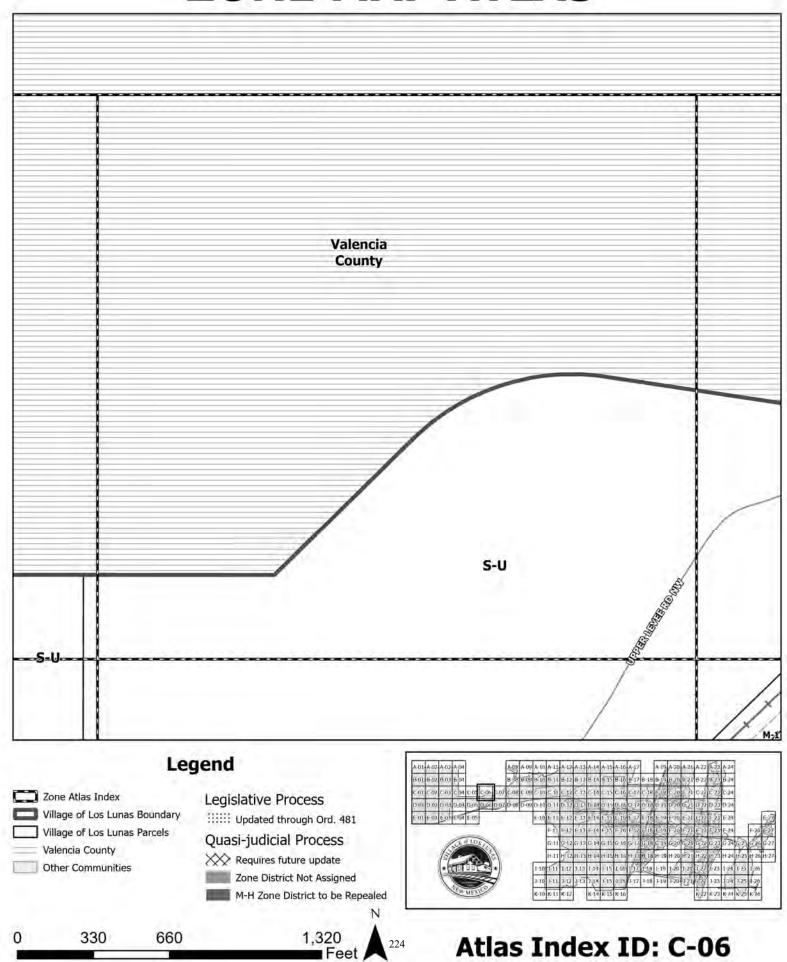


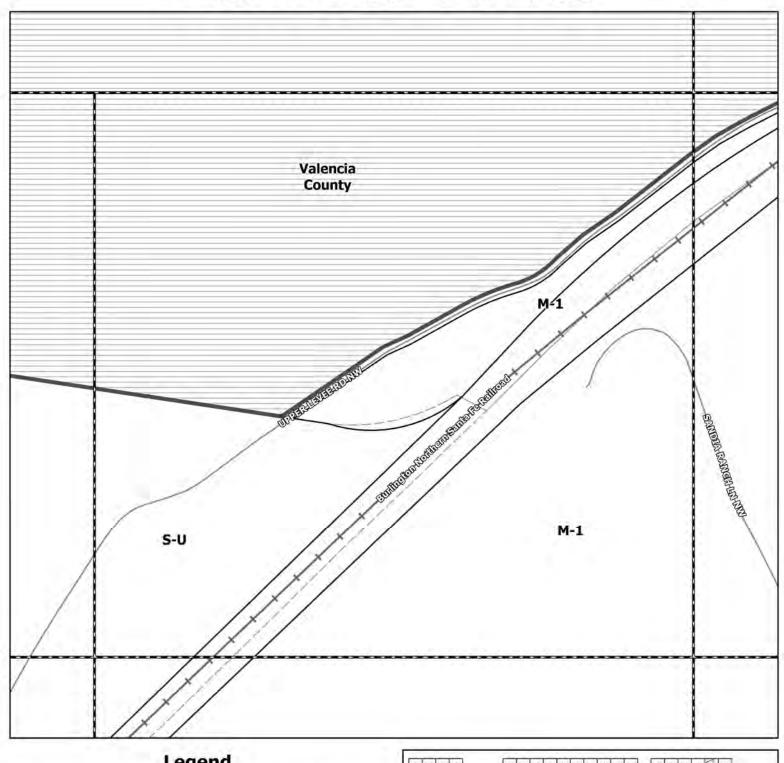


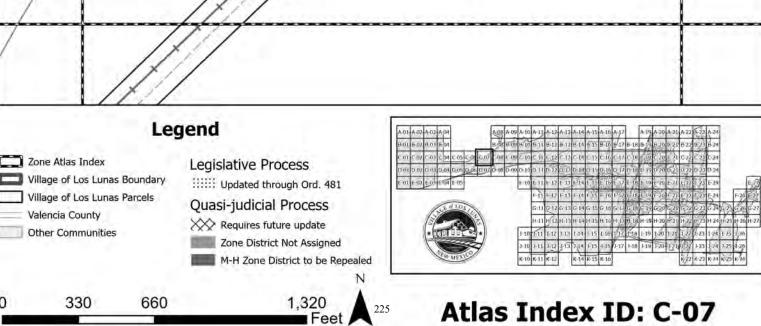
1,320 Feet 330 660

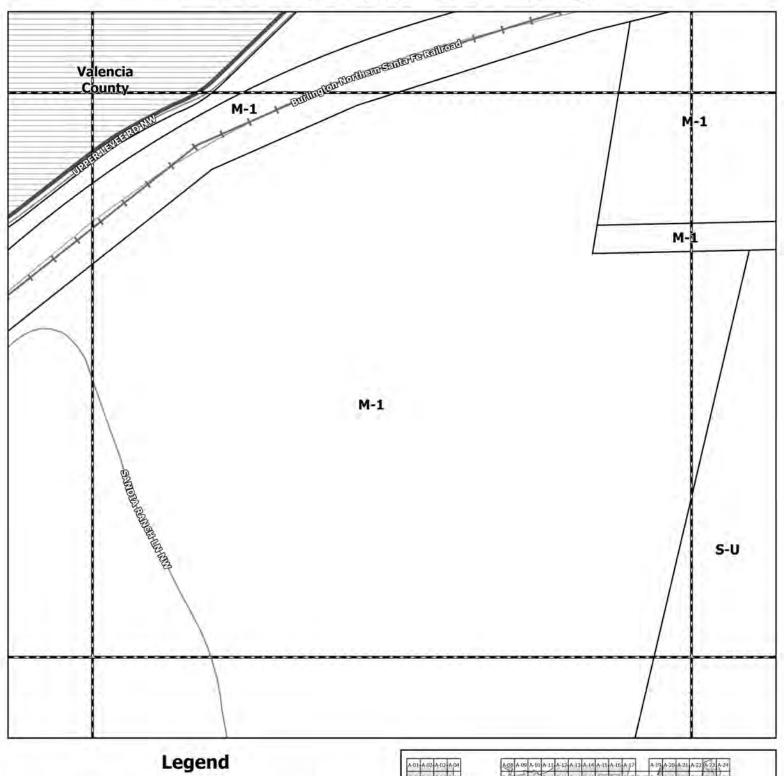


330 660 1,320 Feet

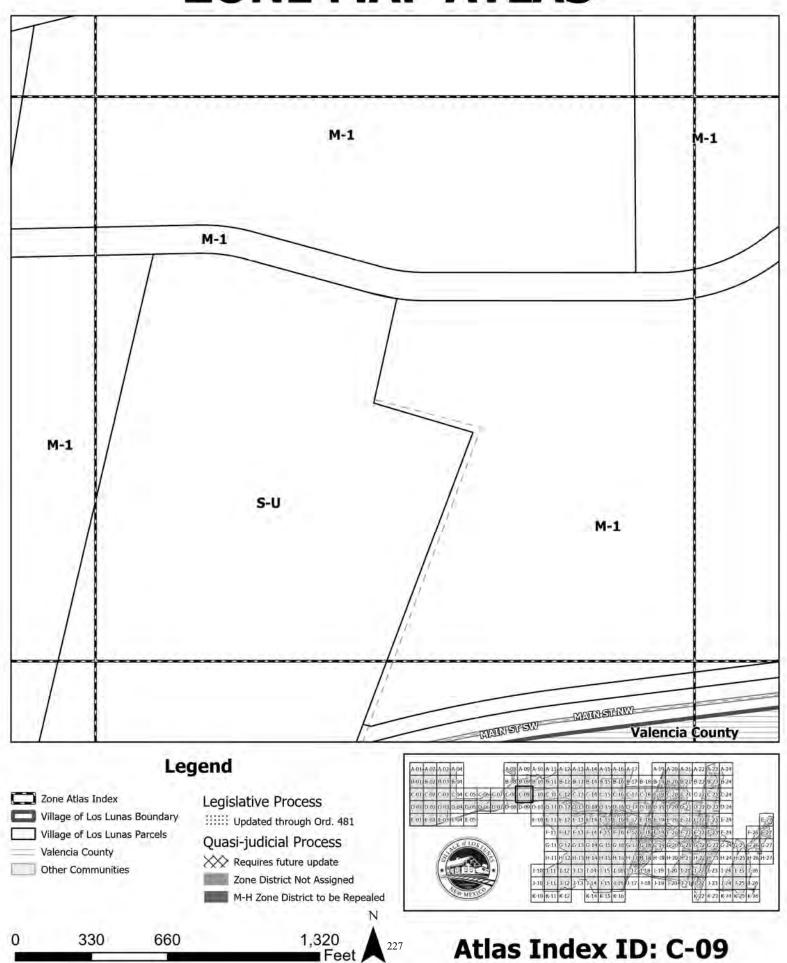


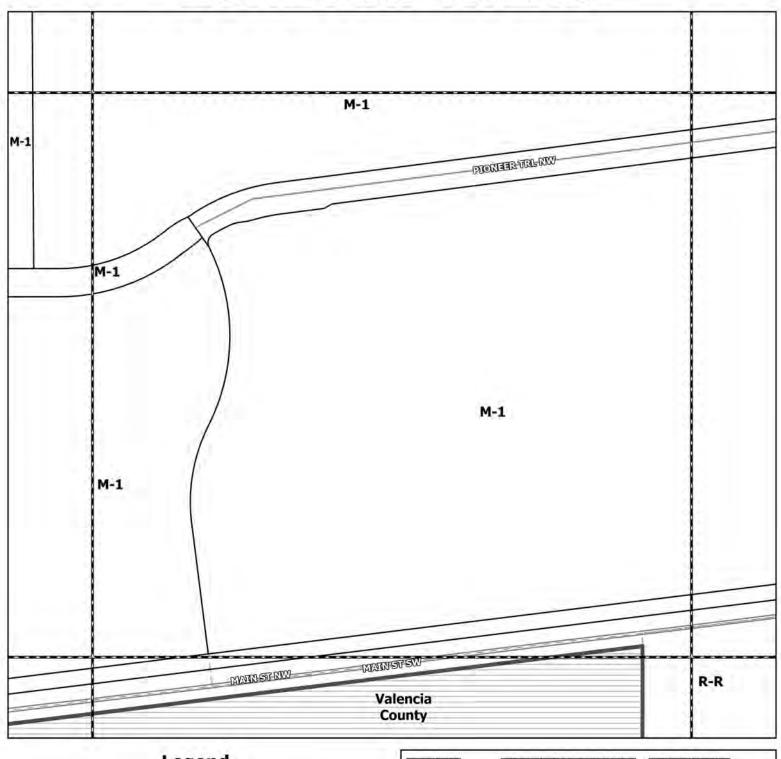


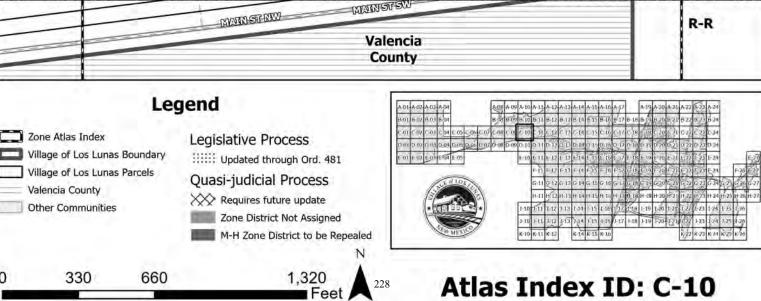


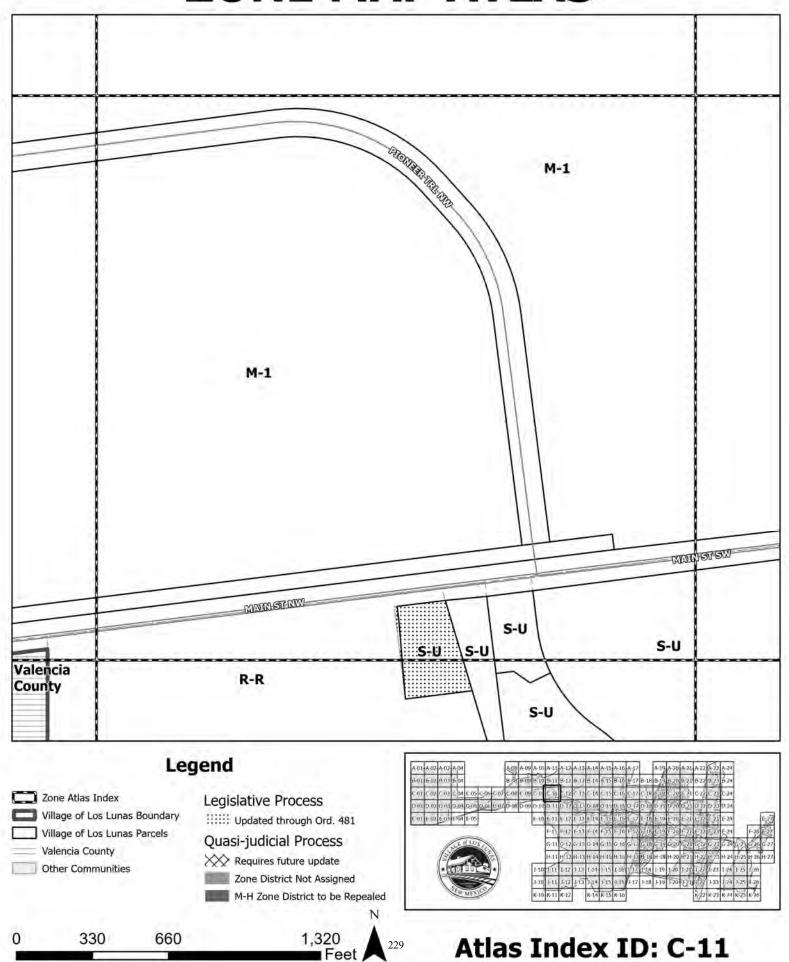


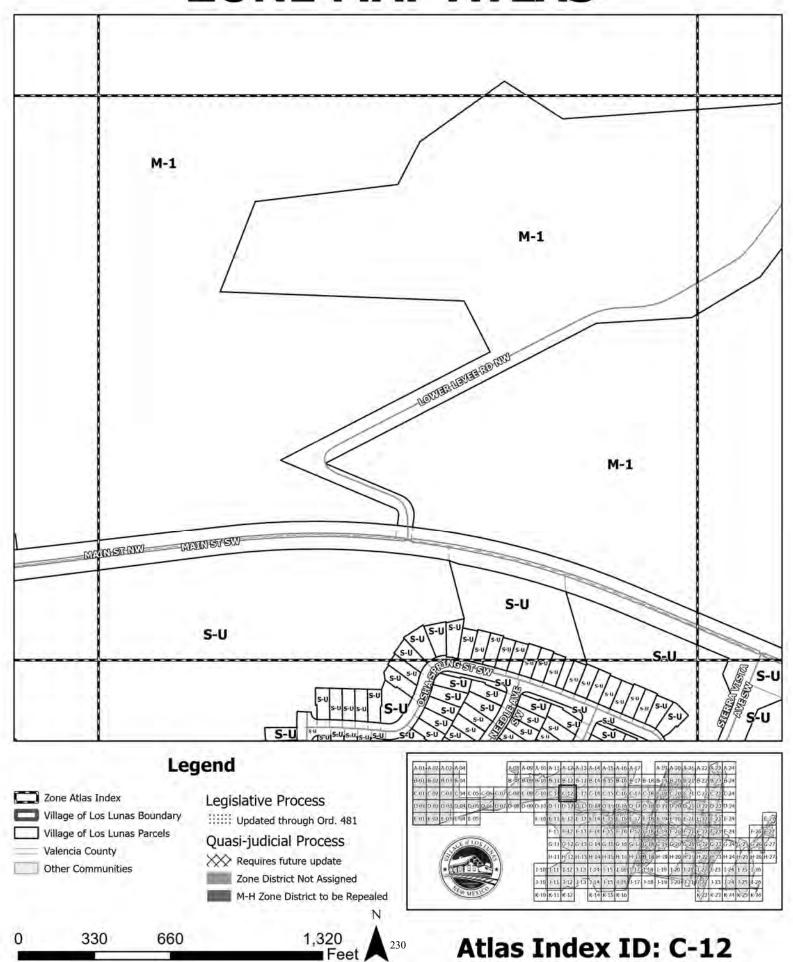
# Legend Zone Atlas Index Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Description of the Communities of the

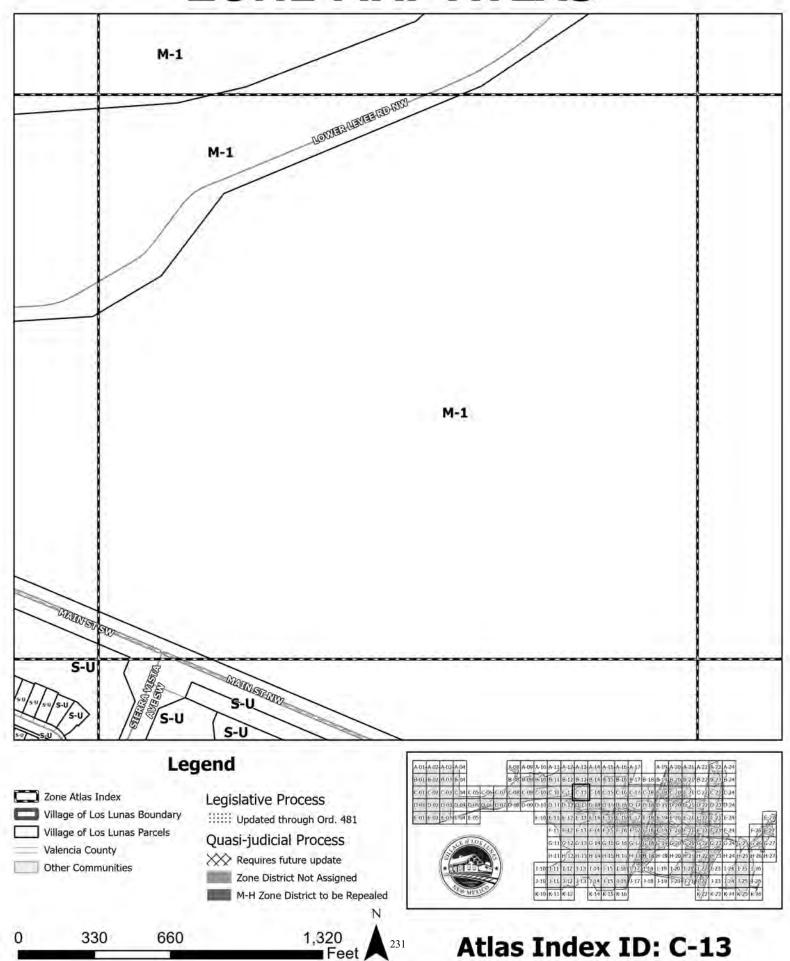


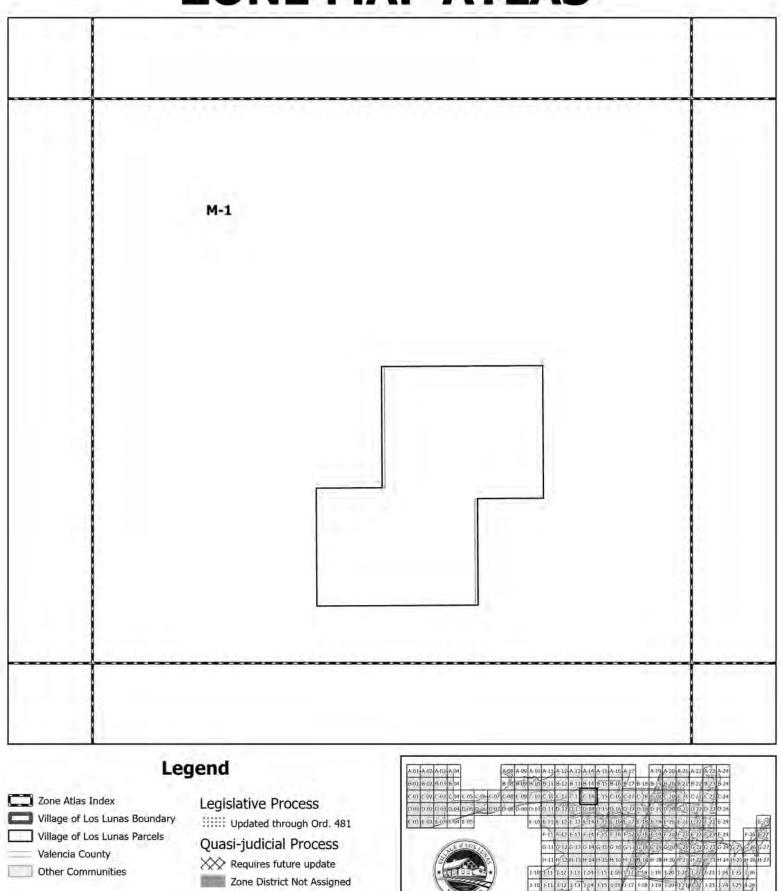












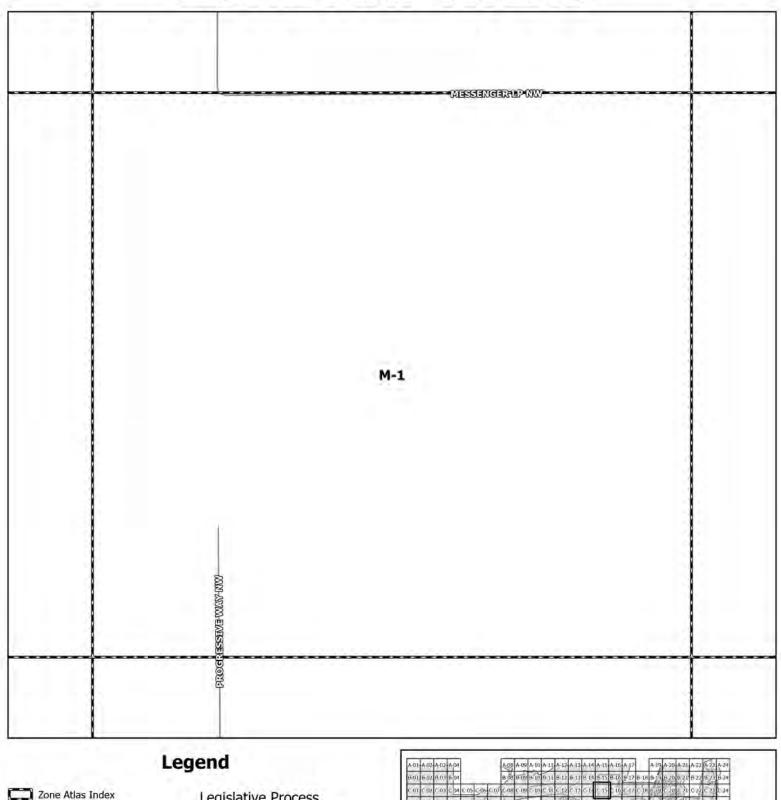
232

M-H Zone District to be Repealed

330

660

1,320 Feet



### Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process

Requires future update

Valencia County

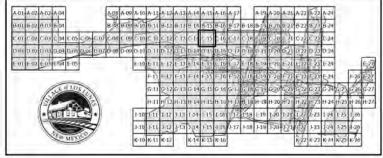
Other Communities

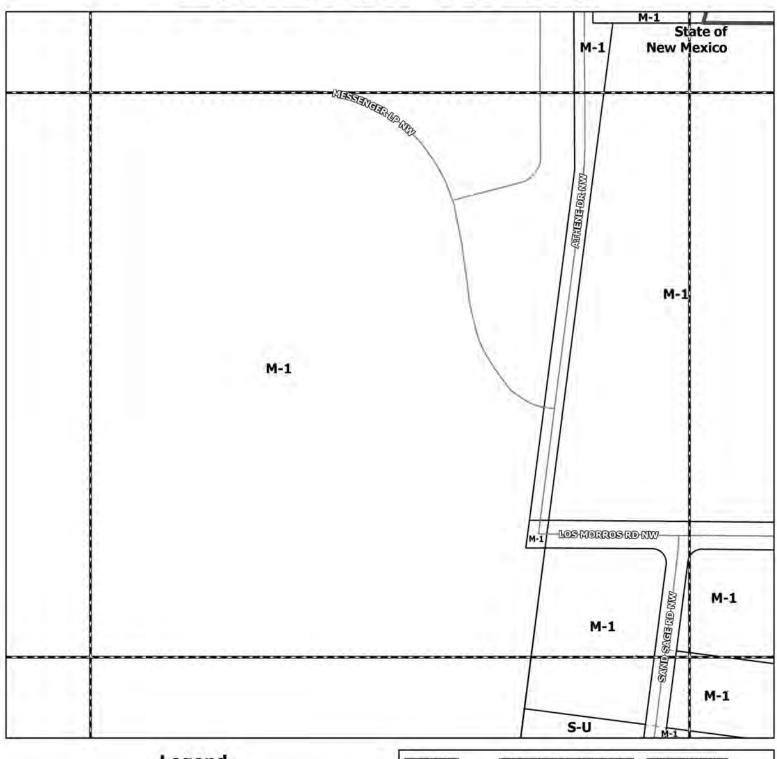
330

660

Zone District Not Assigned M-H Zone District to be Repealed

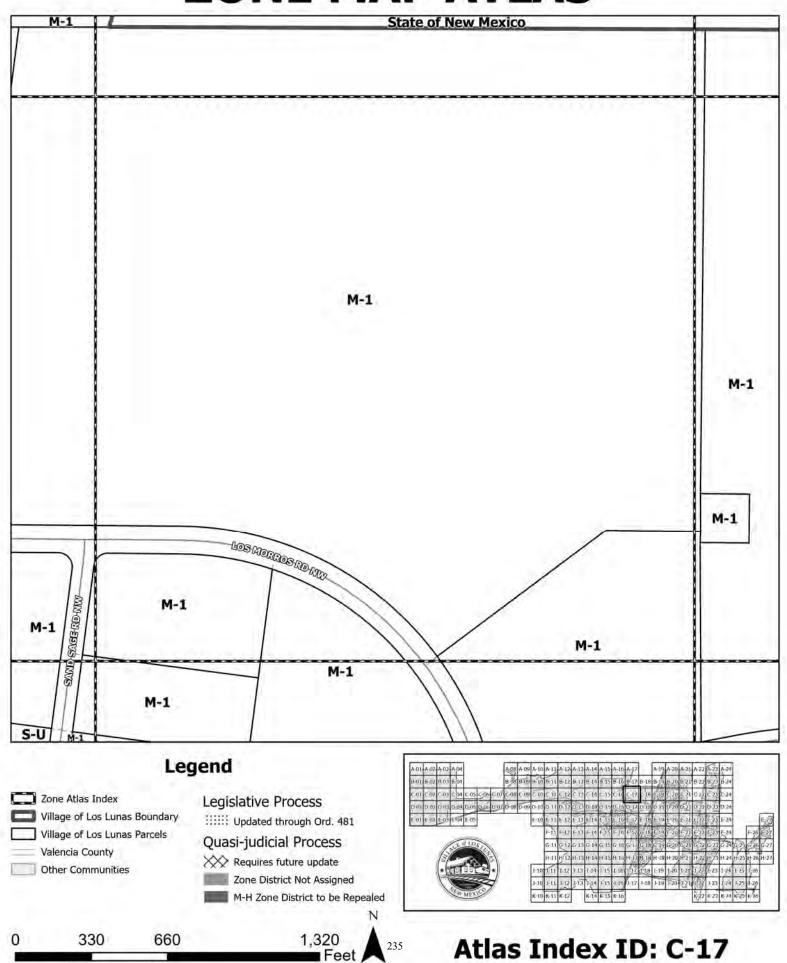


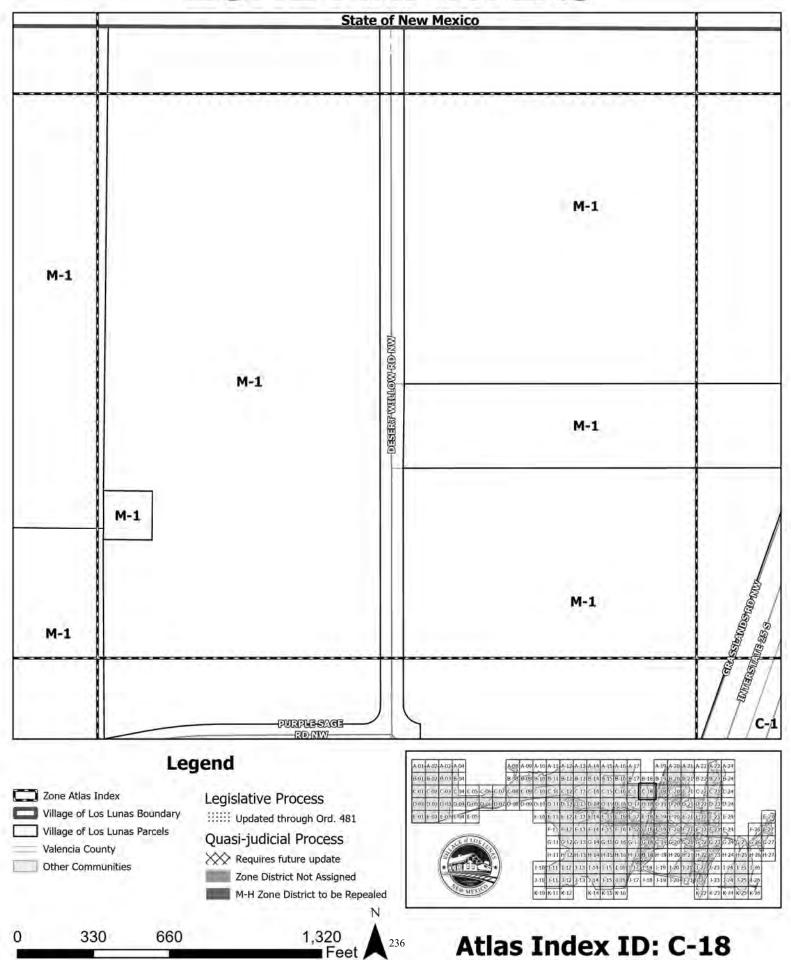


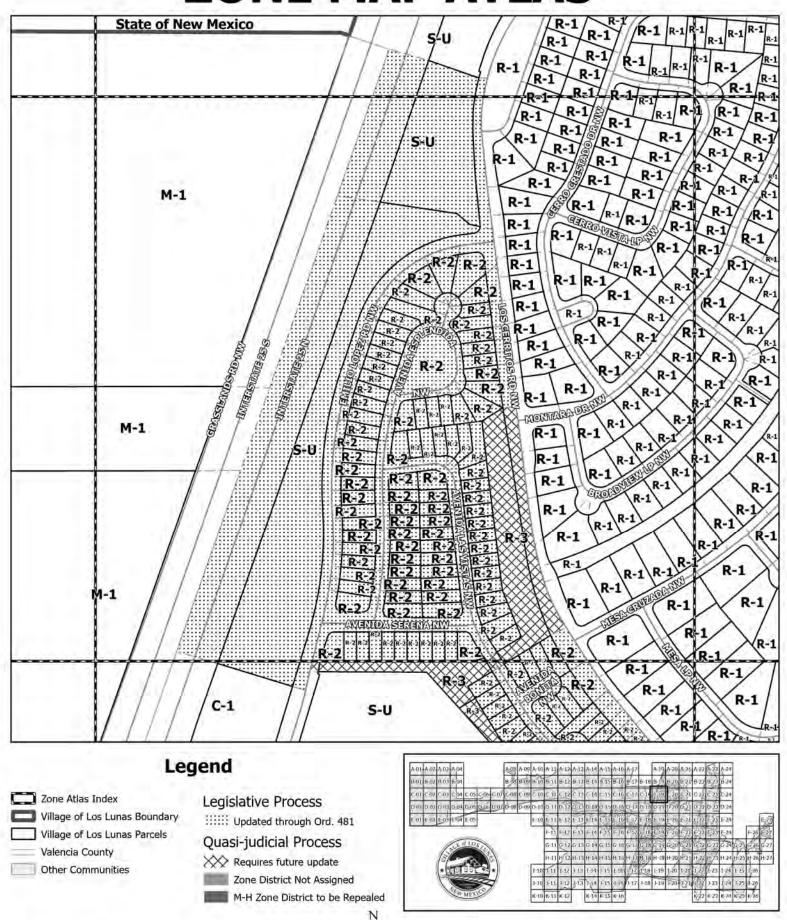


# Legend Zone Atlas Index Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Legislative Process War and A Standard A

330 660 1,320 Feet





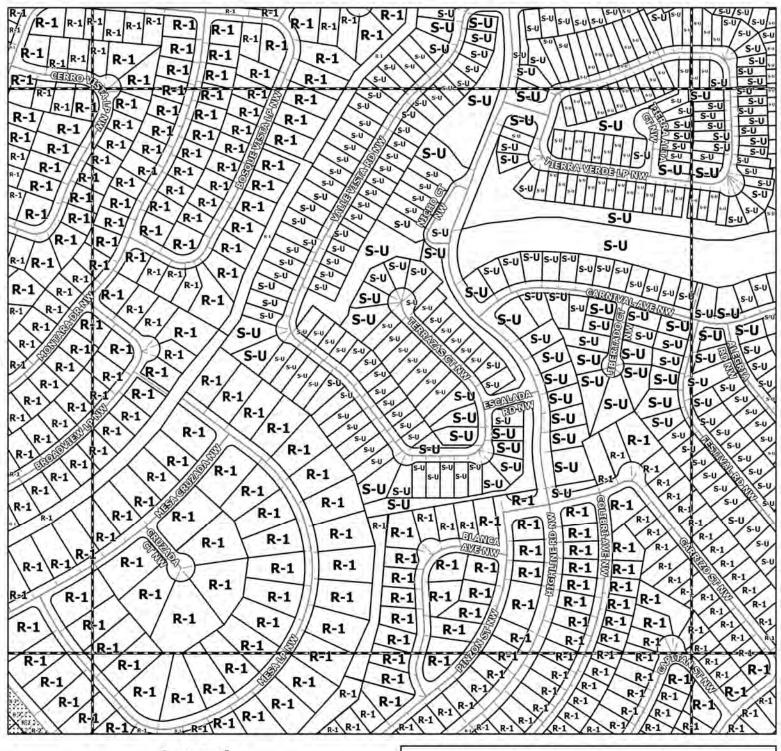


1,320 Feet

Atlas Index ID: C-19

330

660

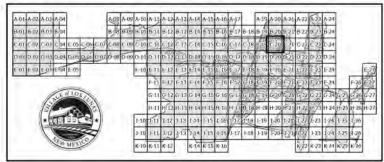


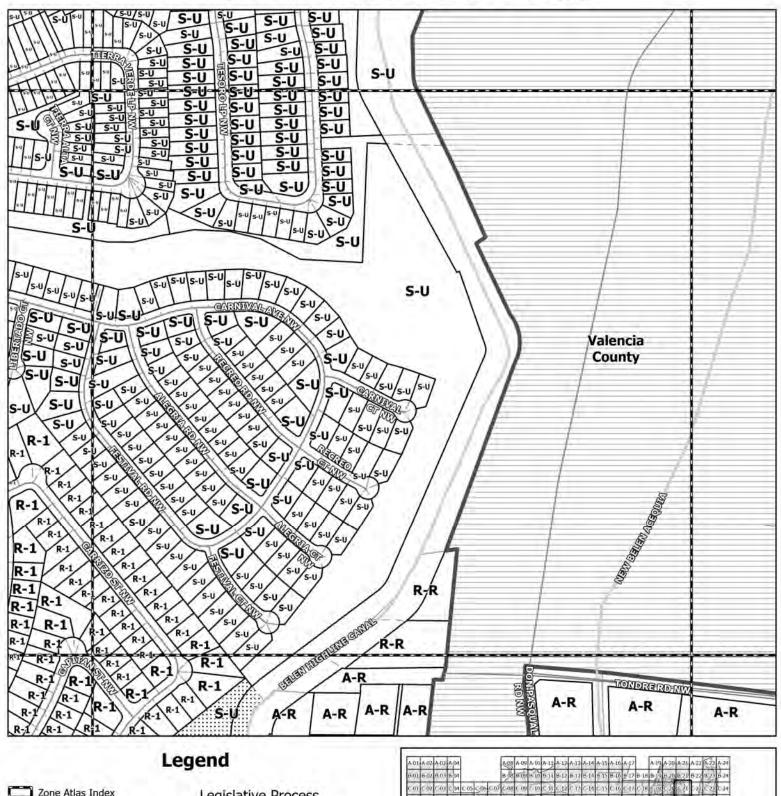
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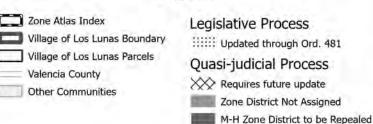


660

330







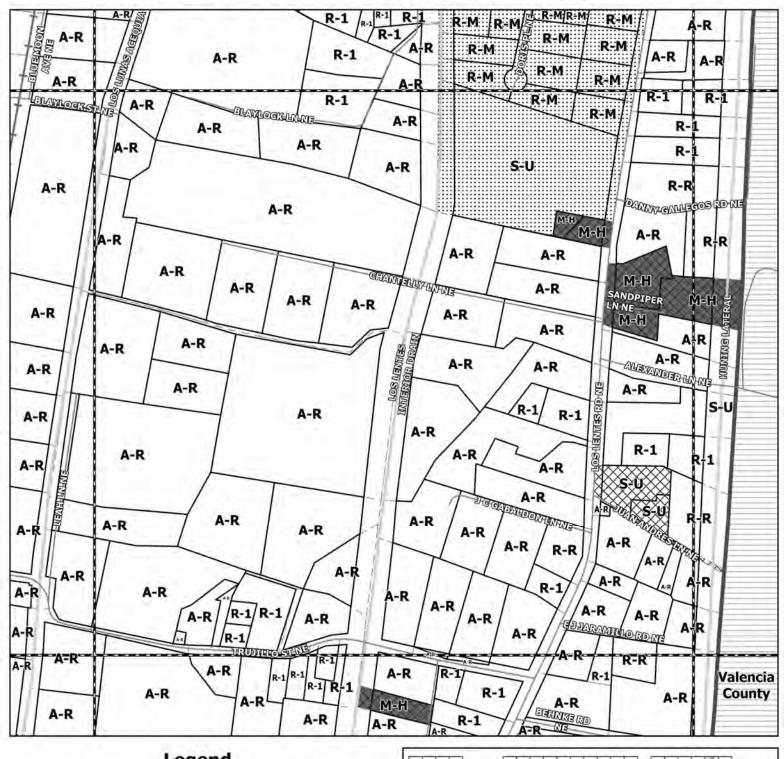


330 660 1,320 Feet



# Legend Zone Atlas Index Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities District Not Assigned M-H Zone District to be Repealed

0 330 660 1,320 A



### Legend



0

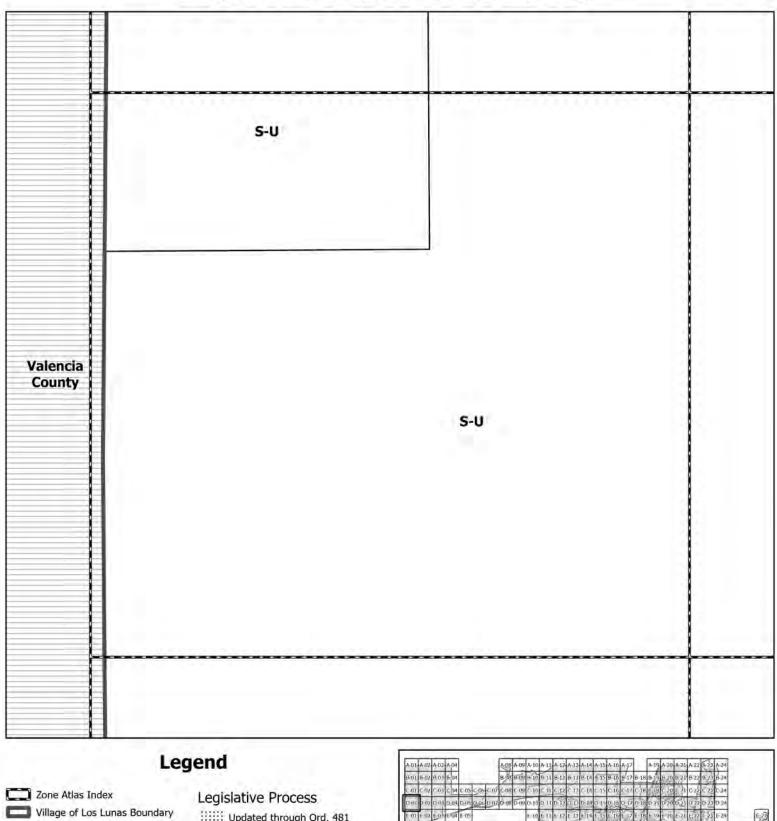


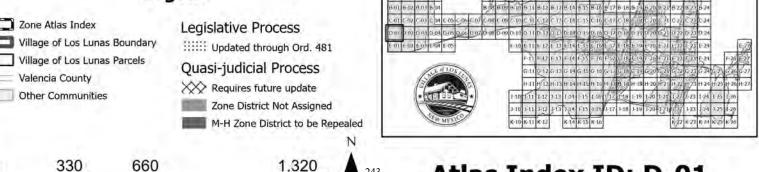
330 660 1,320 A



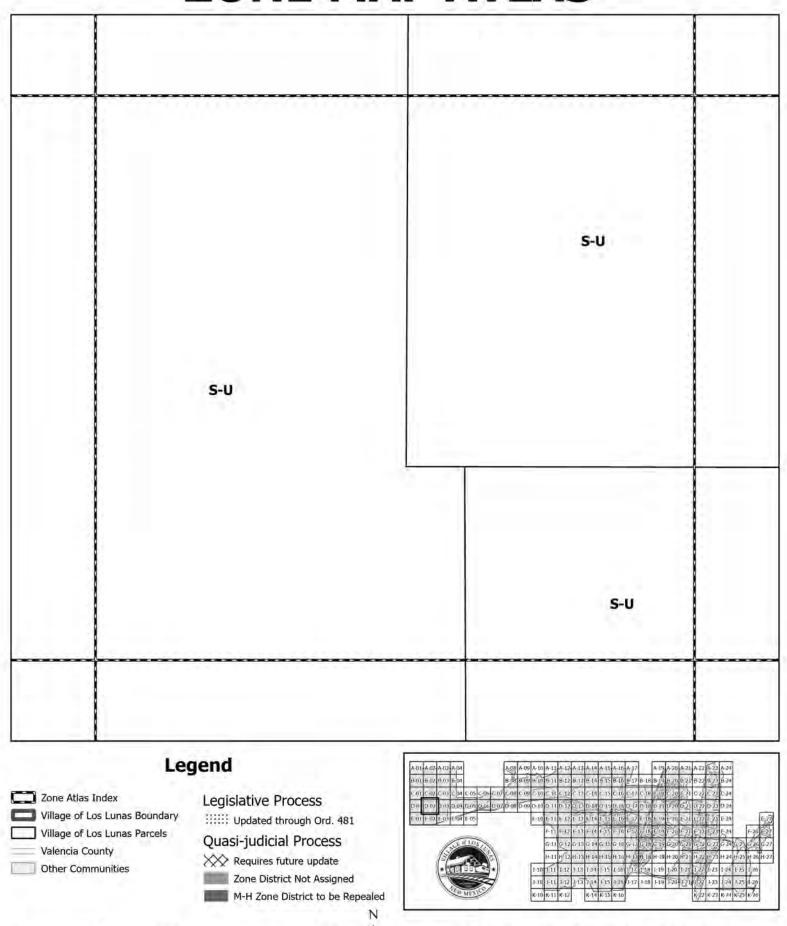
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330 660 1,320 Feet





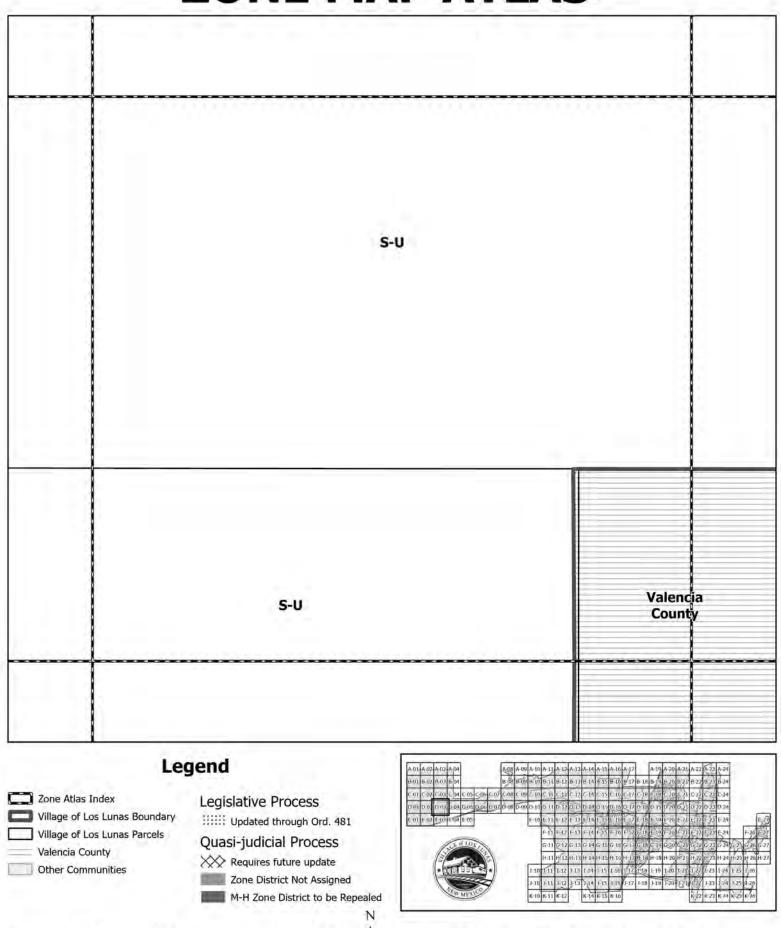
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1,320 Feet

330

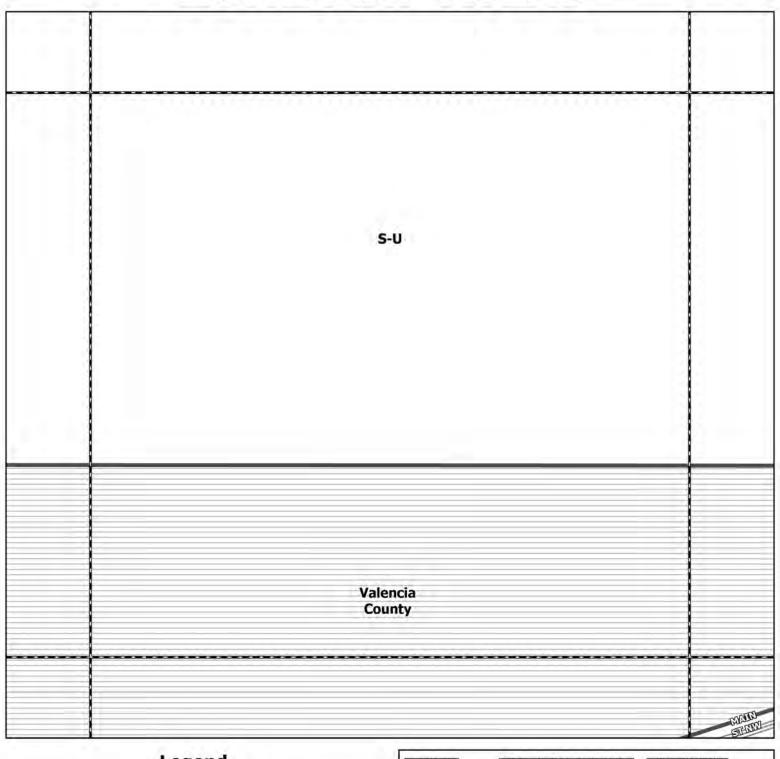
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1,320 Feet

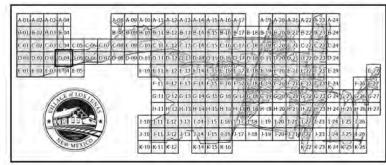
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660

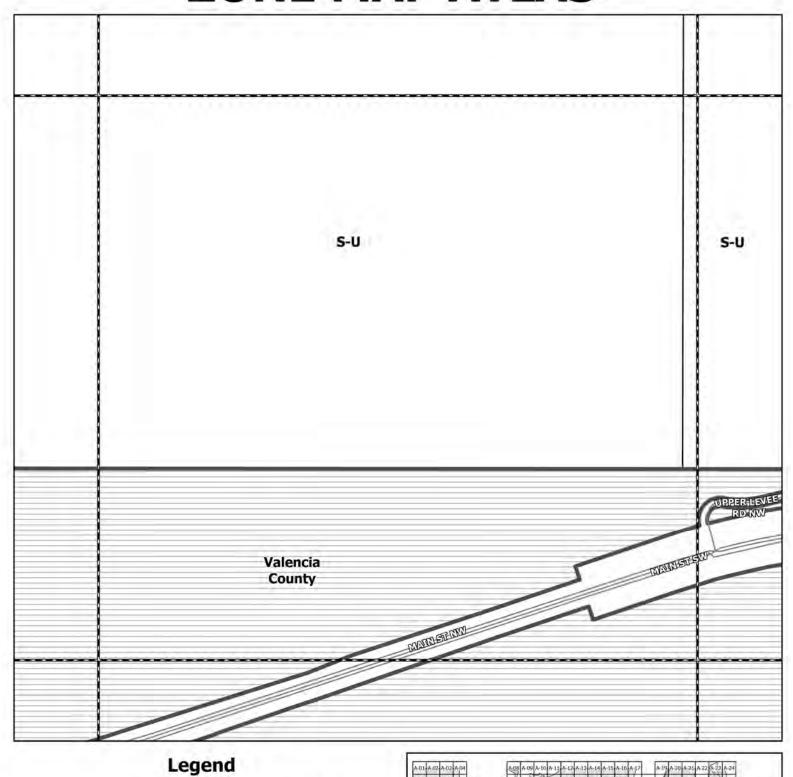


### Legend



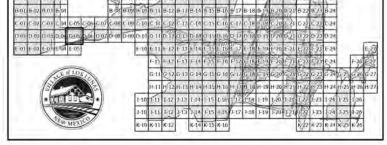


0 330 660 1,320 A



### Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Requires future update

Zone District Not Assigned M-H Zone District to be Repealed

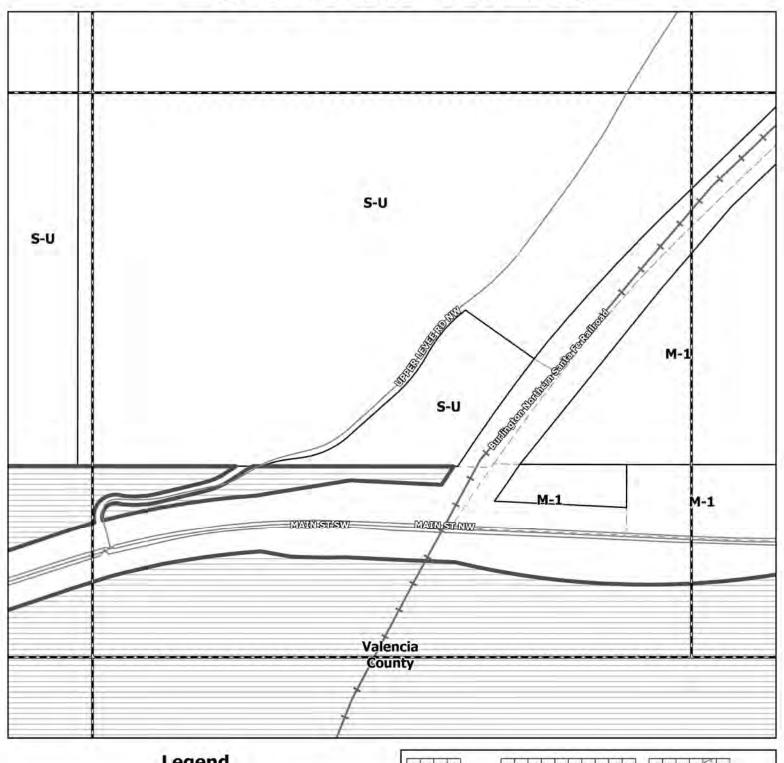


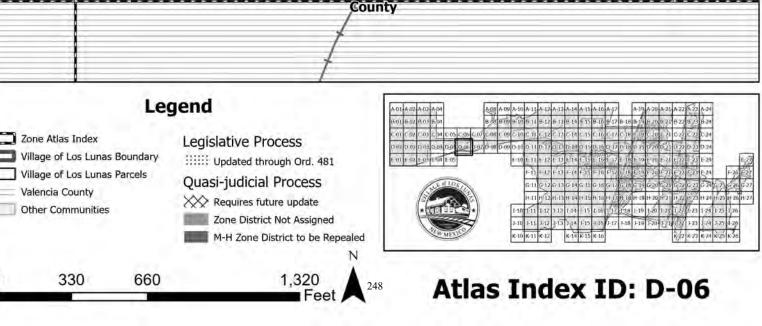
1,320 Feet 330 660

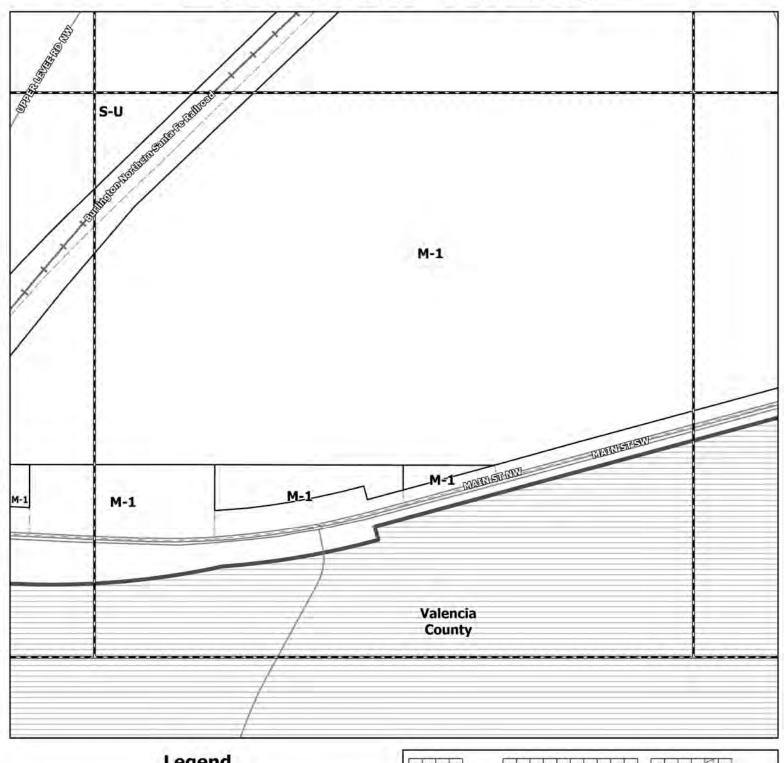
Zone Atlas Index

Valencia County

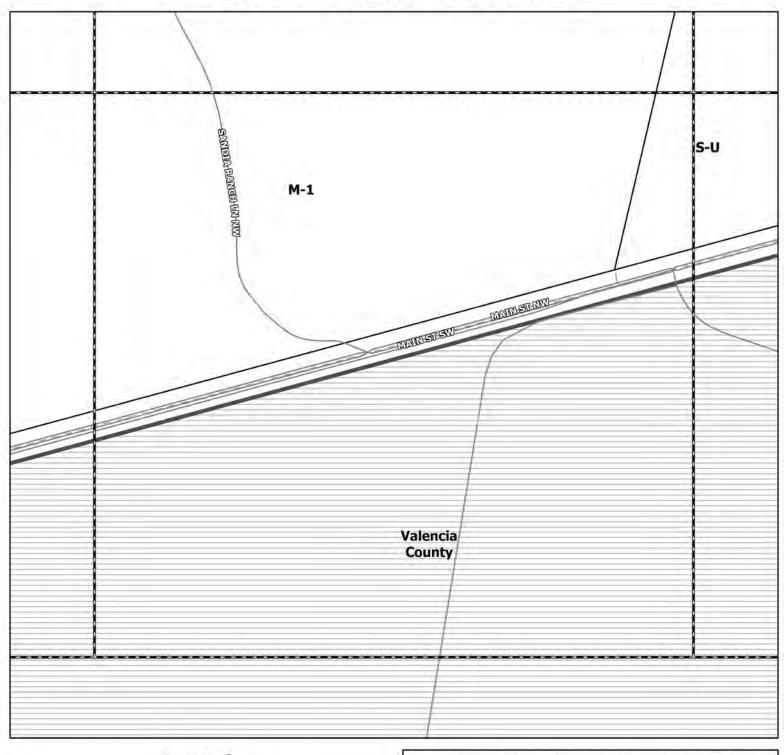
Other Communities



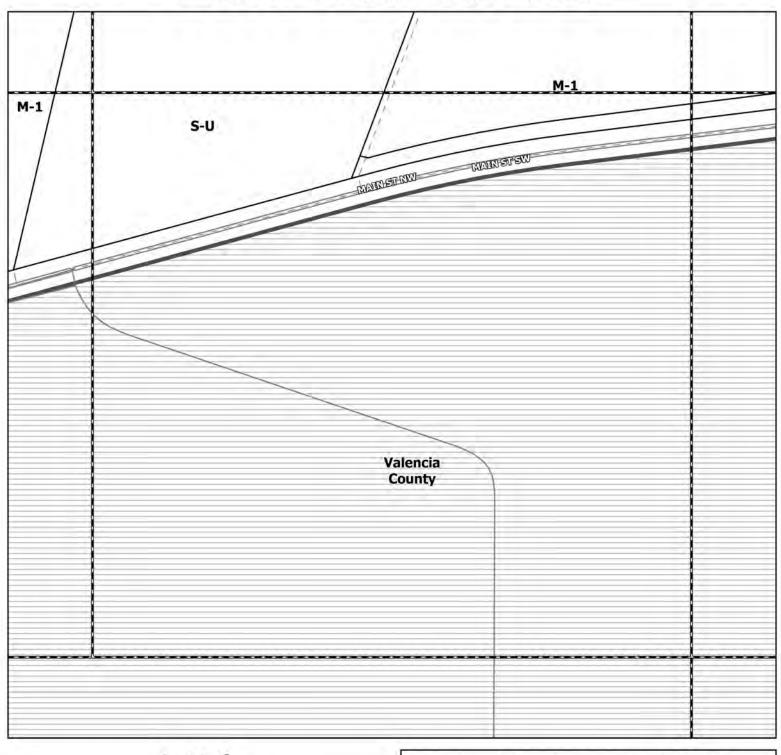




### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: D-07

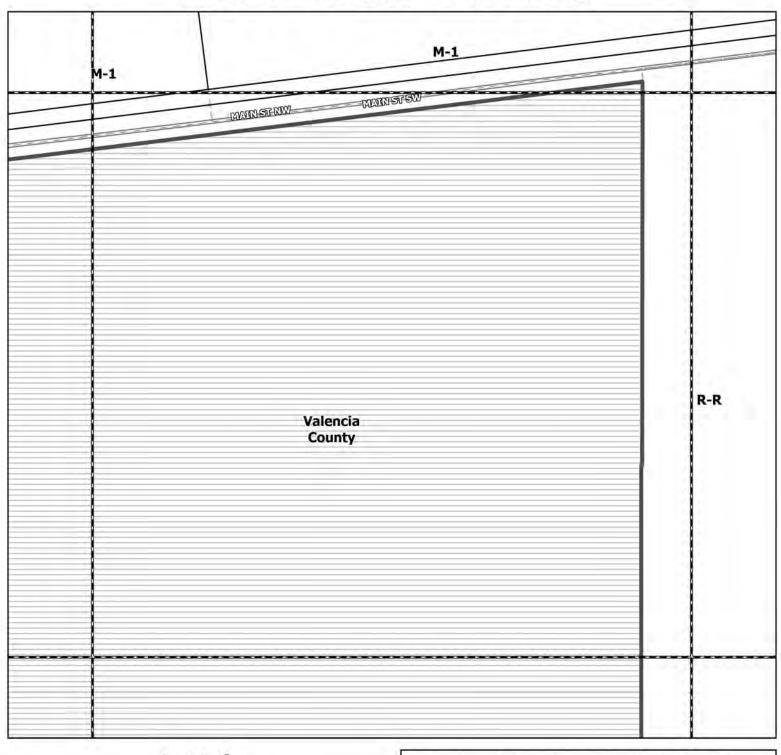


### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: D-08



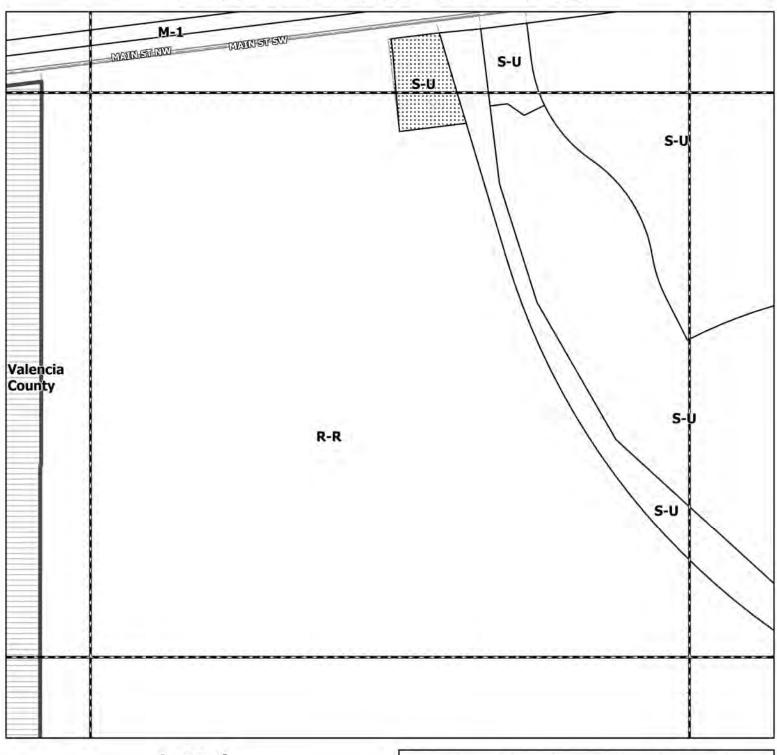
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0 330 660 1,320 A

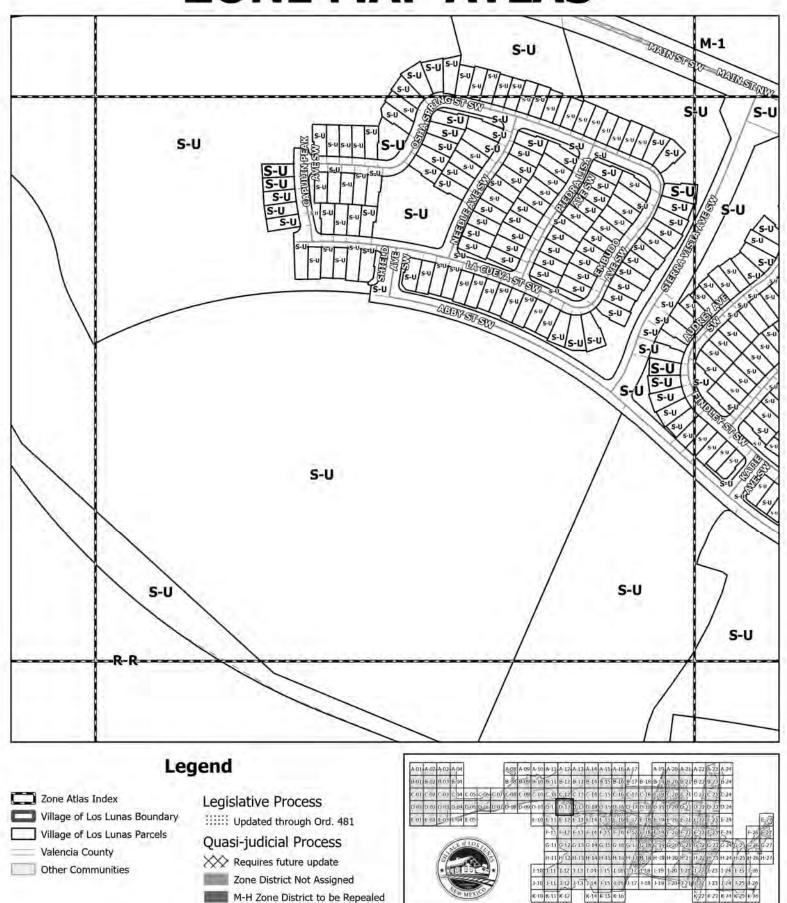


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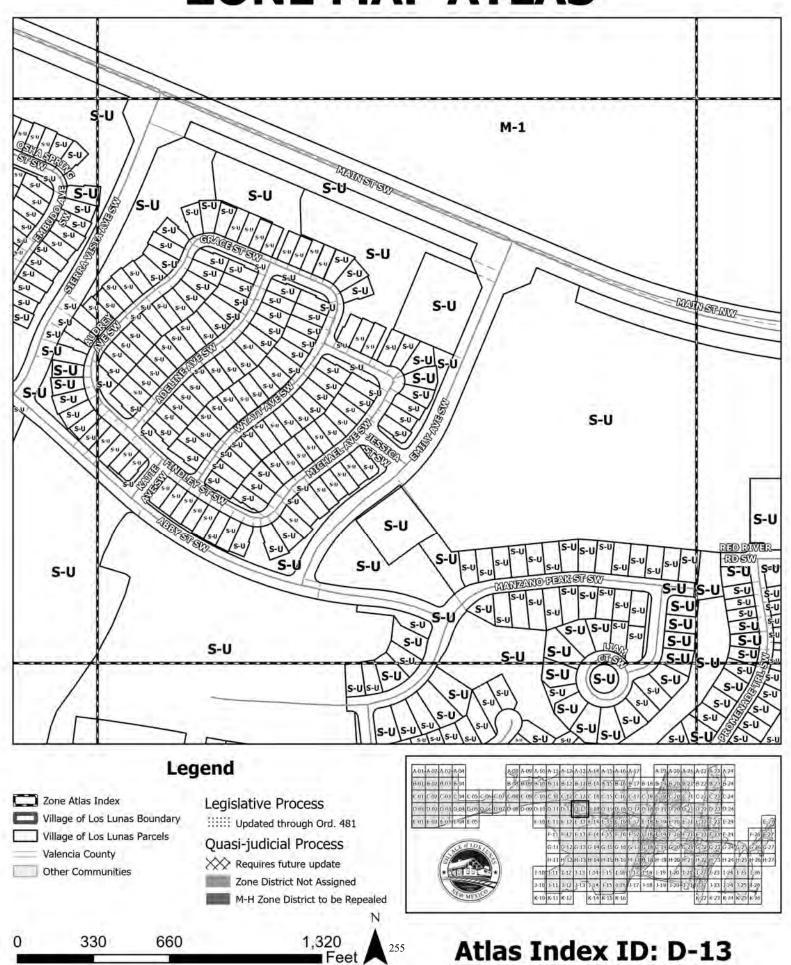
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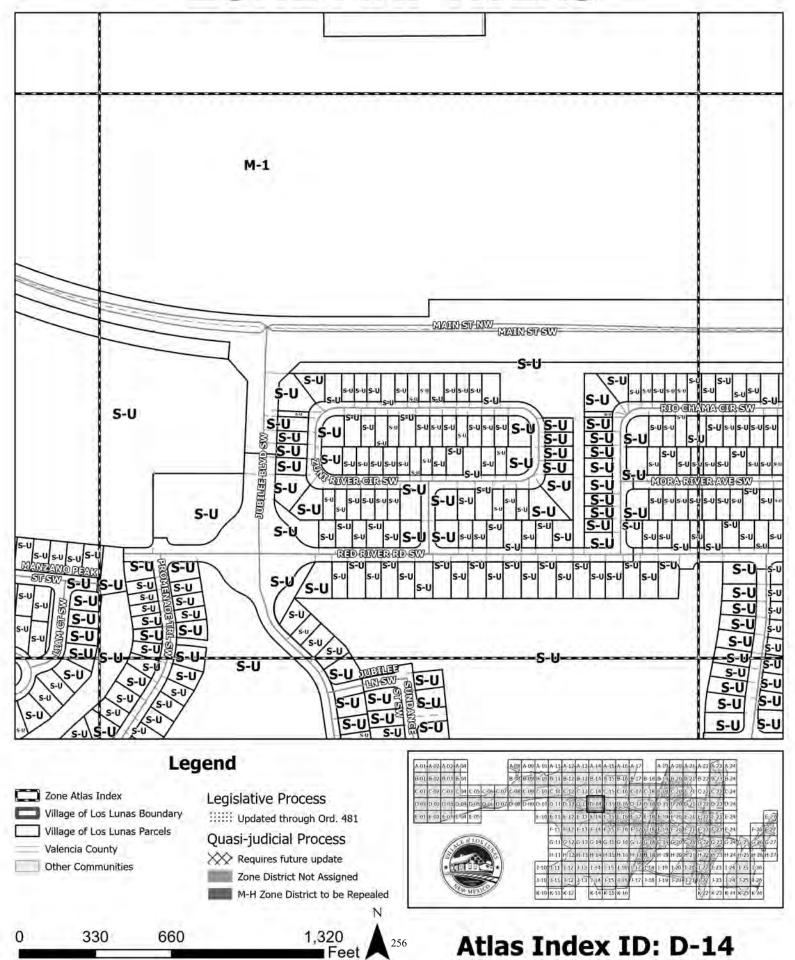


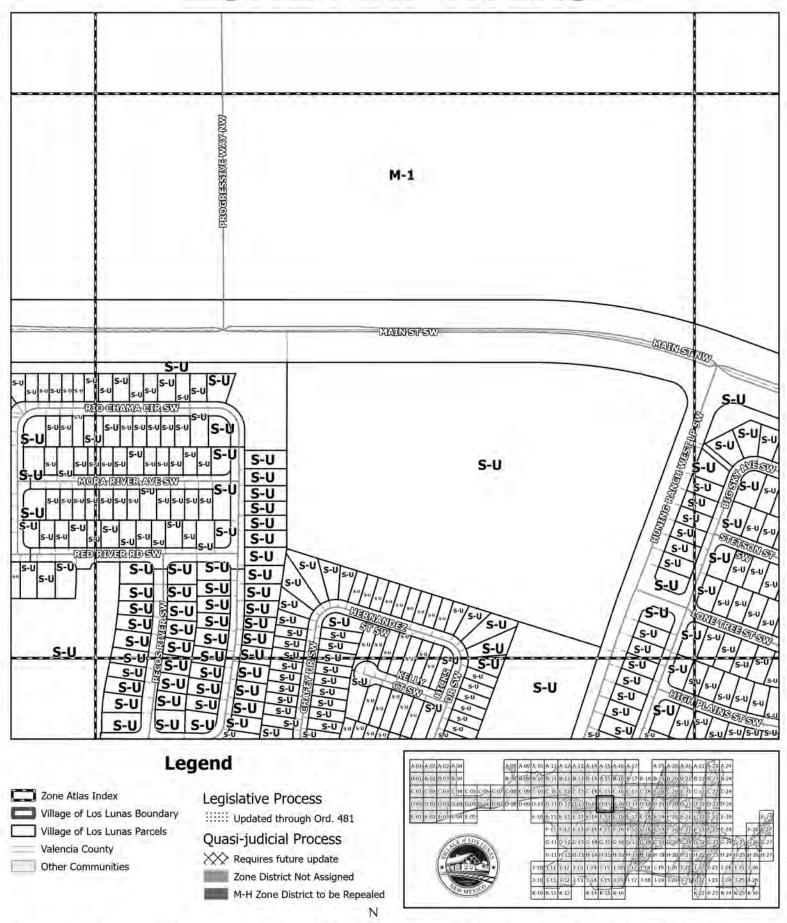
## Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: D-11



330 660 1,320 Feet





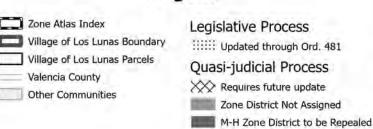


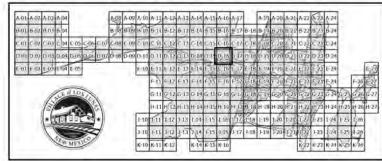
1,320 Feet

660

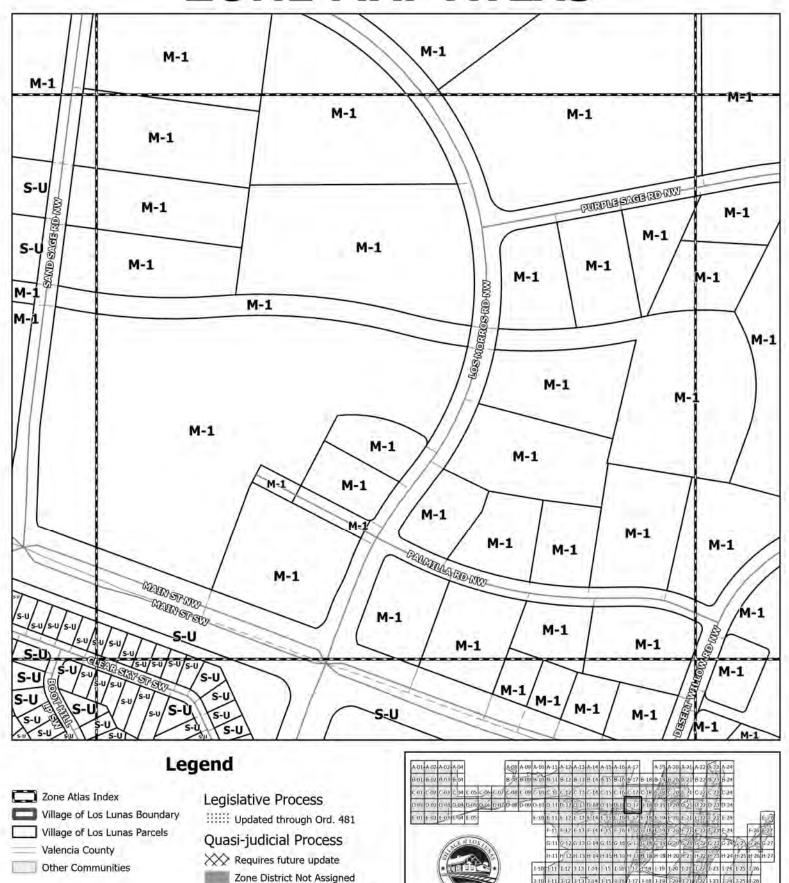
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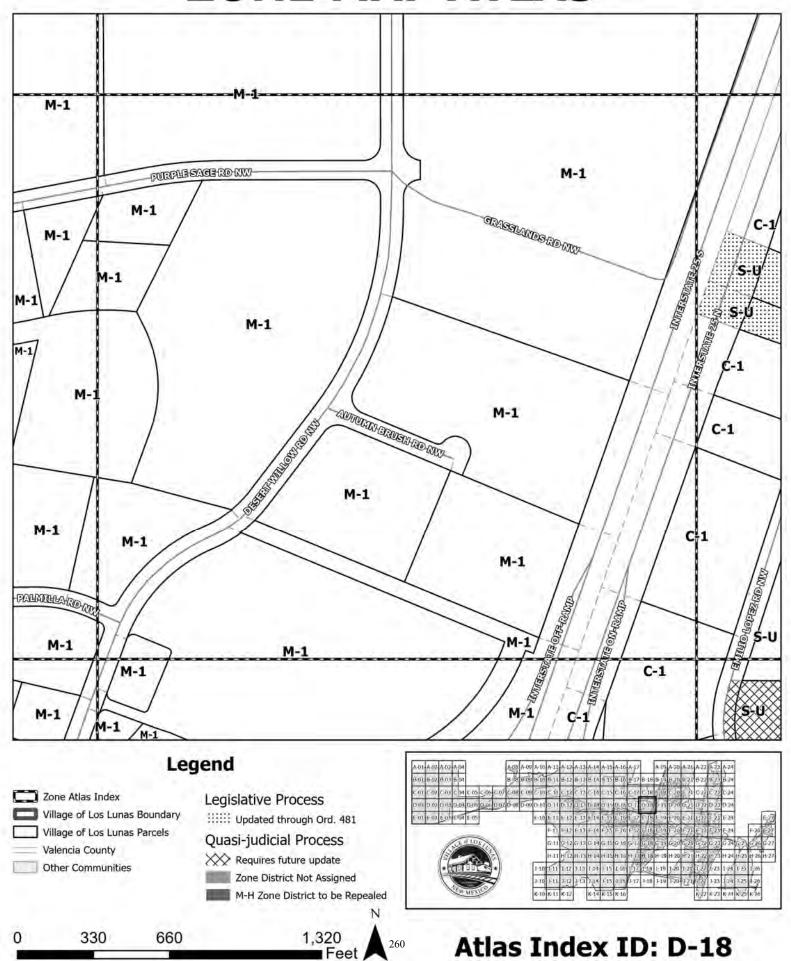


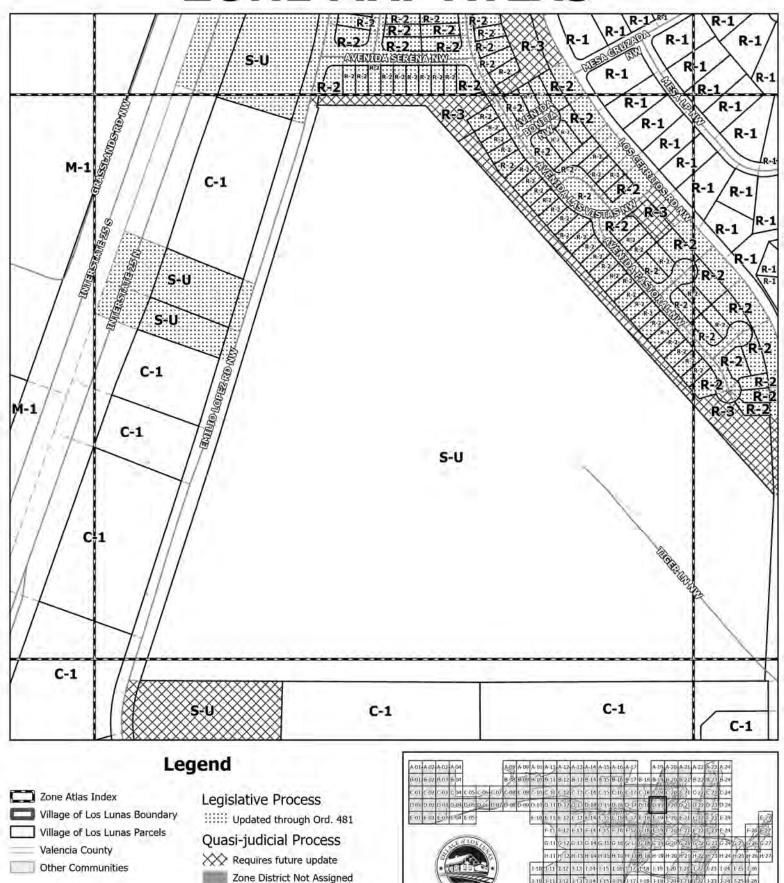
0 330 660 1,320 A



0 330 660 1,320 A

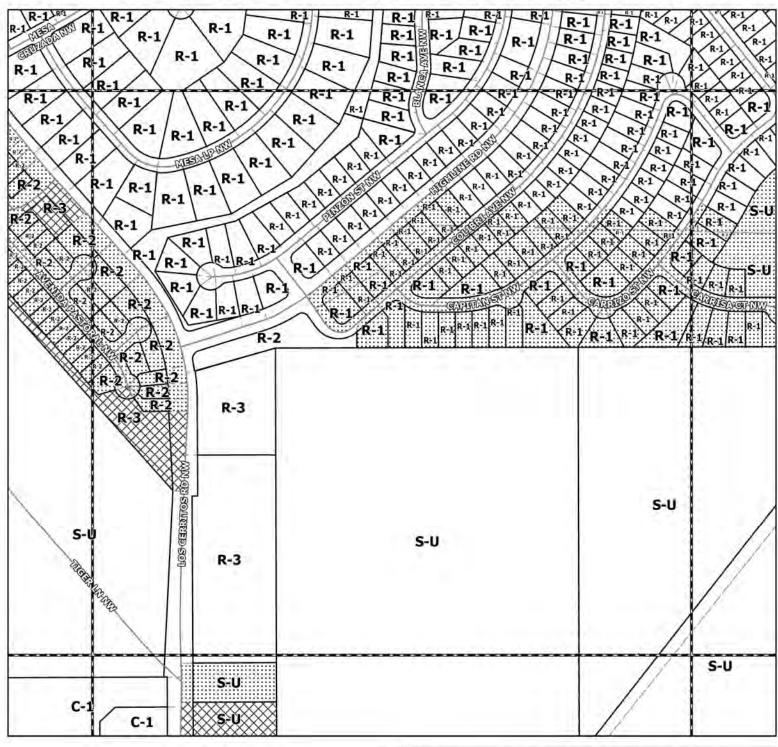
M-H Zone District to be Repealed





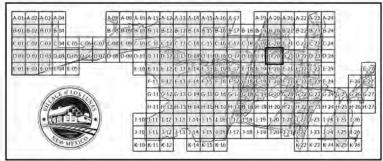
0 330 660 1,320 Feet

M-H Zone District to be Repealed



## Legend





330 660 1,320 Feet



### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: D-21



# Legend Legislative Process

Village of Los Lunas Boundary :::::: Updated through Ord. 481
Village of Los Lunas Parcels

660

Zone Atlas Index

Valencia County

Other Communities

330

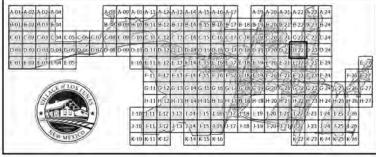
Quasi-judicial Process

Requires future update

Zone District Not Assigned

M-H Zone District to be Repealed

1,320 N





## Legend



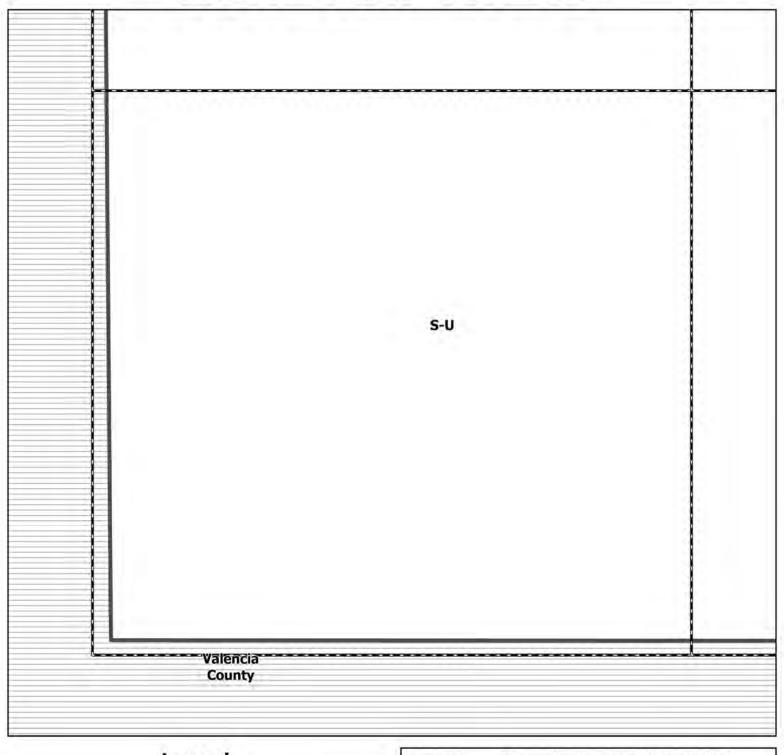


0 330 660 1,320 Feet



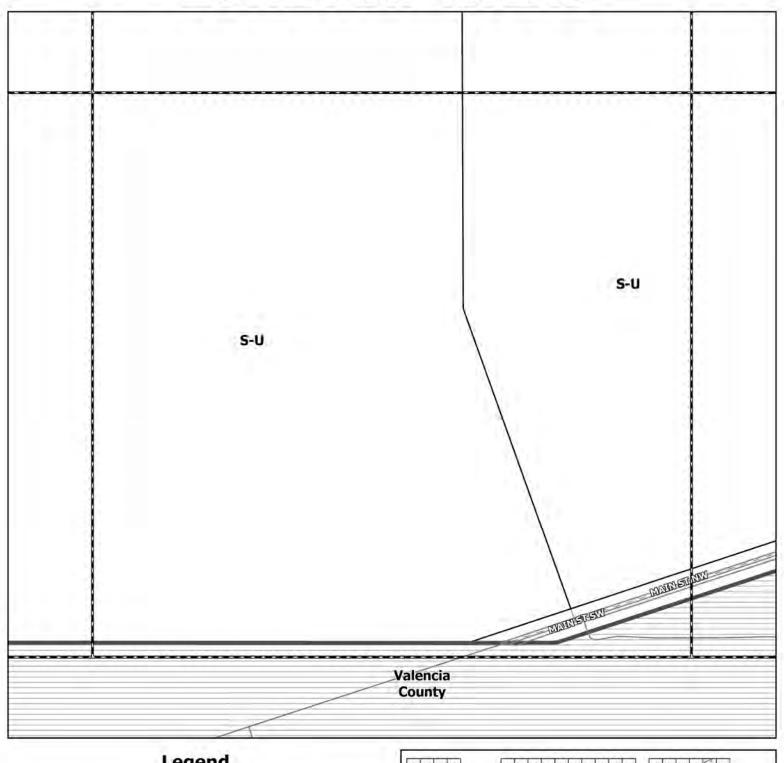
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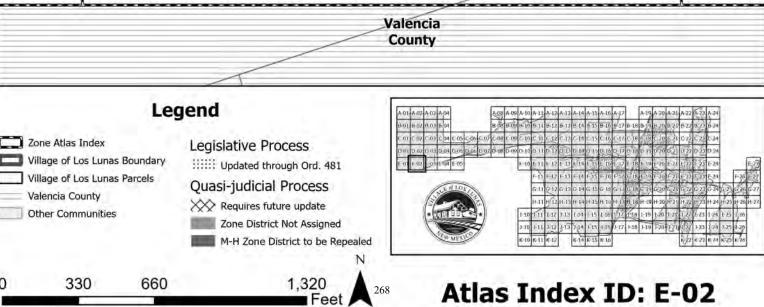
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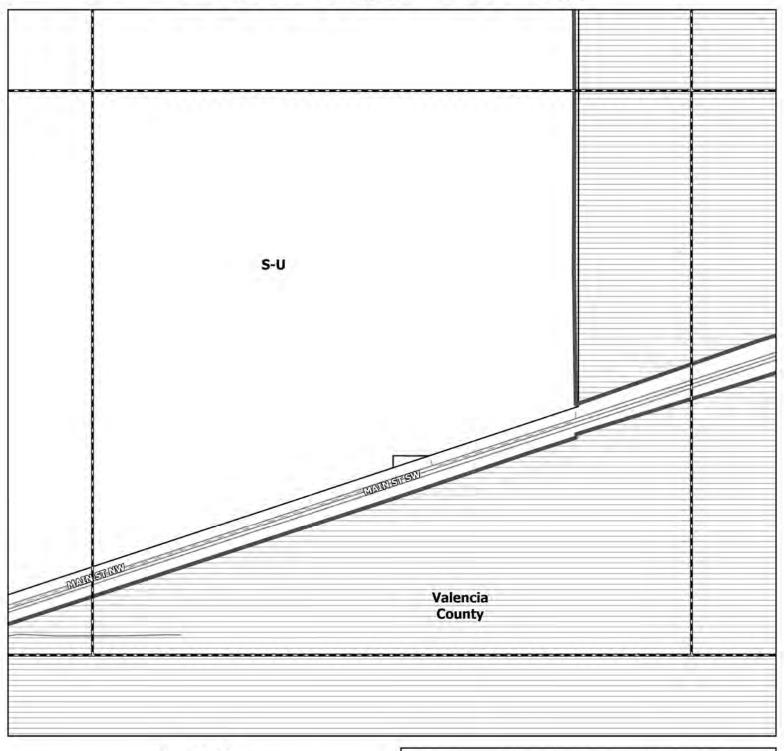


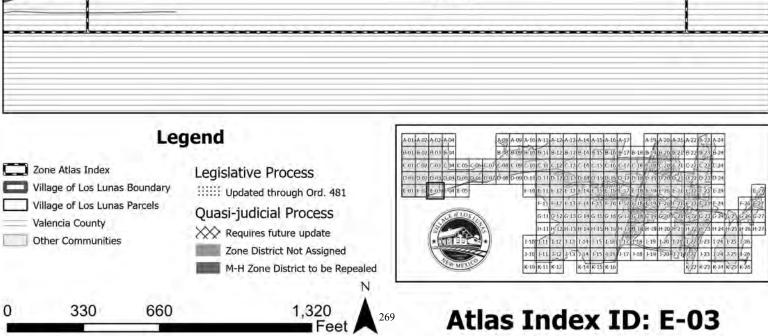
## Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 330 660

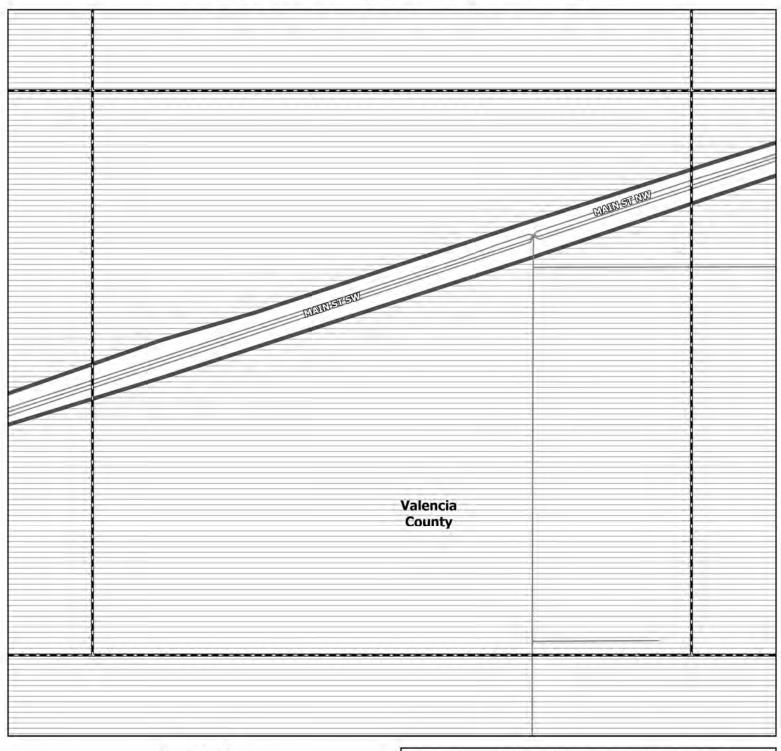
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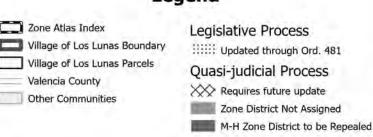






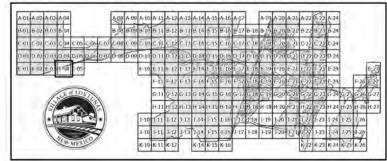


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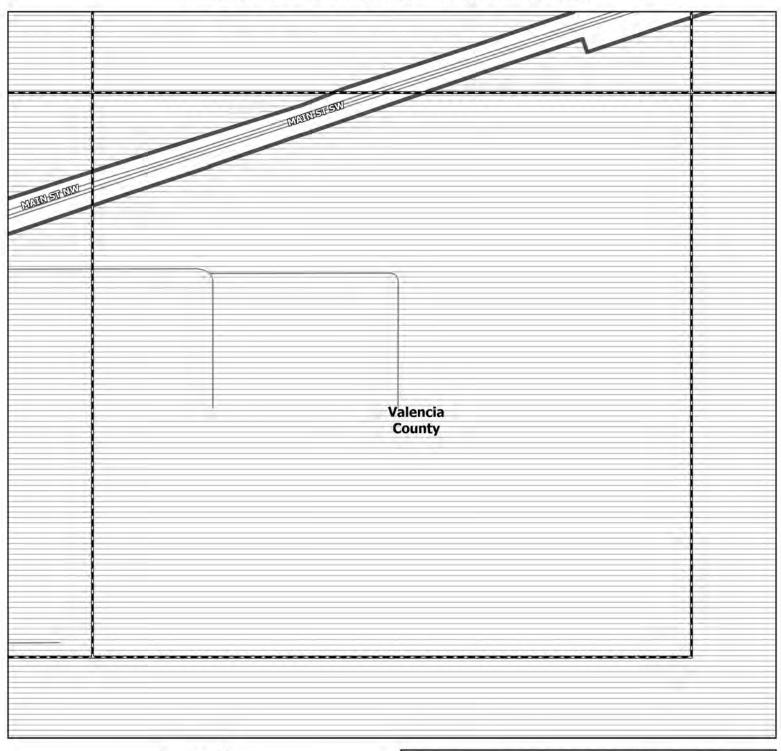


660

330

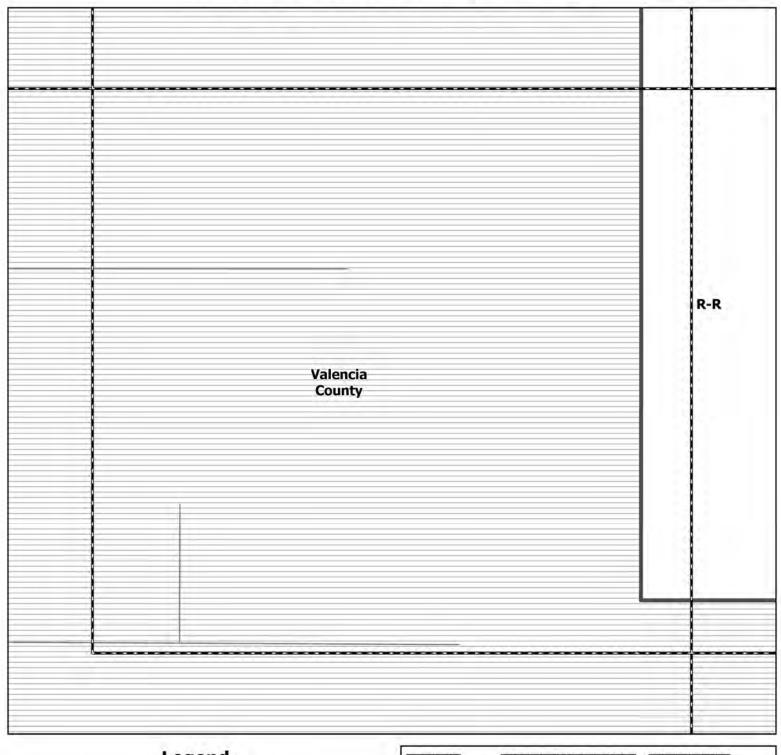


1,320 Feet A 270

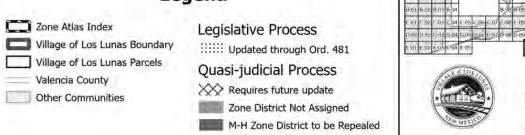


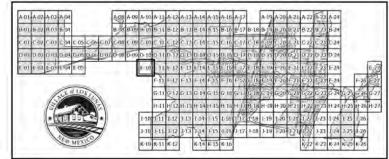
# Legislative Process Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Legislative Process Valencia County Other Communities Legislative Process Valencia County Other Communities Assigned M-H Zone District to be Repealed N Assigned M-H Zone District to be Repealed N Assigned M-H Zone District to be Repealed N Assigned M-H Zone District Not Assigned M-H Zone District M-H Zone District Not M-H Zone District M-H Zone District M-H Zone District M

330 660 1,320 A<sup>27</sup>

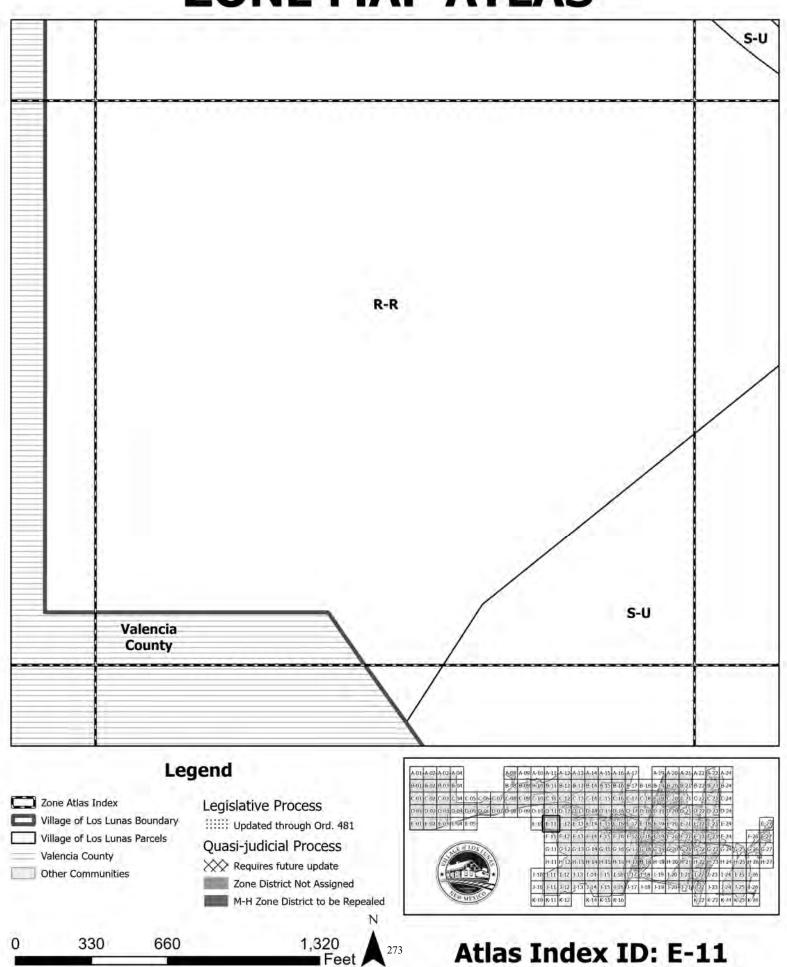


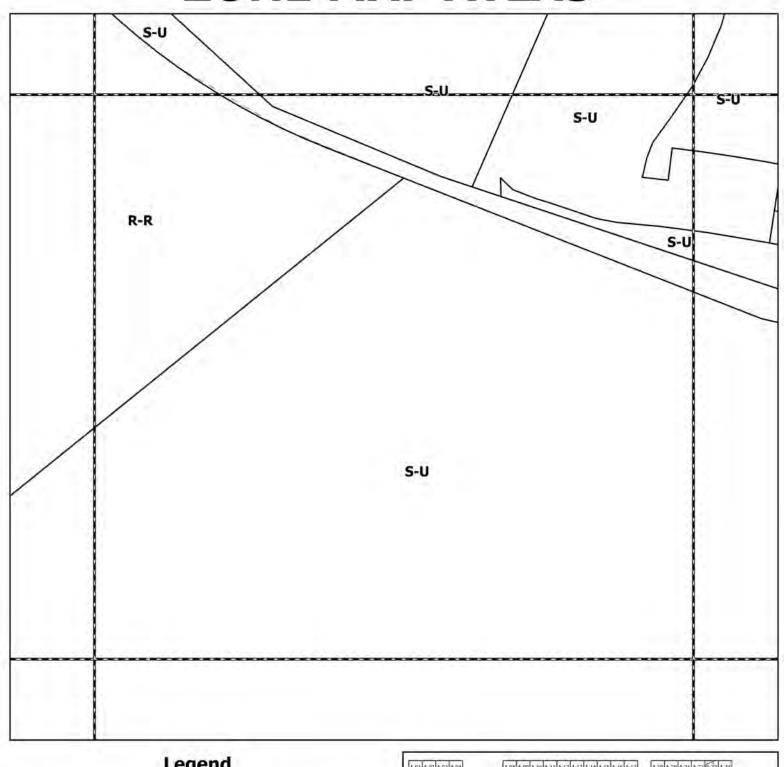
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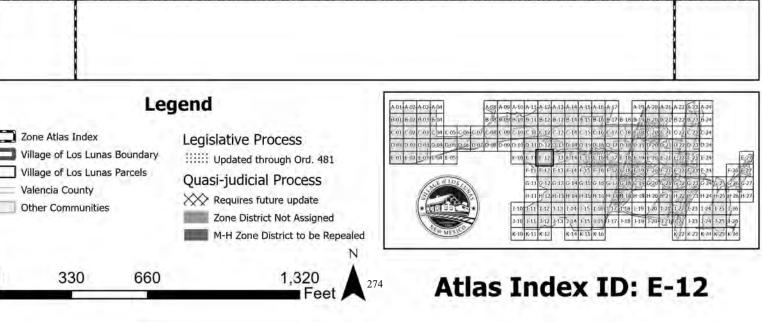


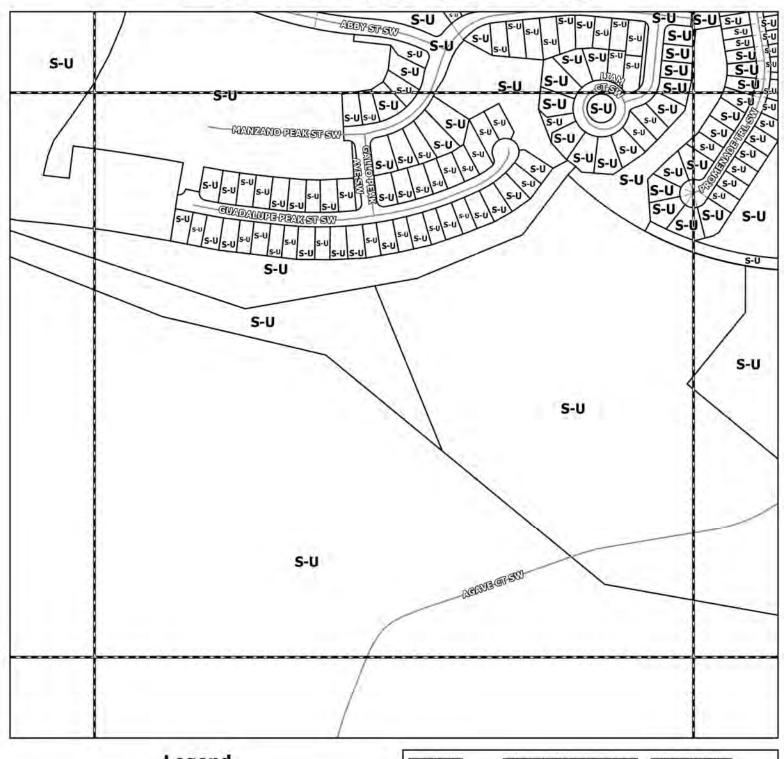


330 660 1,320 Feet









## Legend Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Quasi-judicial Process Requires future update Zone District Not Assigned M-H Zone District to be Repealed

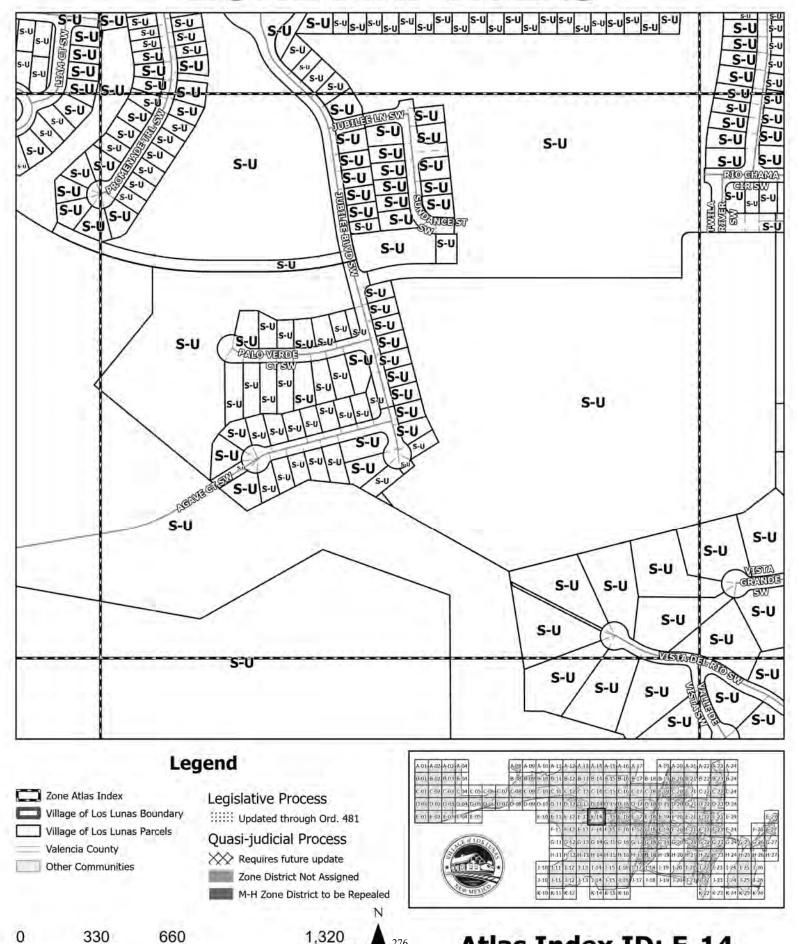
1,320 Feet 330 660

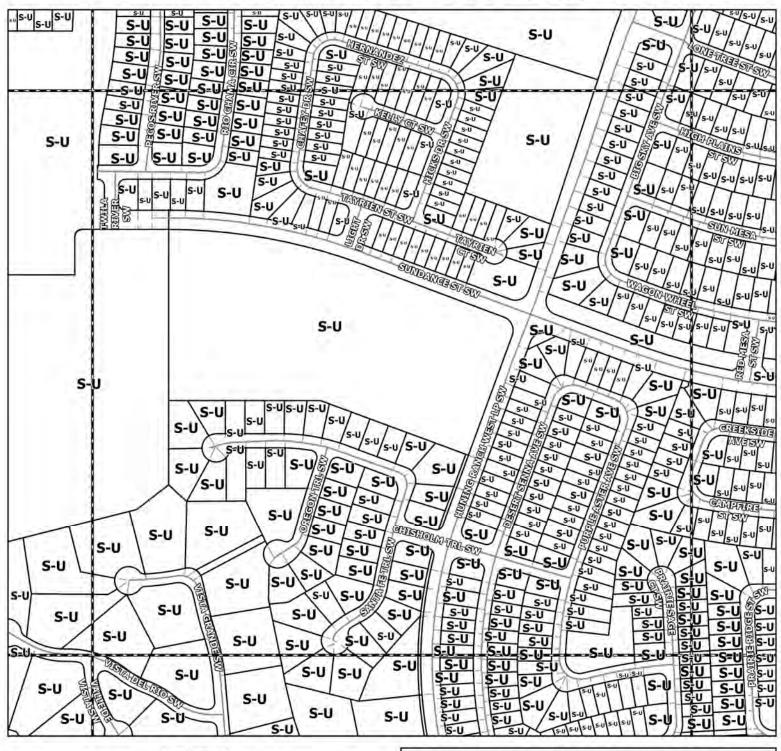
Zone Atlas Index

Valencia County

Other Communities

Village of Los Lunas Parcels

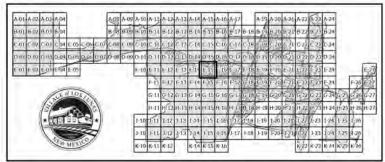




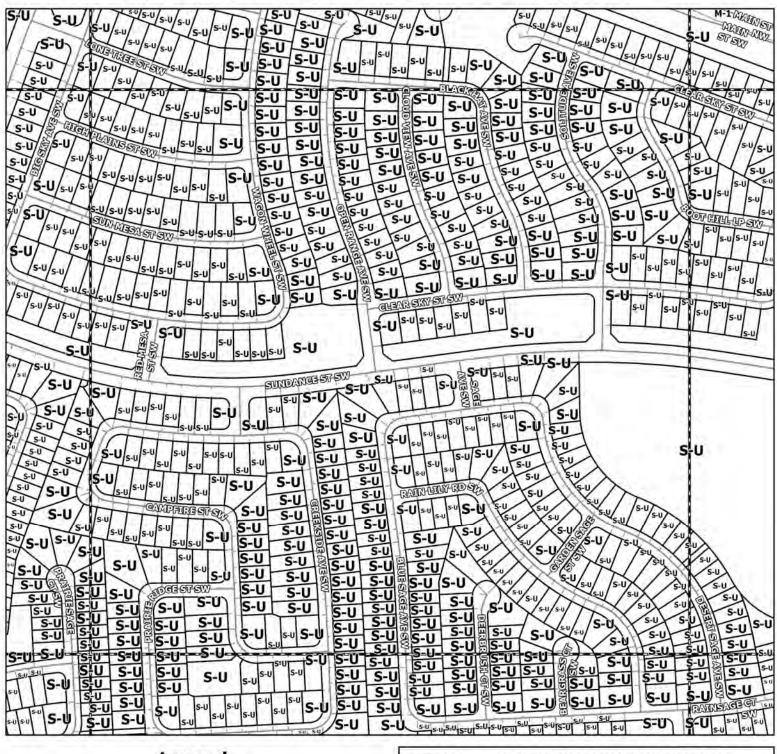
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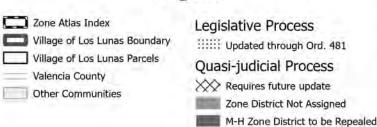
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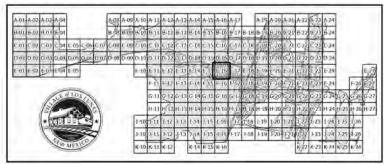


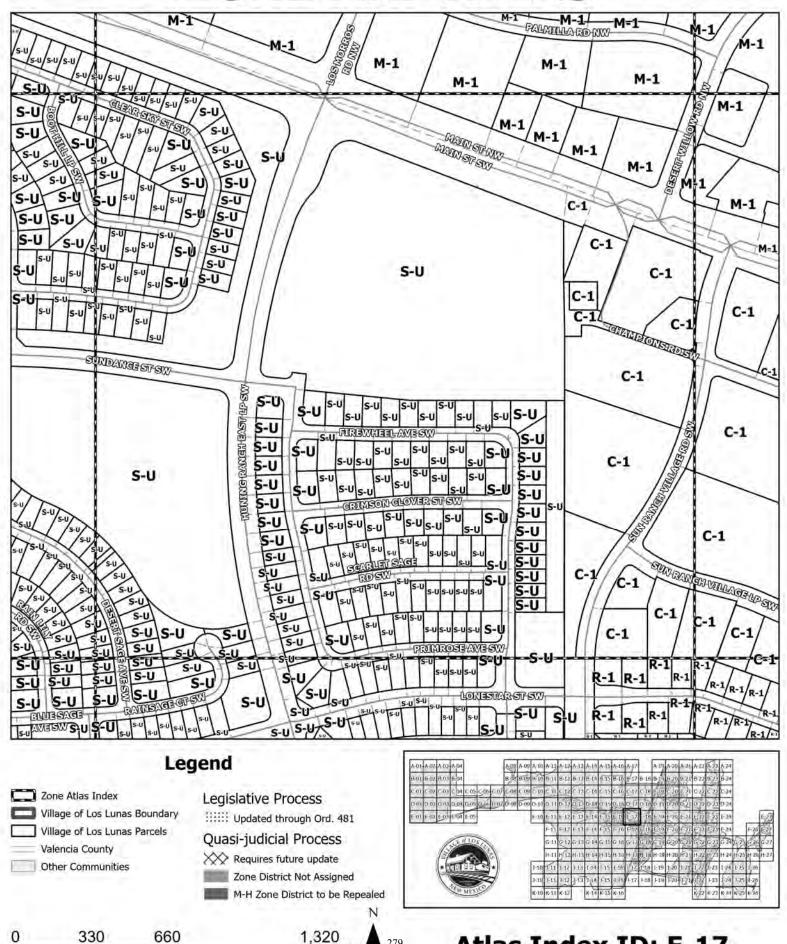
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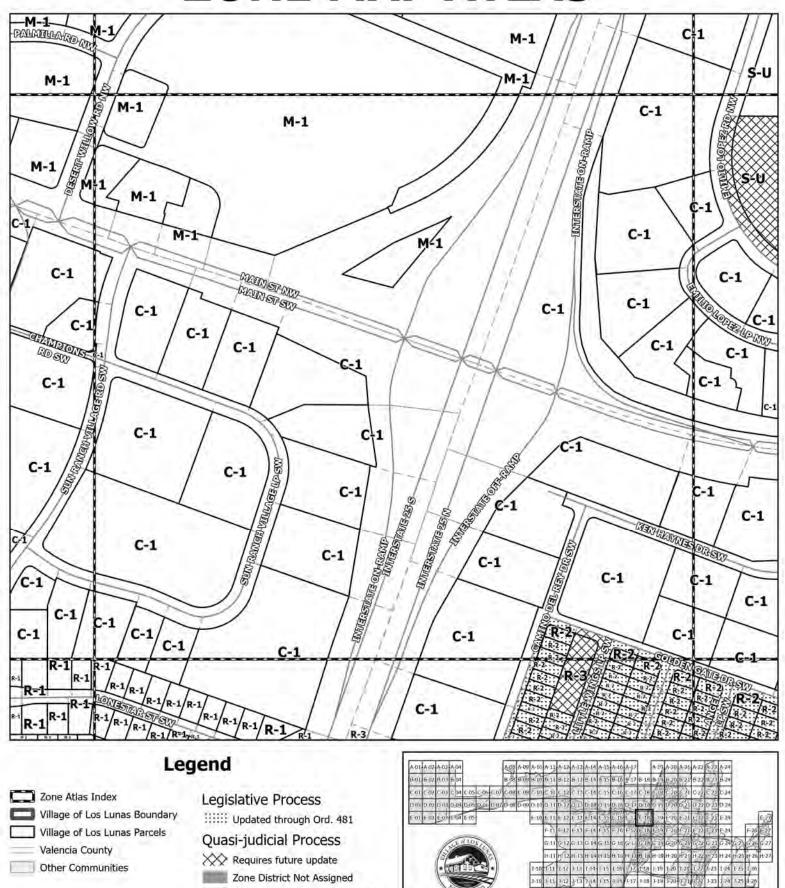


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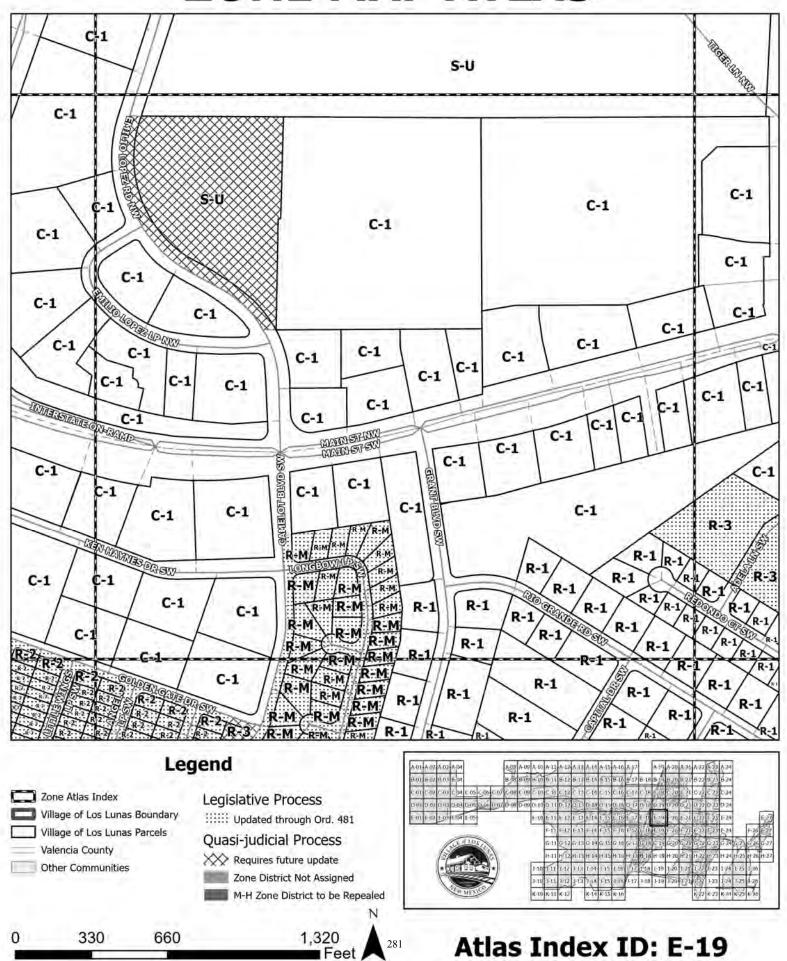


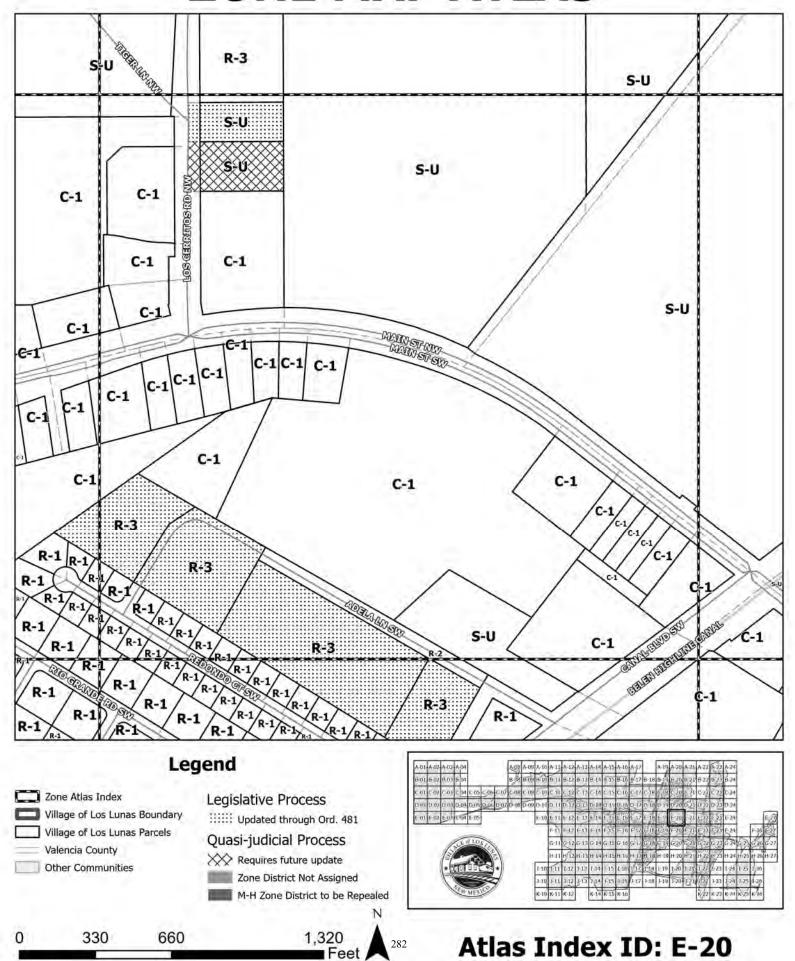


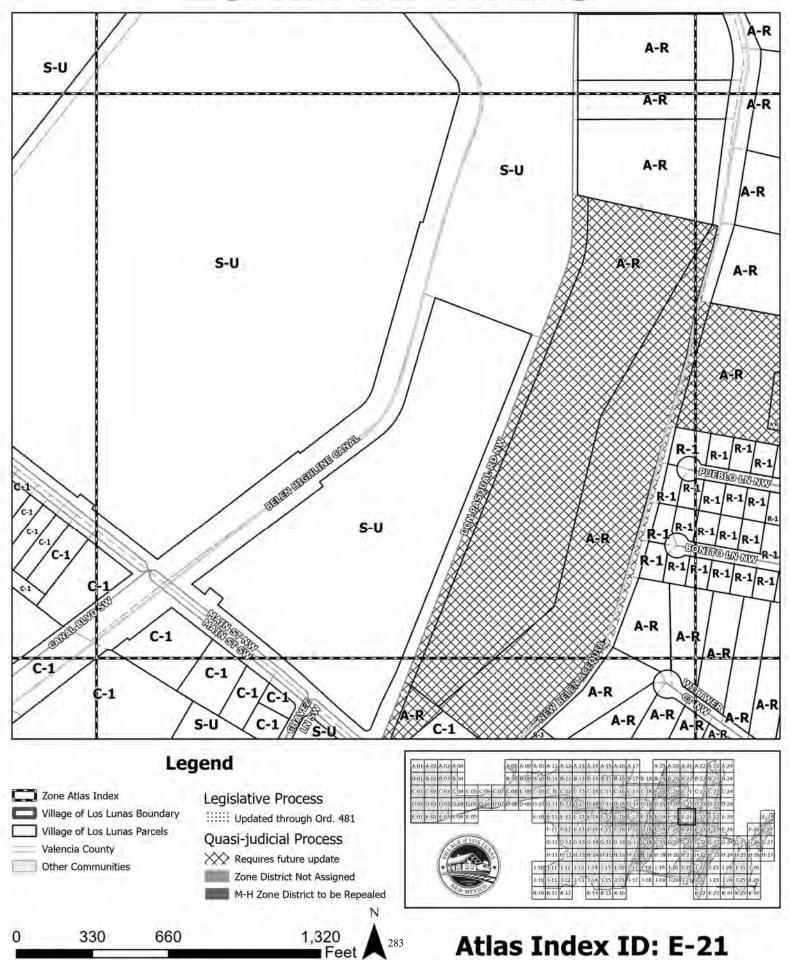


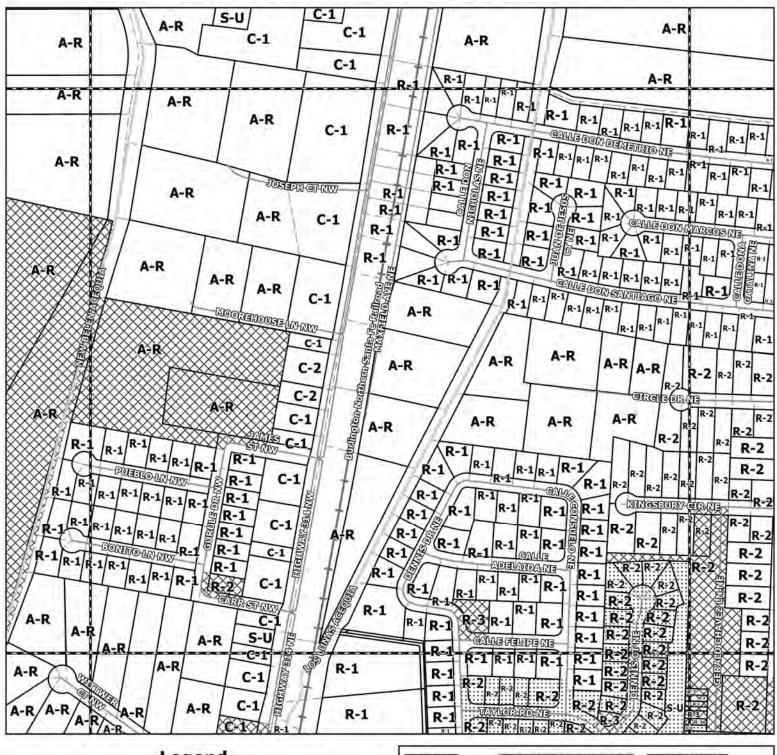
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M-H Zone District to be Repealed







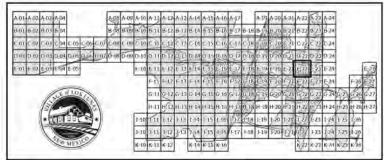


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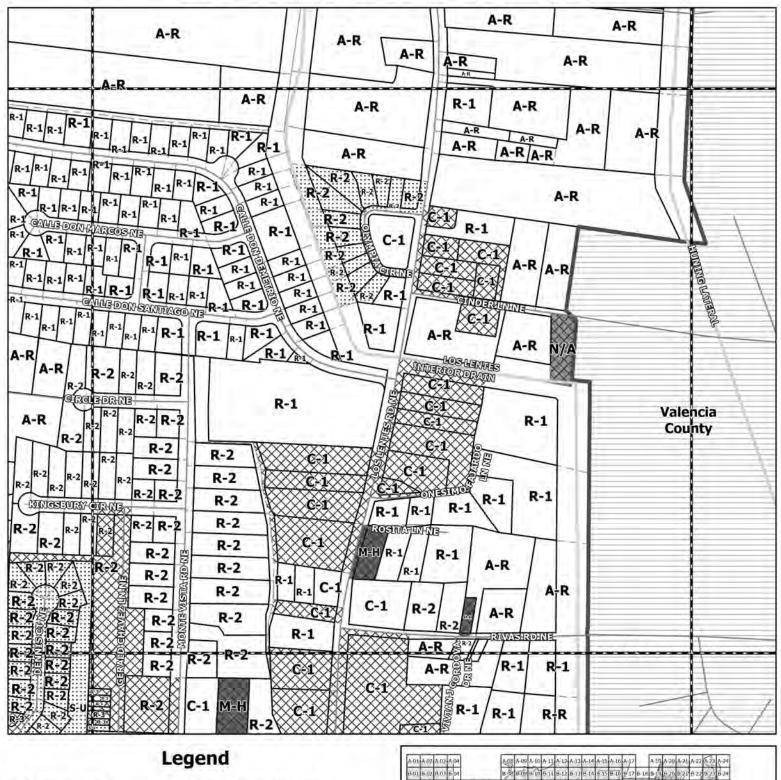


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330



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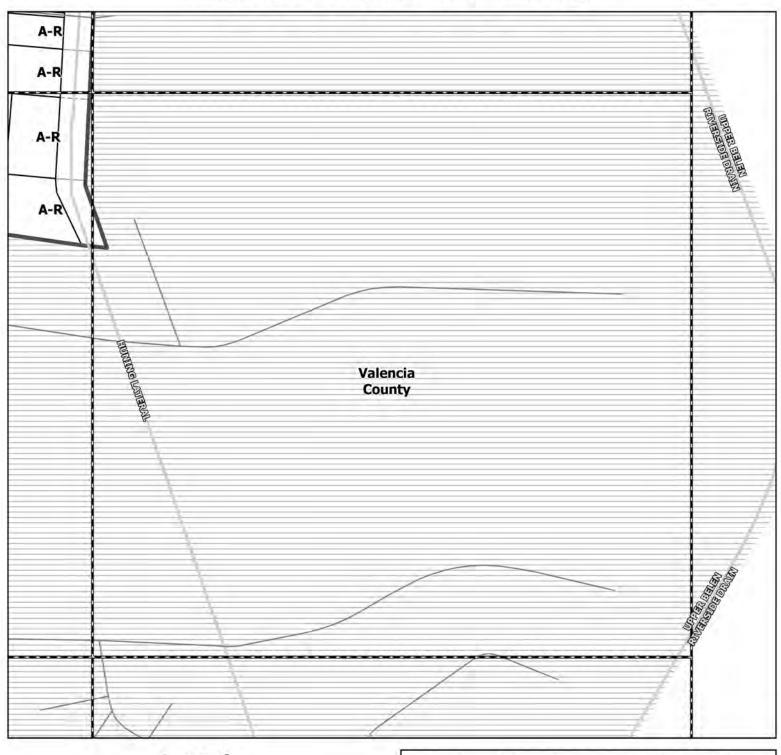
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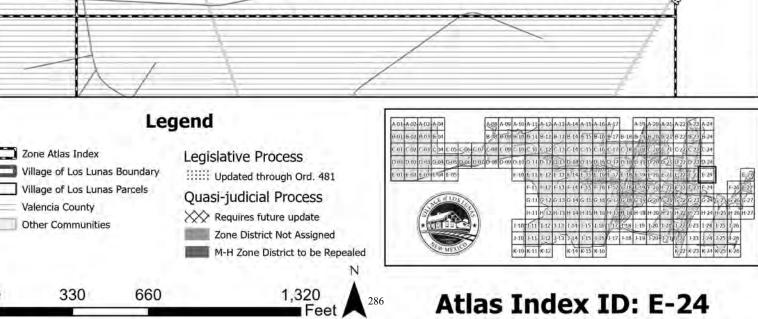
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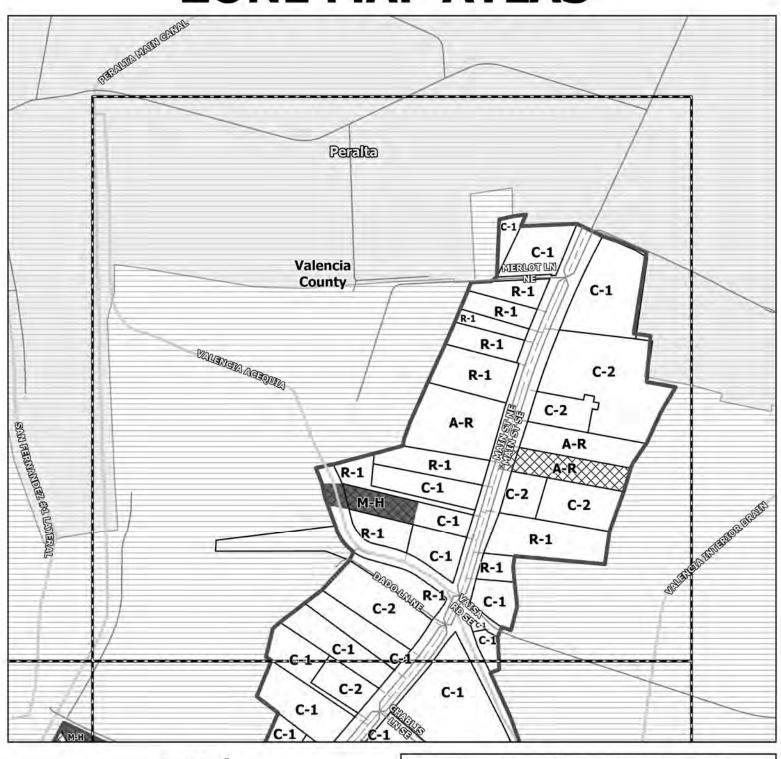
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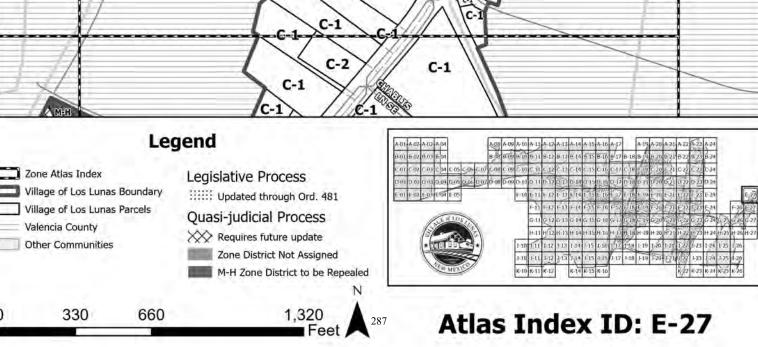


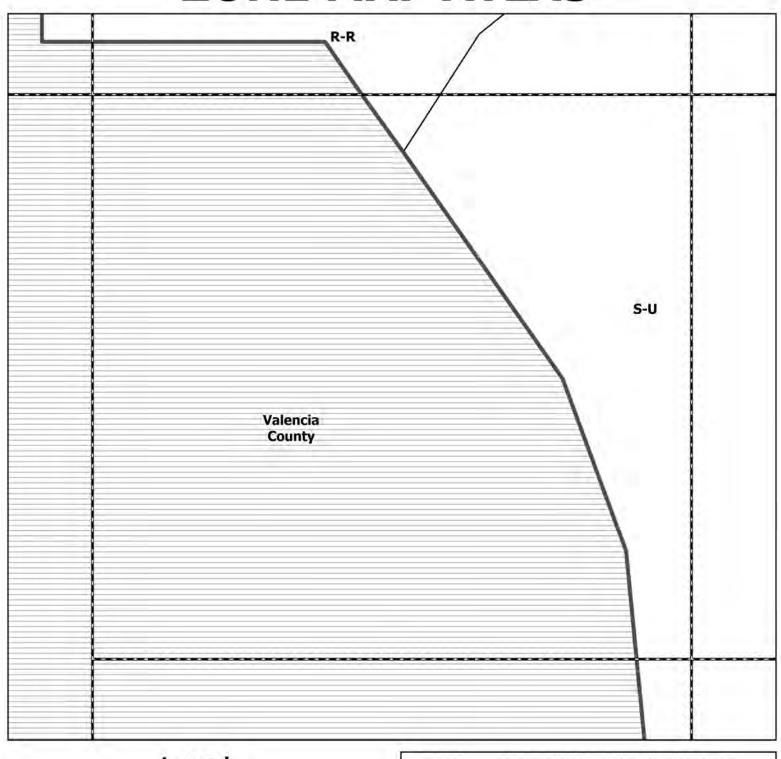
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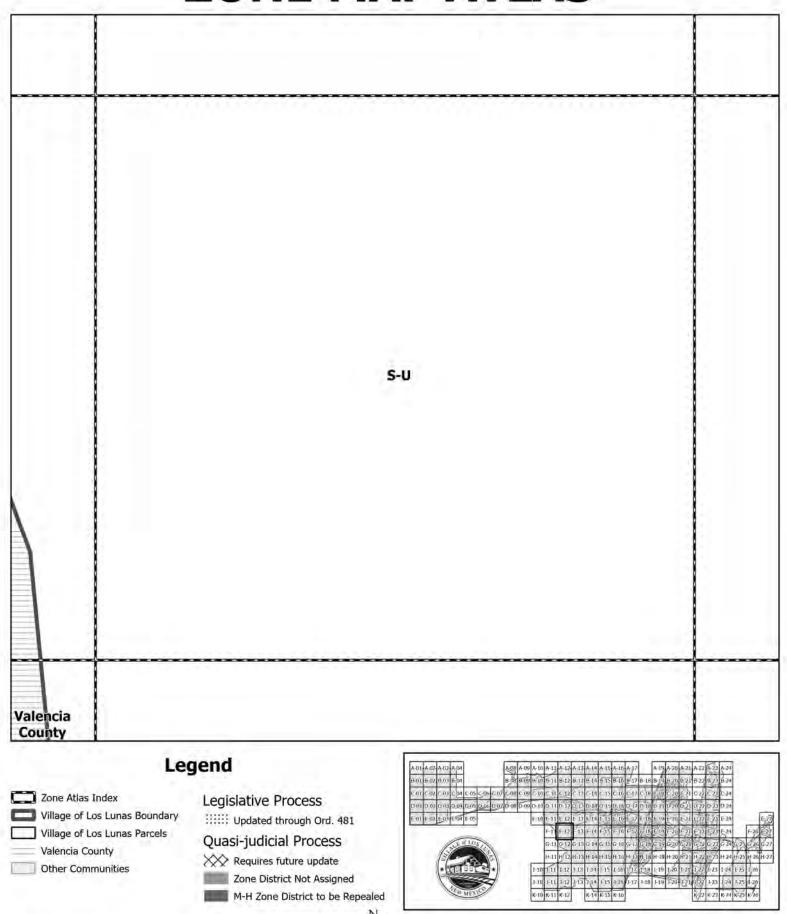






# Legend Zone Atlas Index Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Legislative Process Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities Village of Los Lunas Parcels Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities Village of Los Lunas Parcels Valencia County Other Communities Valencia County Other Communities Valencia County Other Communities N Village of Los Lunas Parcels Valencia County Other Communities Valencia County Other Count

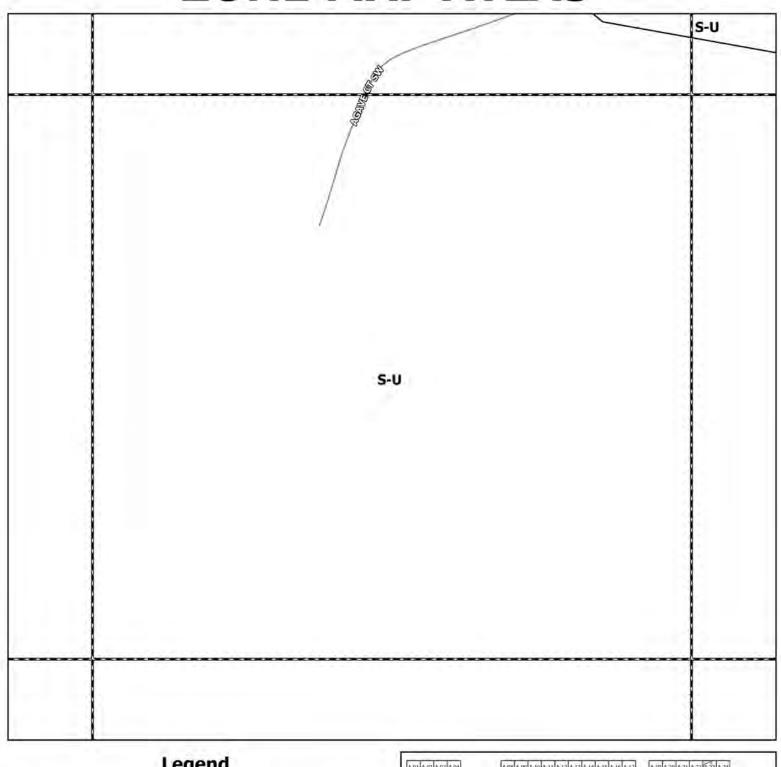
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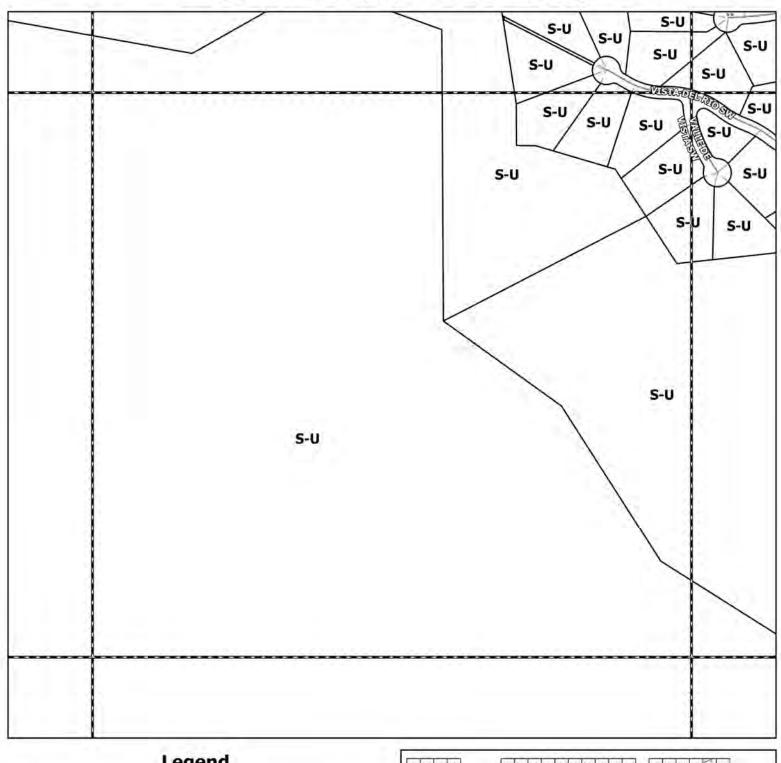
1,320 Feet

330

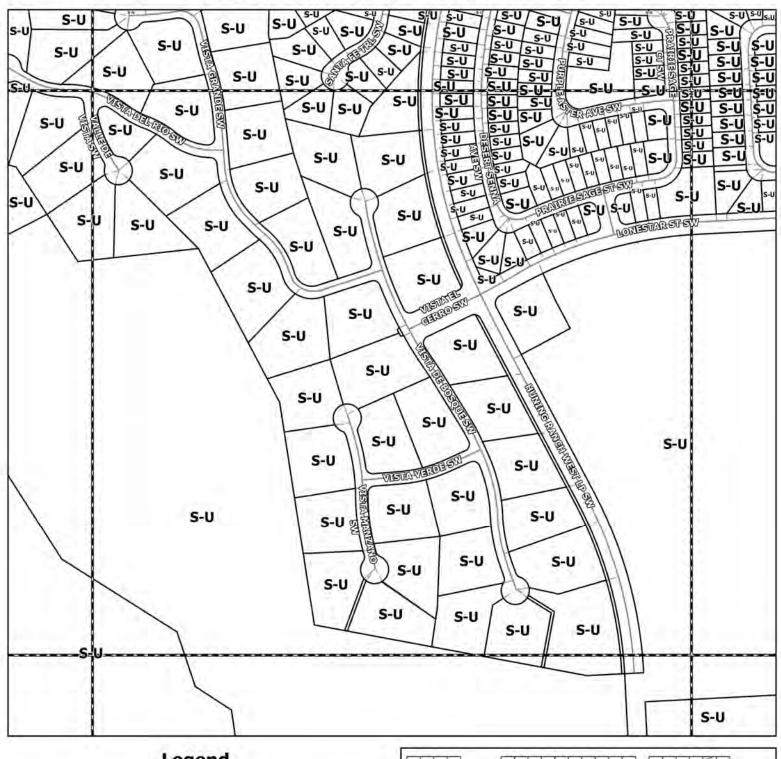
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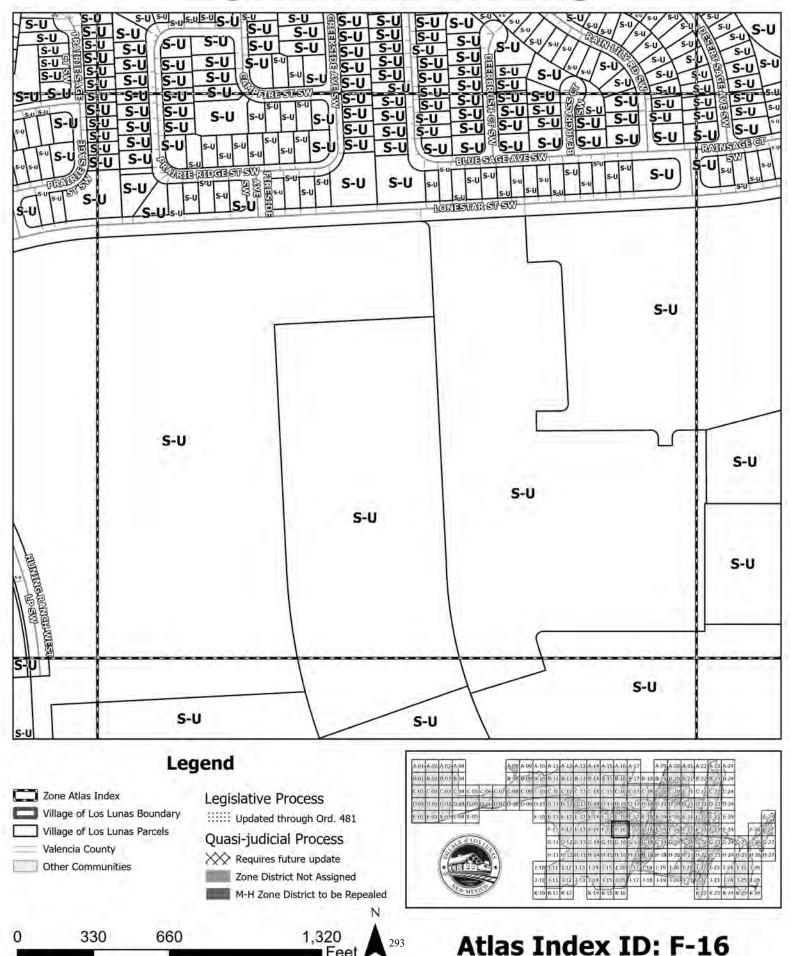
### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: F-13

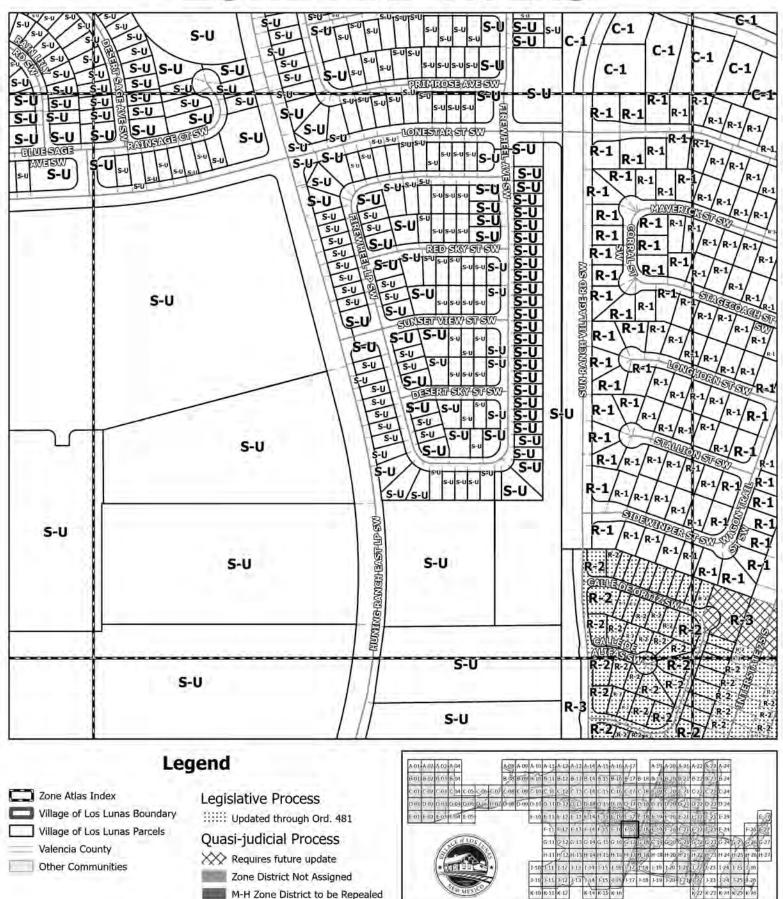


### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: F-14

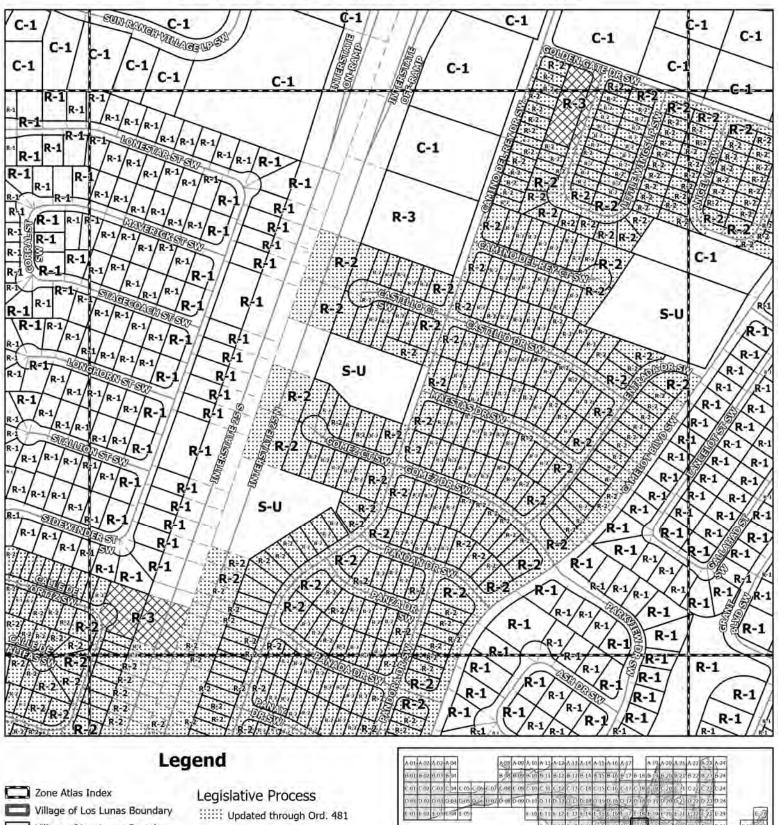


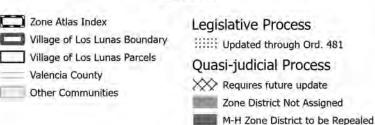
### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 330 660 1,320 0 Atlas Index ID: F-15





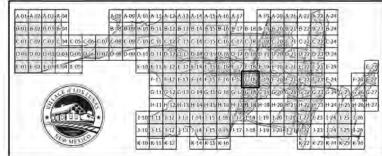
0 330 660 1,320 A





660

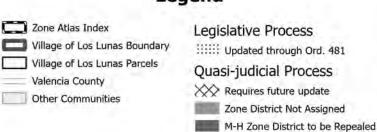
330



1,320 A 295

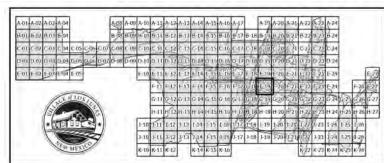
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R-24 C-1 PD-M-R	M R-1 R-1 R-1 R-1 R-1
C-1   R-M	M R-1 R-1 R-1
R-M R-M R-M R-M R-M R-M	R-1 R-1 R-1
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R-M	-1/ R-1 R-1 R-1
R-2 C-1 R-M R-M R-M R-M R-1 R-M	R-1   R-1   R-1
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R-2 R-2 R-1 R-1 R-1 R-1 R-1	R-1   R-1   R-1
R-1 R-1 R-1 R-1 R-1 R-1 R-1	R-1   R-1   R-1   R-1
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R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1	R-1 R-1 R-1 R-1
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$R^{-1}$ $R^{-1}$ $R^{-1}$ $R^{-1}$ $R^{-1}$ $R^{-1}$	-1/ R-1/ R-1/ SK-1/
R-1 R-1 R-1 R-1	R-1/ R-1/ B /
R-1 P-1	R-1
R-1   R-1   R-1   R-1   R-1   R-1   R-1	/ R-1 / D-1 / R-1 / R-1 / R-1 /
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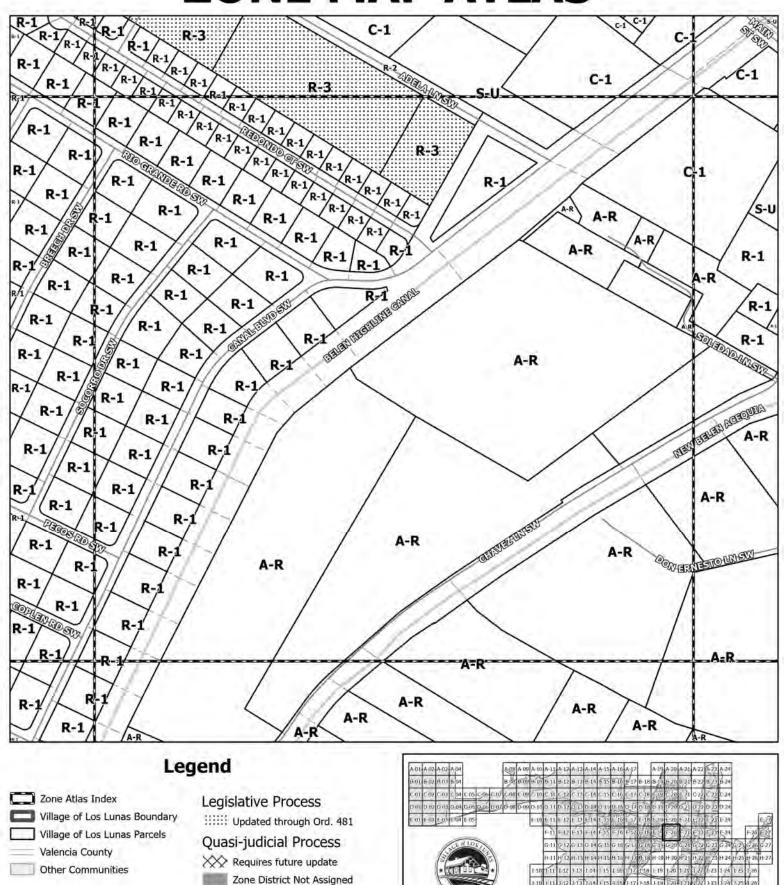




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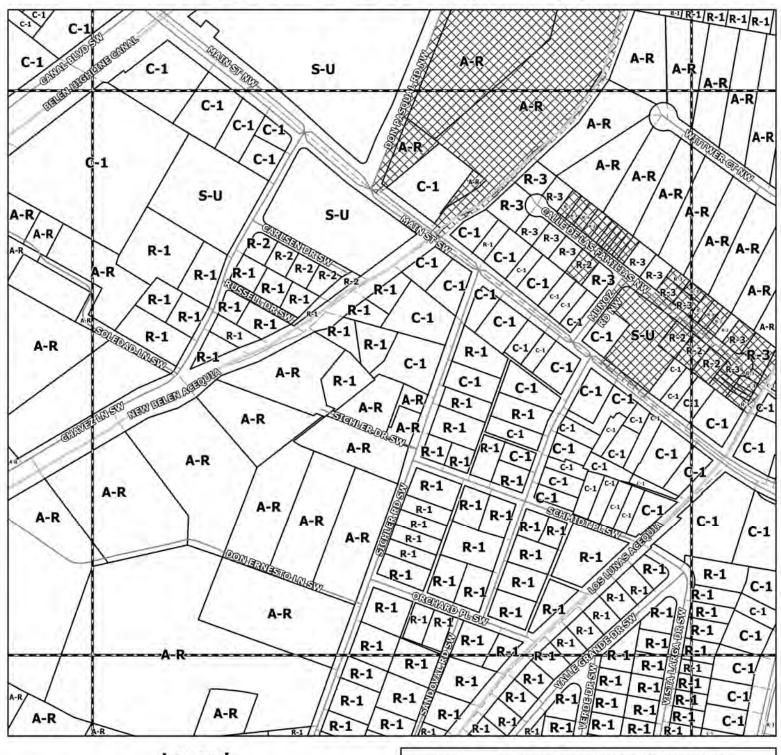
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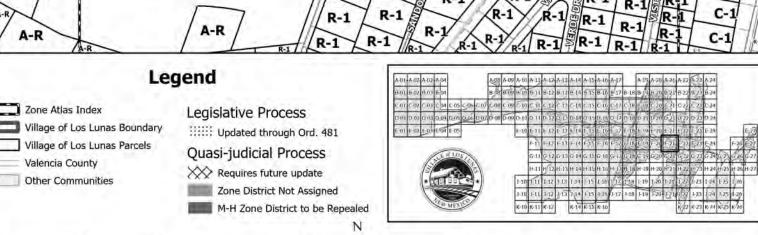




0 330 660 1,320 A

M-H Zone District to be Repealed

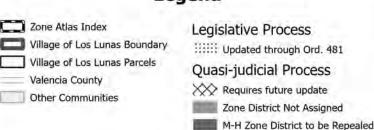




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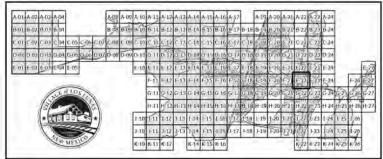


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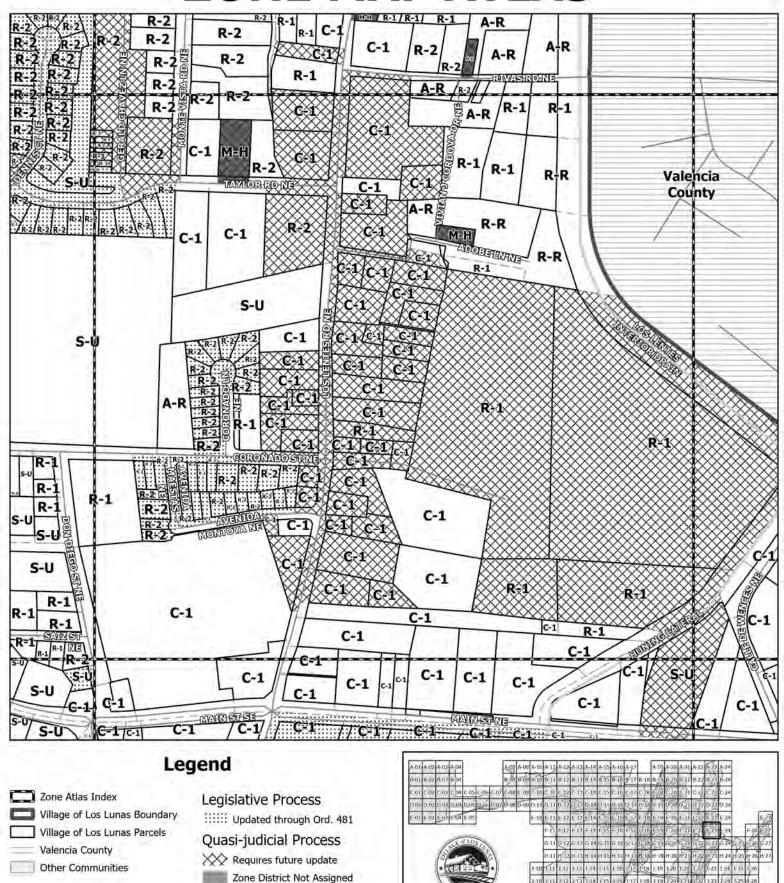


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1,320 A 299

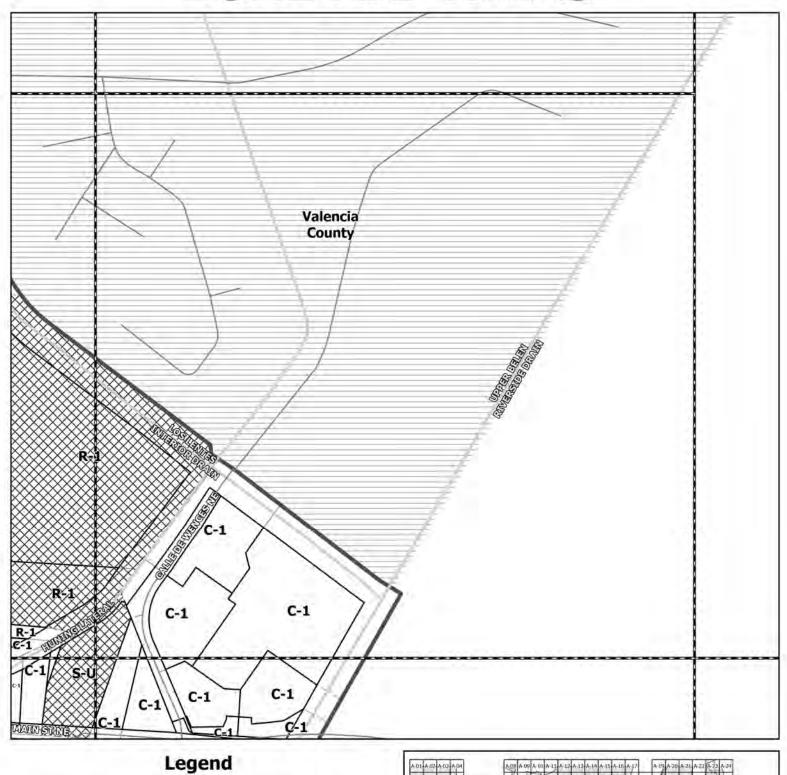


1,320 Feet A 300

M-H Zone District to be Repealed

660

330



### Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481

Village of Los Lunas Parcels Quasi-judicial Process

Requires future update Zone District Not Assigned M-H Zone District to be Repealed

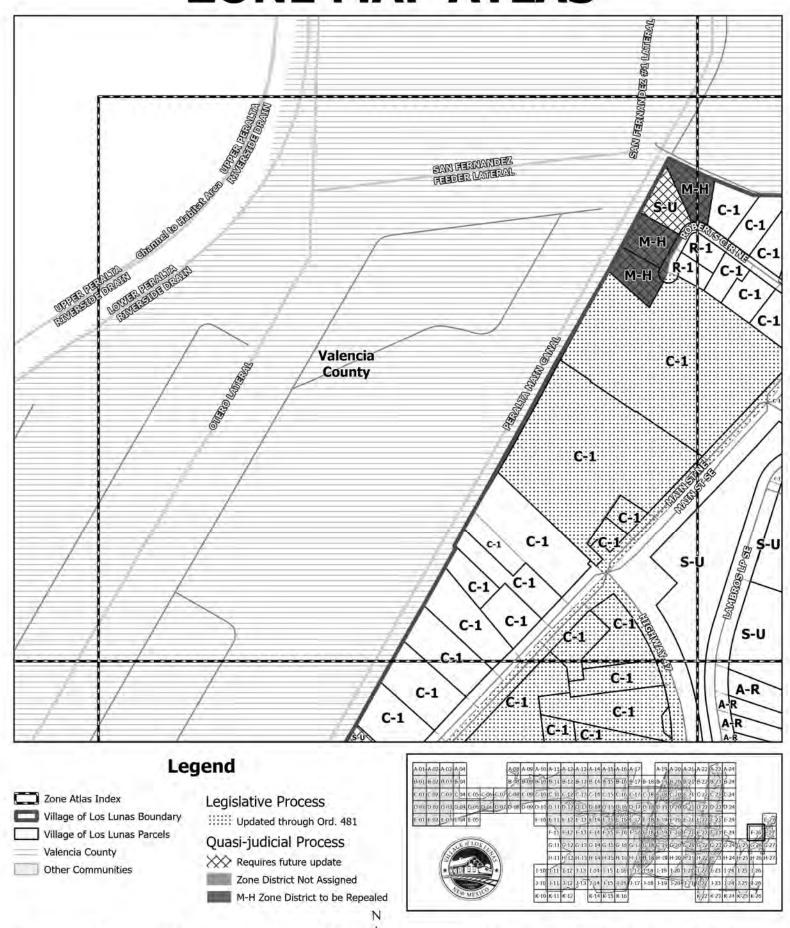


1,320 Feet 330 660

Zone Atlas Index

Valencia County

Other Communities

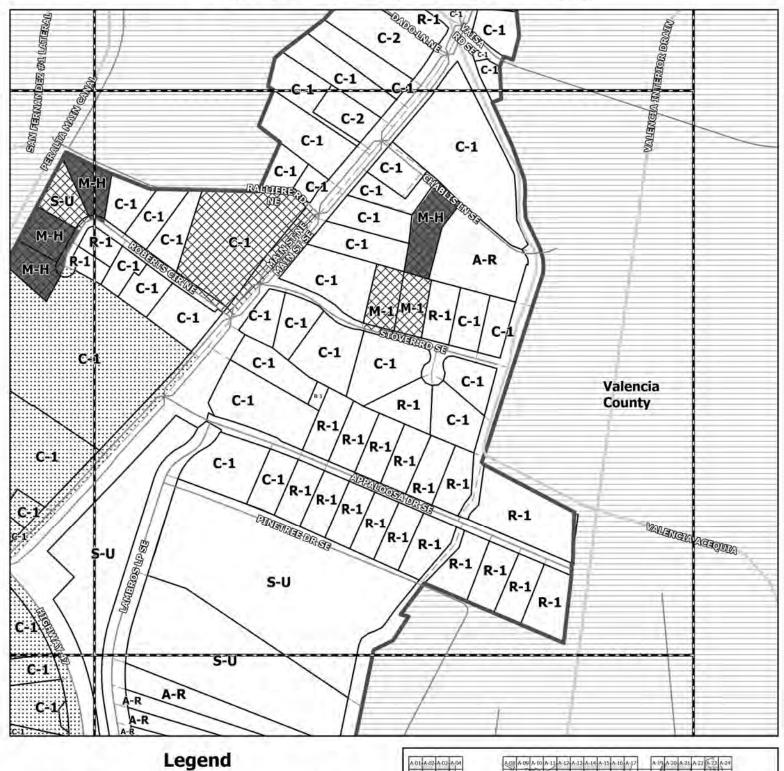


1,320 Feet

Atlas Index ID: F-26

330

660

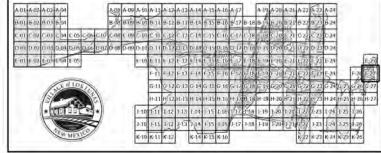


### Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Quasi-judicial Process

Village of Los Lunas Parcels Valencia County

Requires future update Zone District Not Assigned

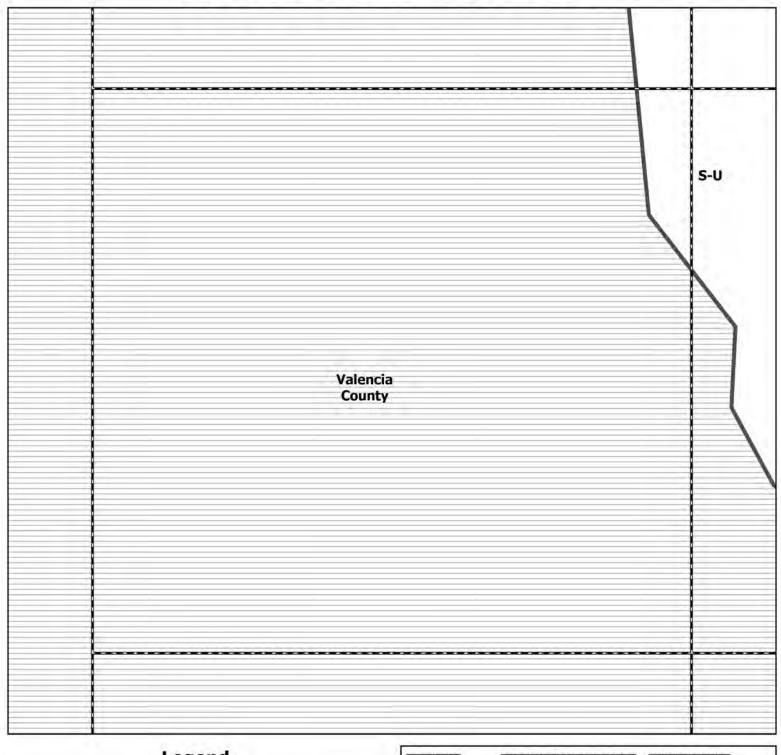
M-H Zone District to be Repealed



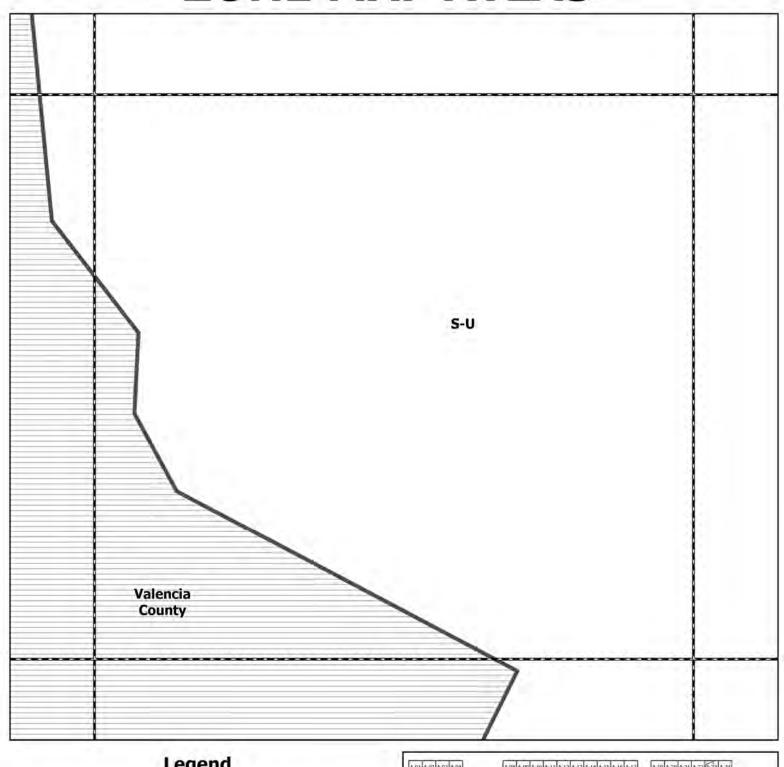
1,320 Feet 660 330

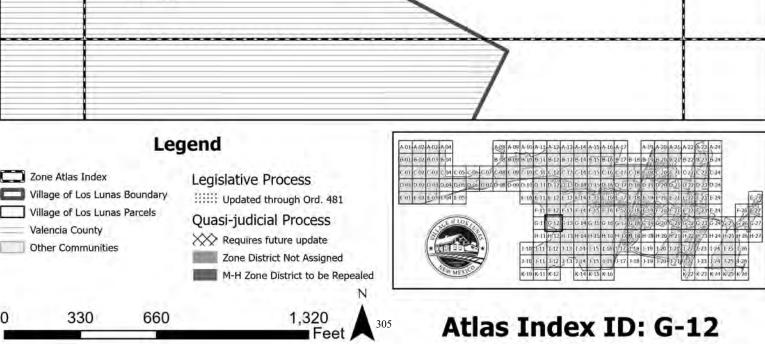
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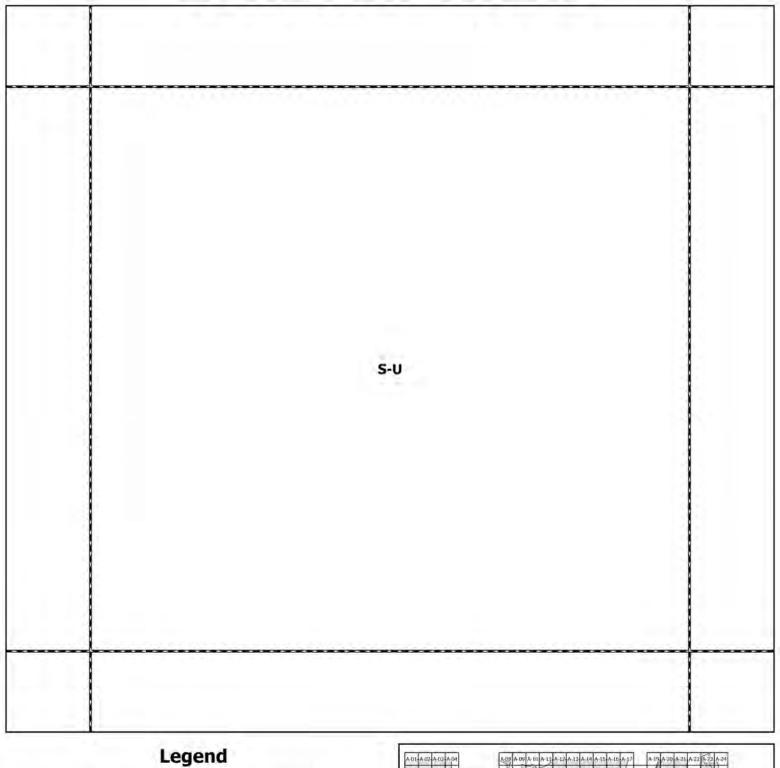
Other Communities



### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary !!!!!! Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: G-11



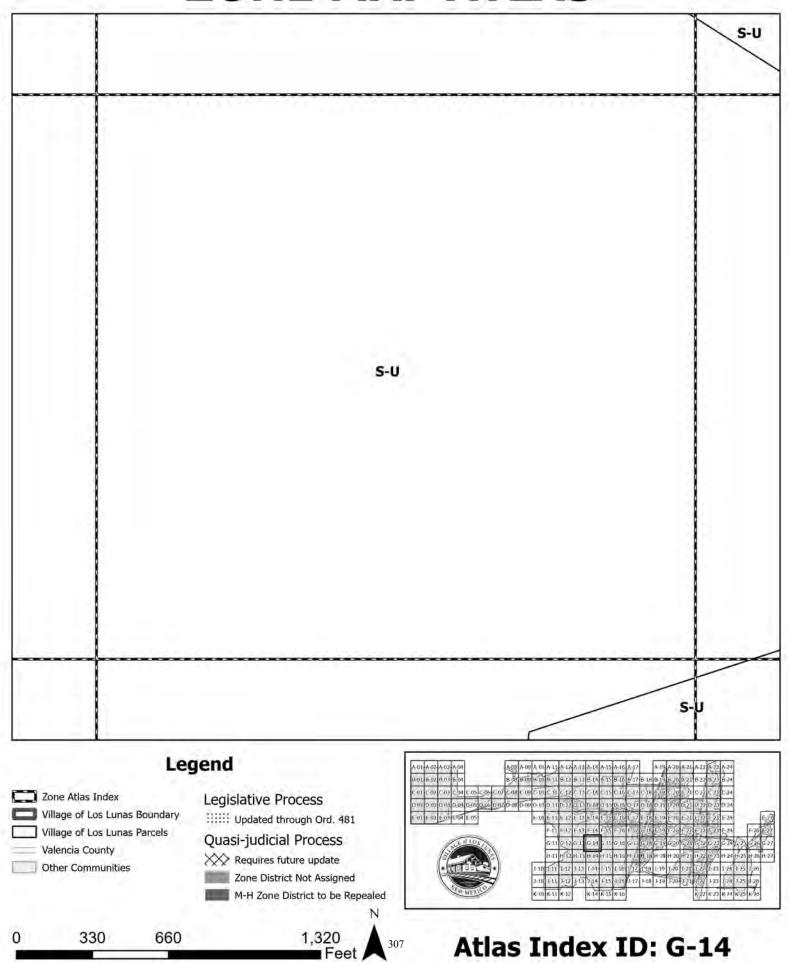




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M-H Zone District to be Repealed

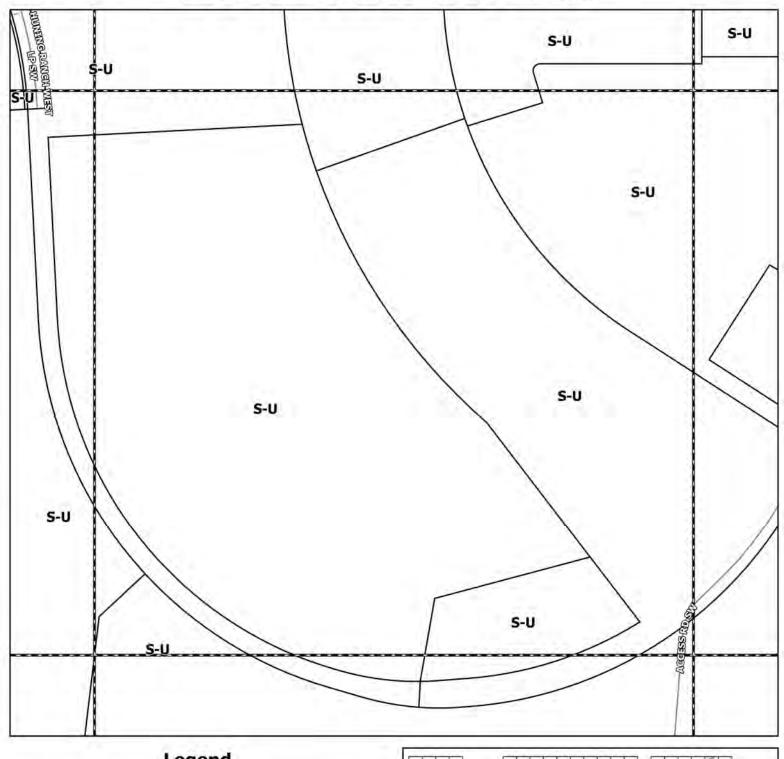
0 330 660 1,320 A Feet





# Legislative Process Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Description of District Not Assigned M-H Zone District to be Repealed Note that the second of the second o

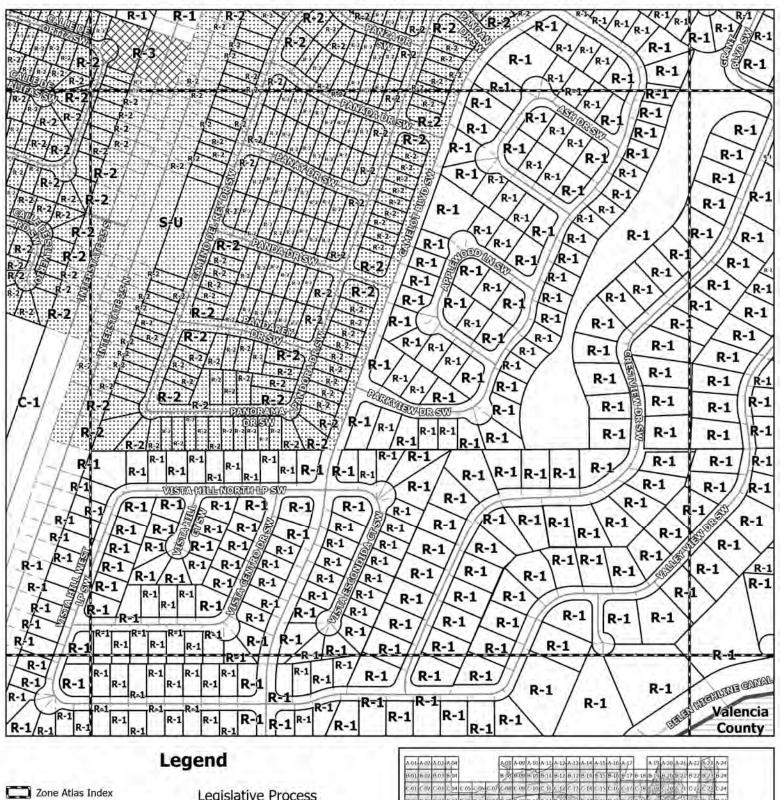
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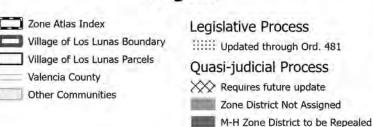


### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary !!!!!! Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: G-16



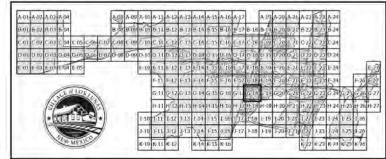
### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: G-17



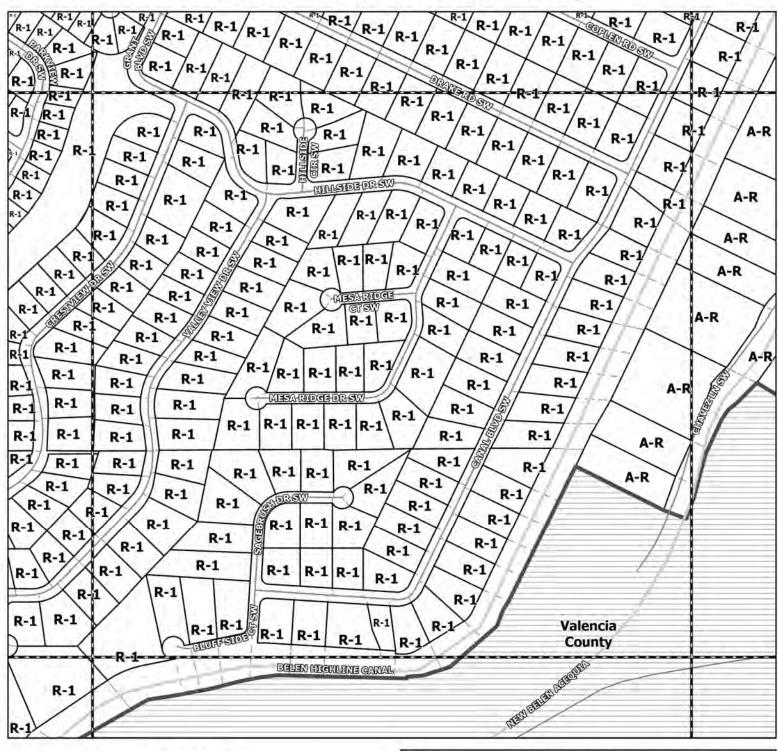


660

330



1,320 A 311

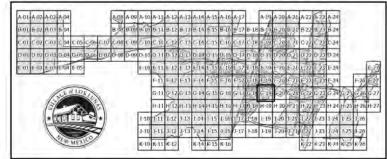


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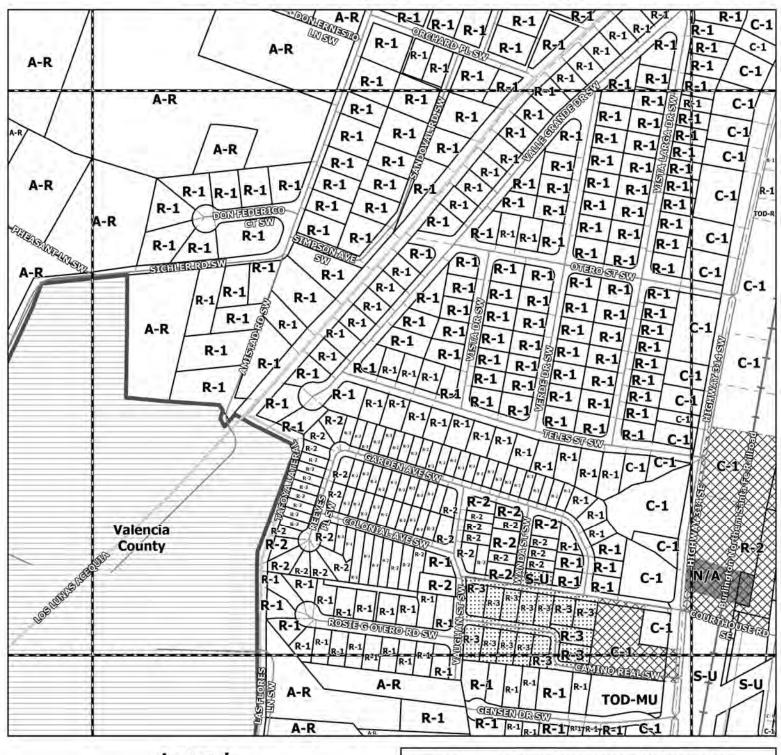
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1,320 A 312



### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 660 330 Atlas Index ID: G-20

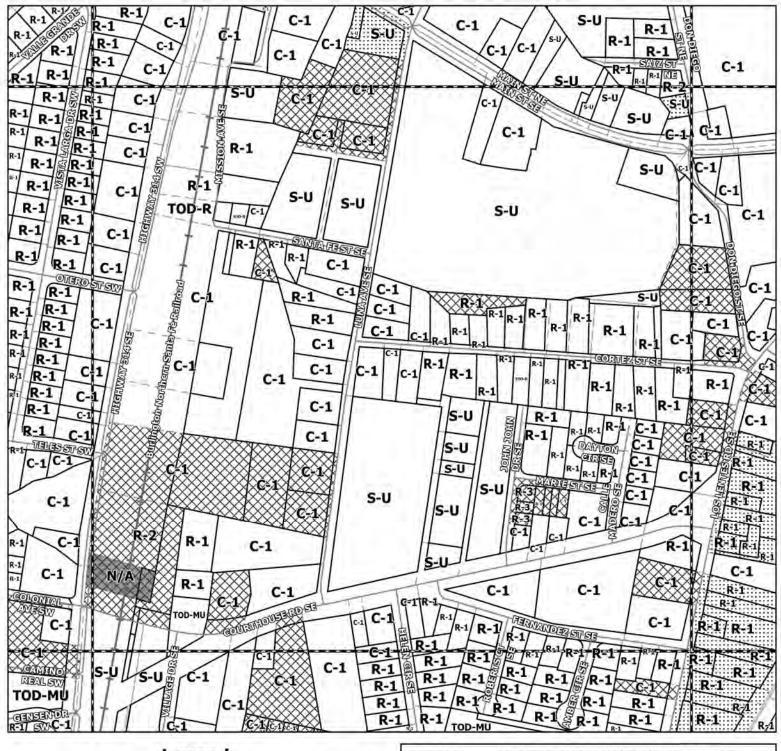


### Legend





330 660 1,320 A Feet A 3



### Legend



660

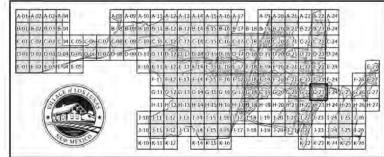
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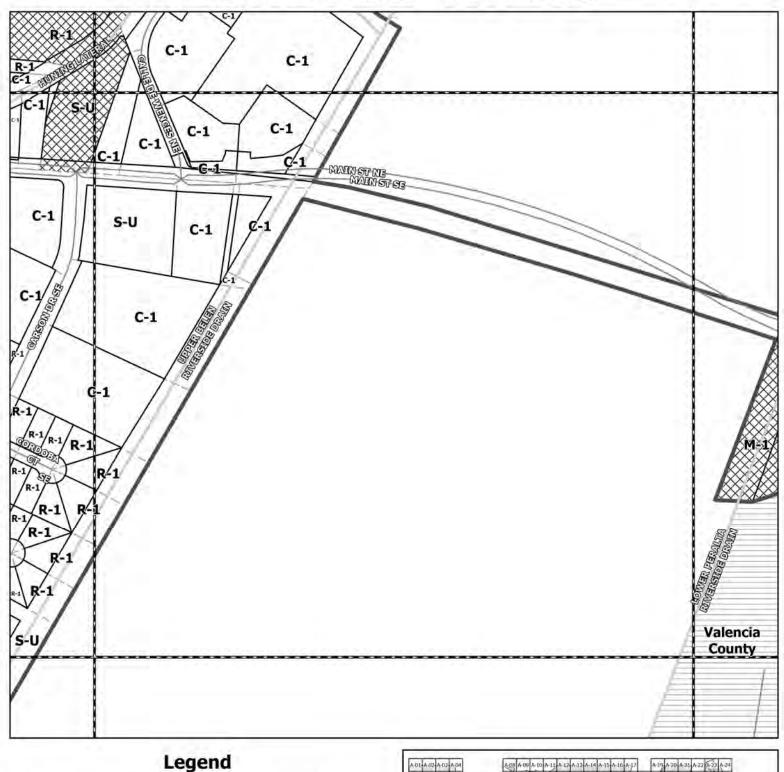
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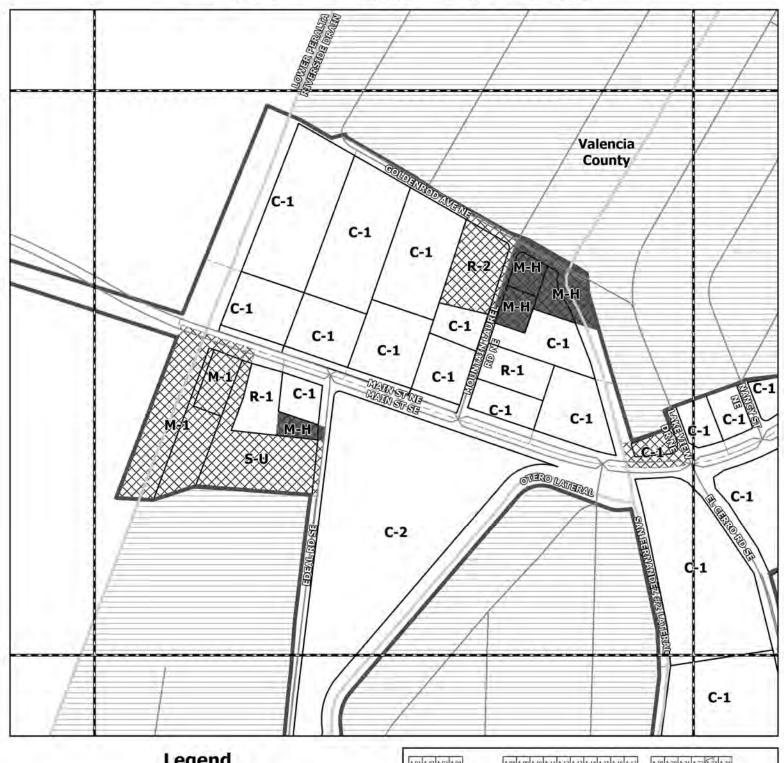


330 660 1,320 A Feet A 3



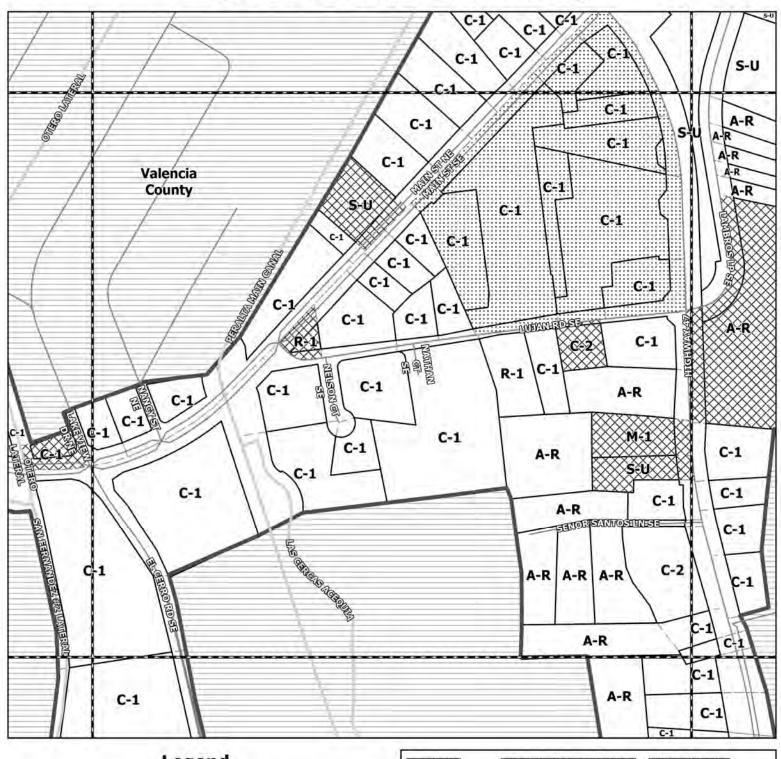
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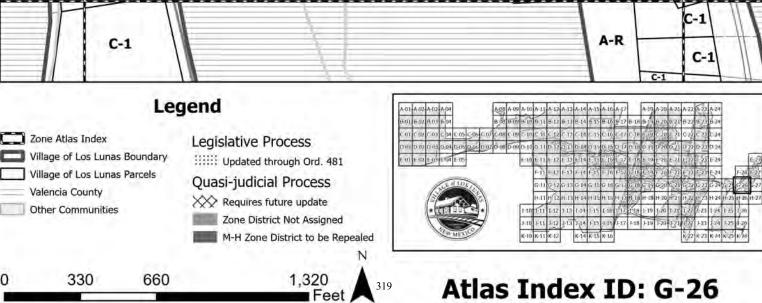
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# Legislative Process Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Legislative update Zone District Not Assigned M-H Zone District to be Repealed N

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### Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481

Village of Los Lunas Parcels Quasi-judicial Process Valencia County

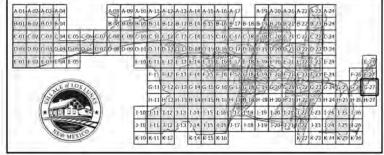
Zone Atlas Index

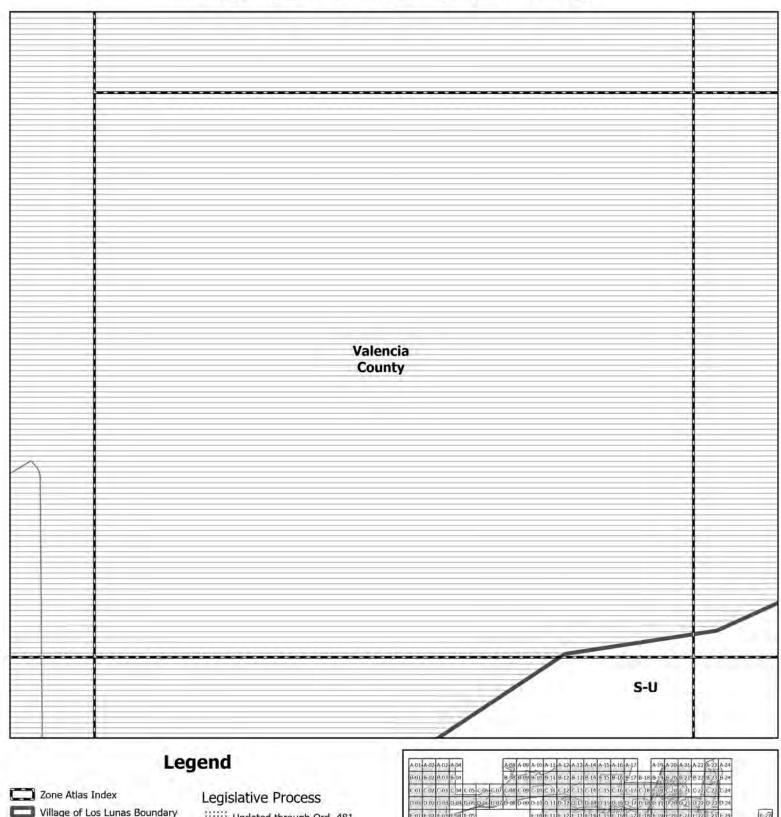
Other Communities

Requires future update Zone District Not Assigned

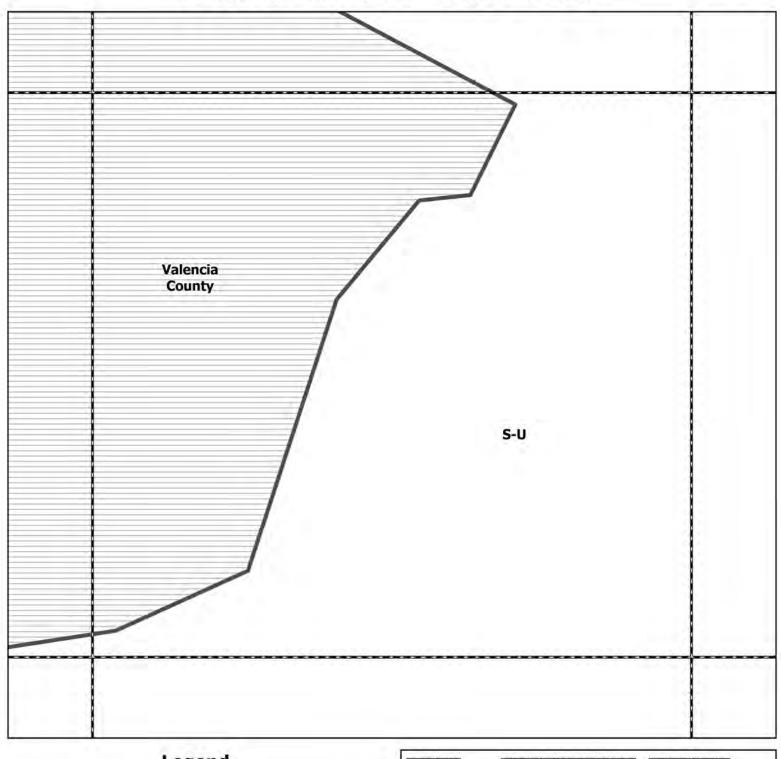
M-H Zone District to be Repealed

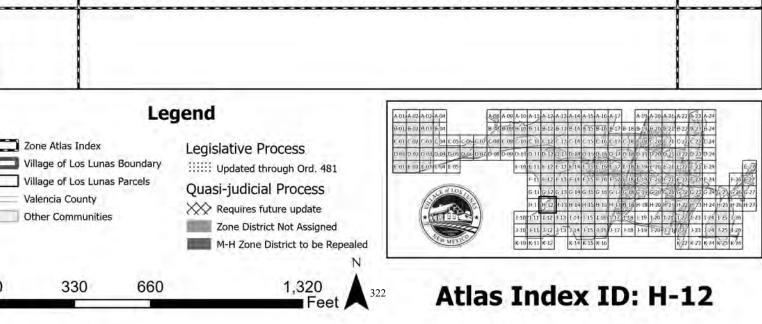


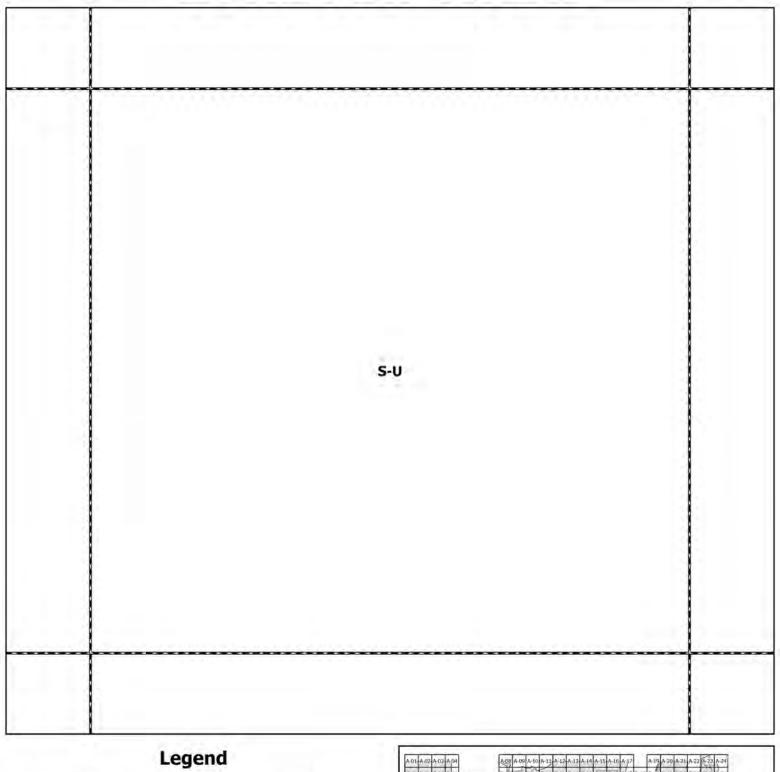




# Legend Zone Atlas Index Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Updated through Ord. 481 Quasi-judicial Process Walencia County Other Communities 330 660 1,320 Feet Atlas Index I

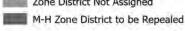






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Requires future update Zone District Not Assigned

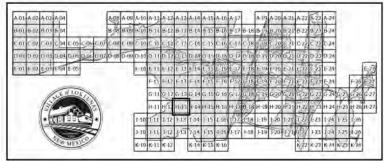


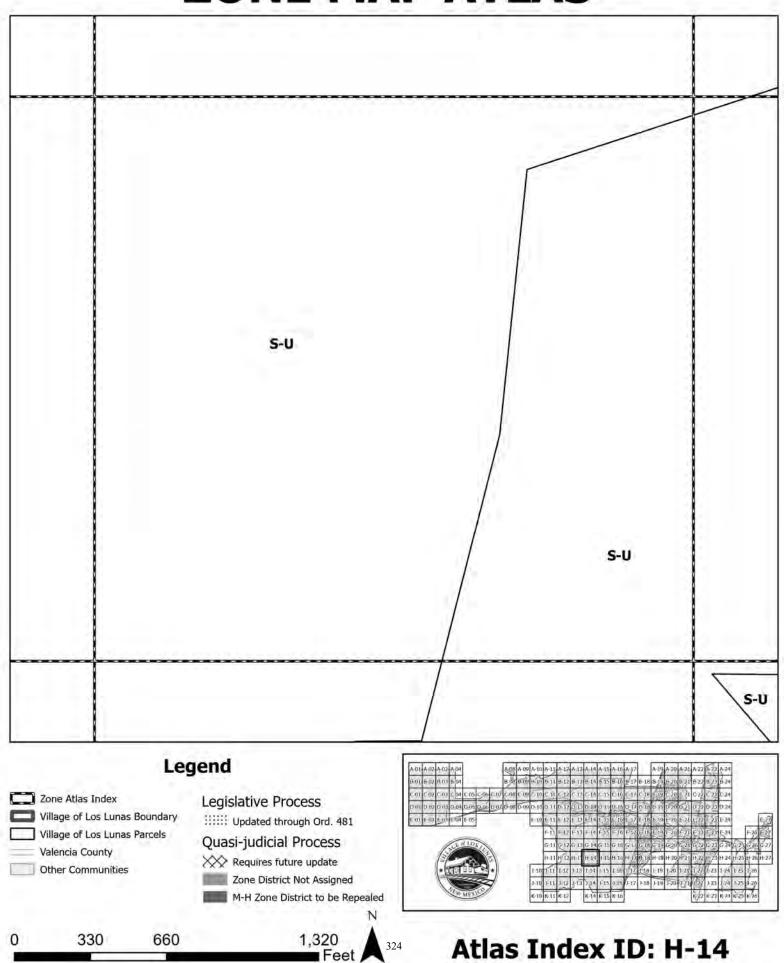


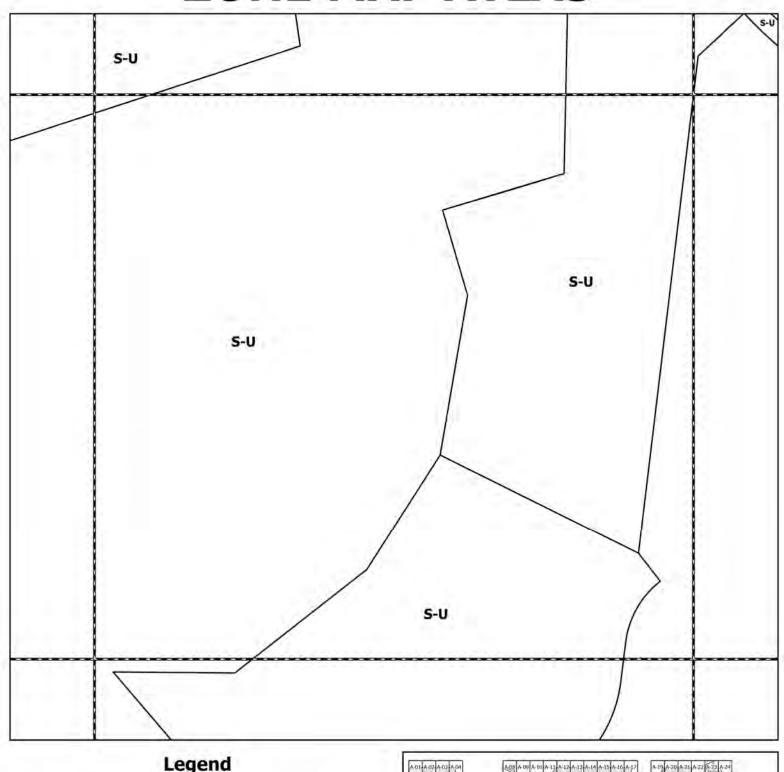
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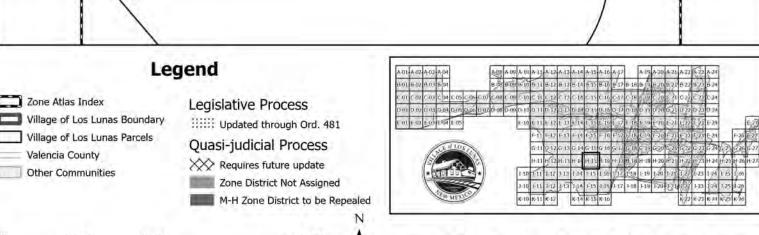
Valencia County

Other Communities

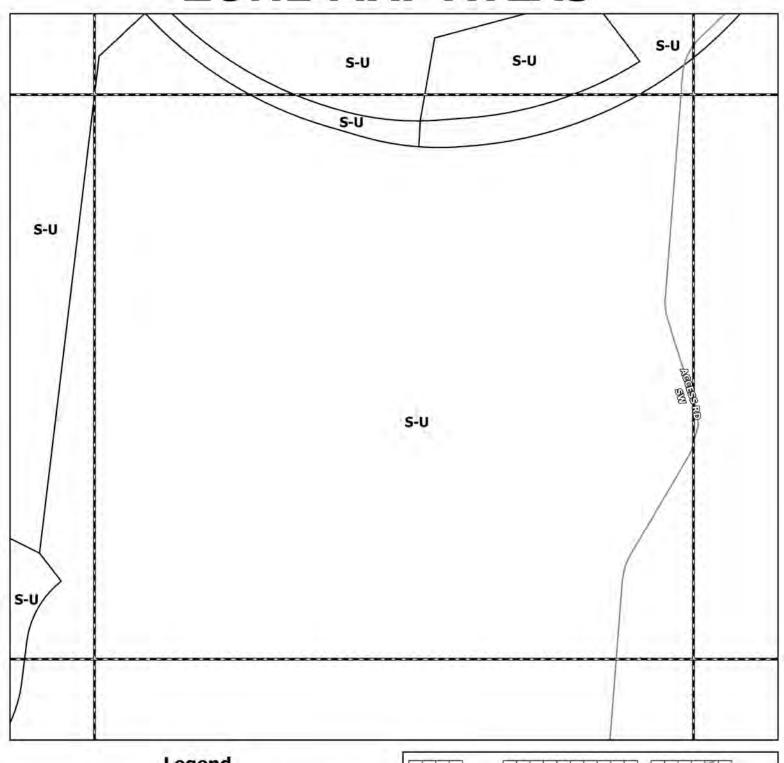


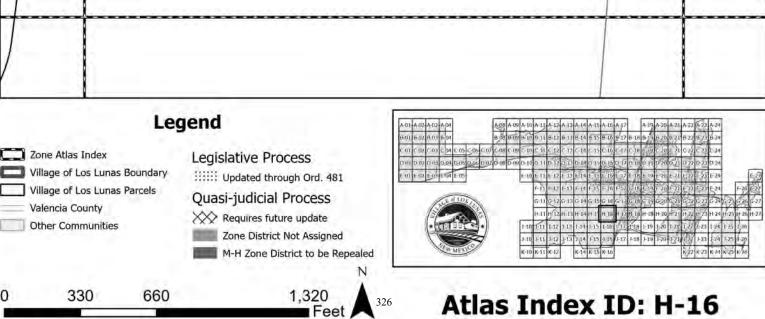


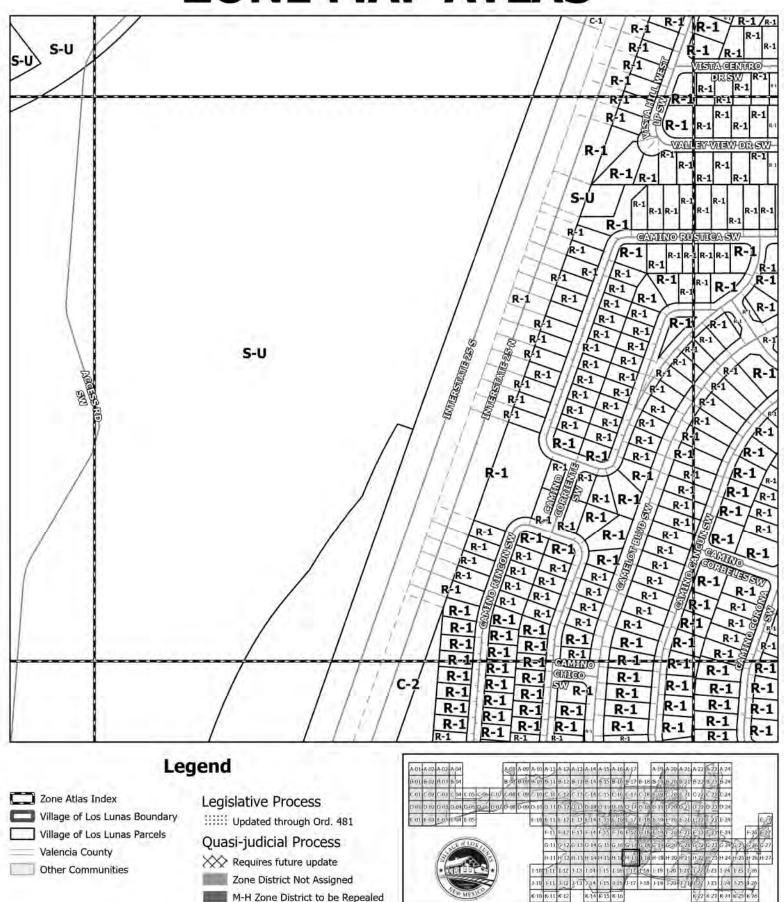




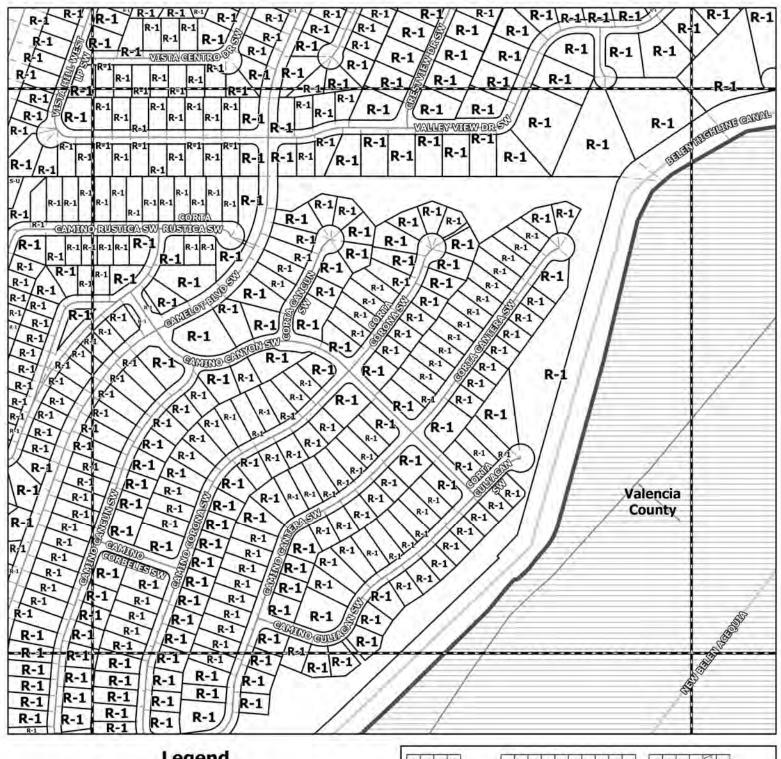
330 660 1,320 Feet



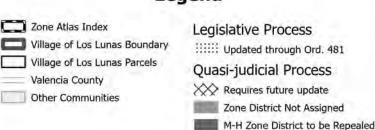


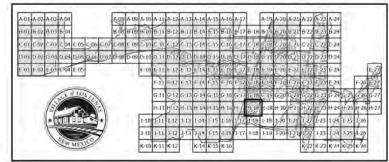


0 330 660 1,320 Feet

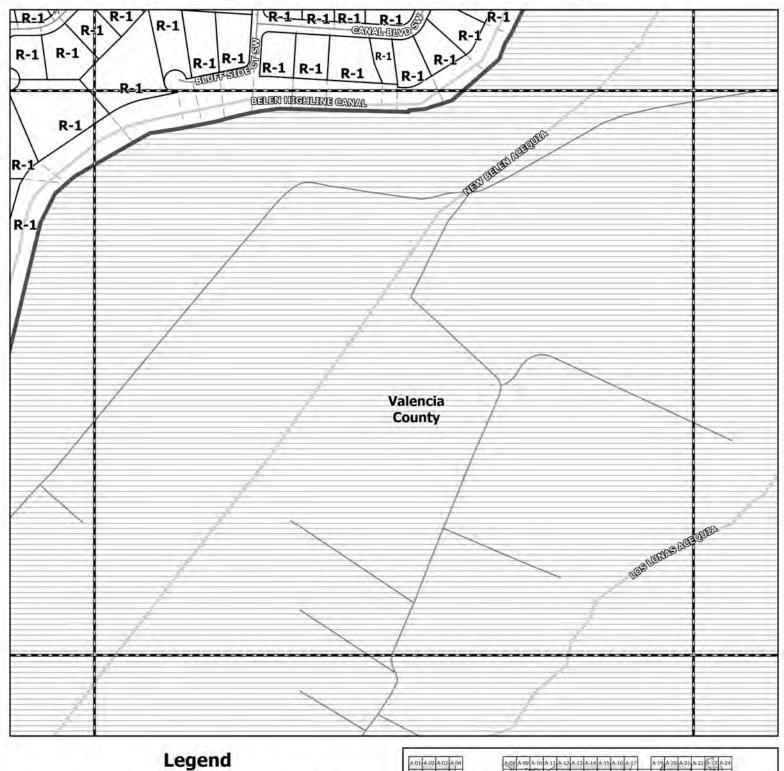


#### Legend





1,320



# end Legislative Process ::::: Updated through Ord. 481 Quasi-judicial Process | Requires future update | Zone District Not Assigned | M-H Zone District to be Repealed | N 1.320

330 660 1,320 Feet A

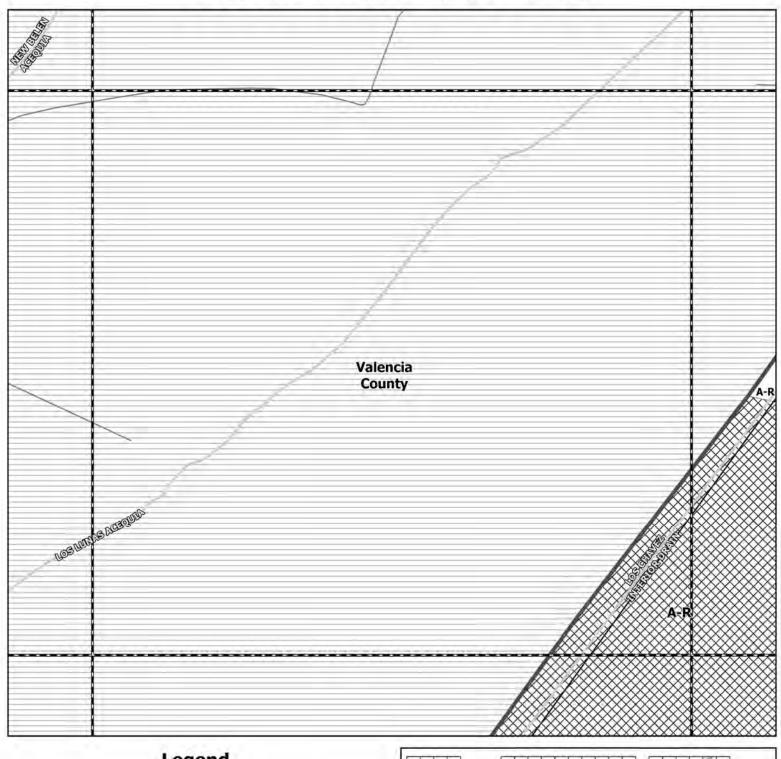
Zone Atlas Index

Valencia County

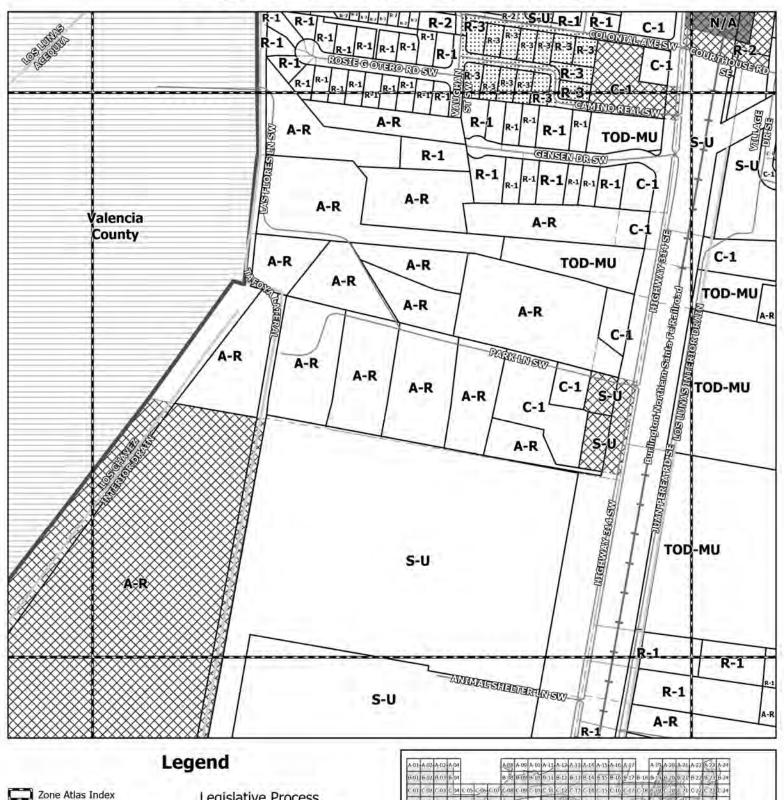
Other Communities

Village of Los Lunas Boundary

Village of Los Lunas Parcels

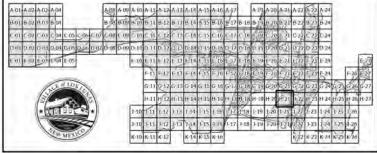


#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: H-20



#### Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process

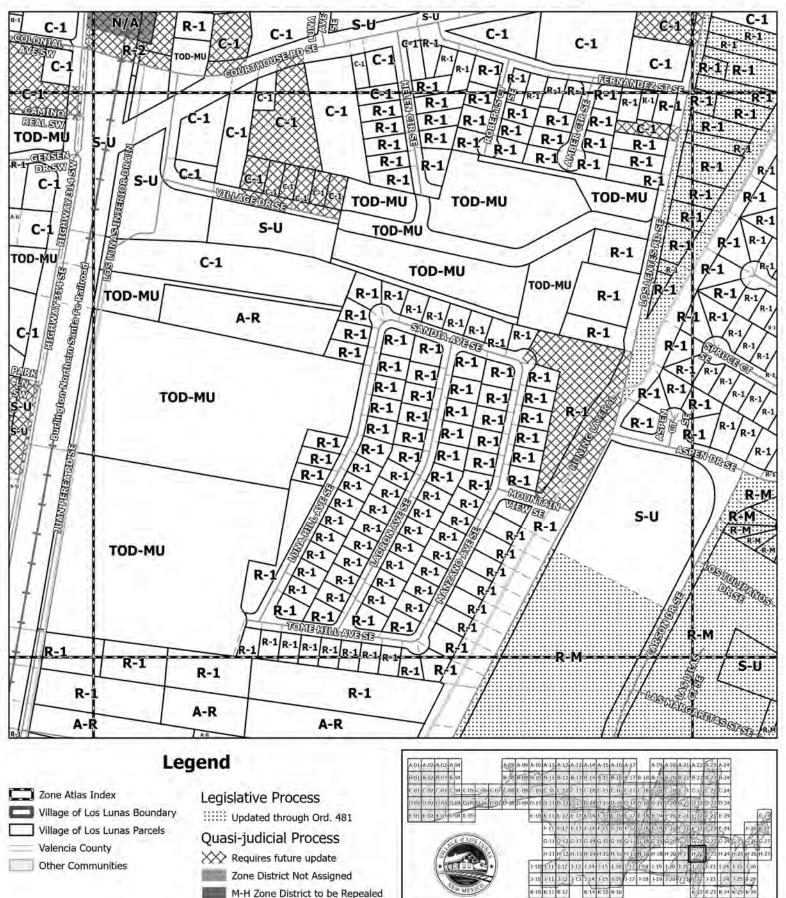
Requires future update Zone District Not Assigned M-H Zone District to be Repealed



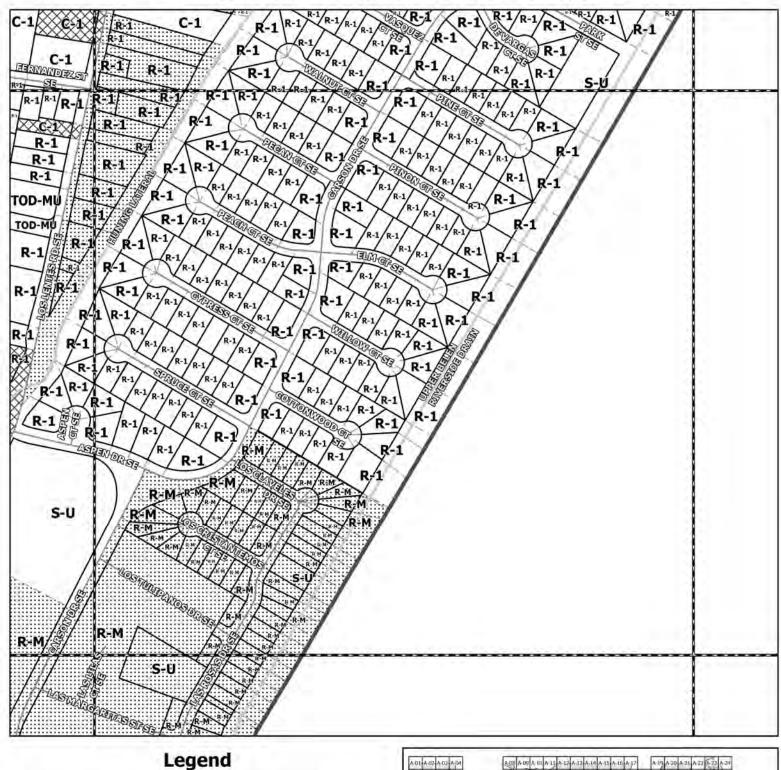
1,320 Feet 330 660

Valencia County

Other Communities



0 330 660 1,320 Feet



#### Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481

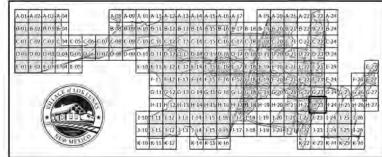
Village of Los Lunas Parcels Quasi-judicial Process Valencia County

Zone Atlas Index

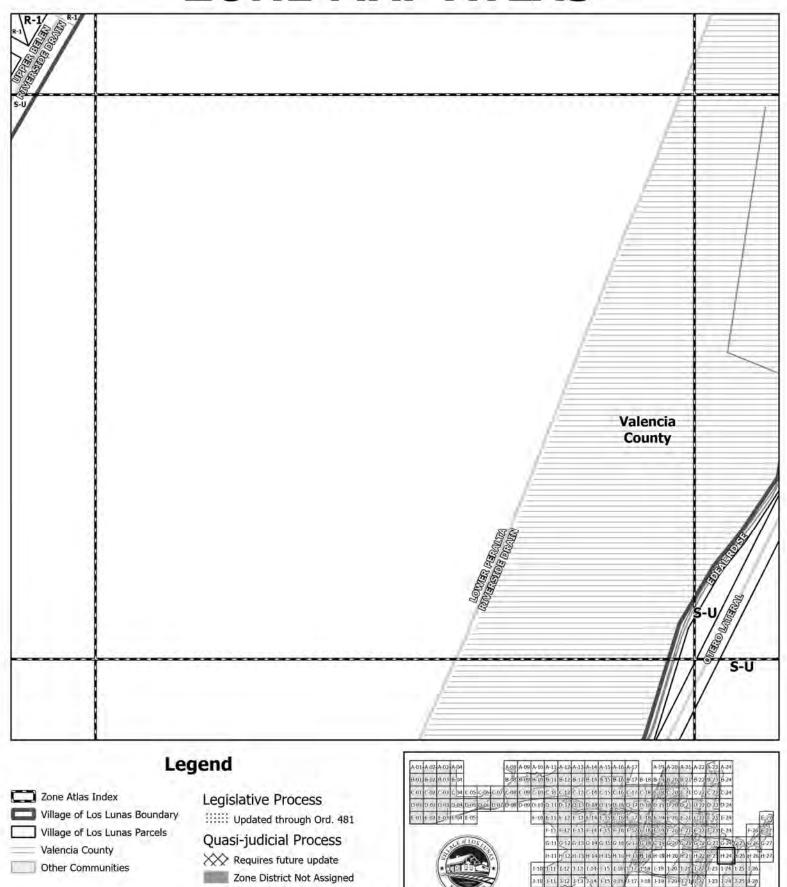
Other Communities

Requires future update Zone District Not Assigned

M-H Zone District to be Repealed



1,320 Feet 660 330



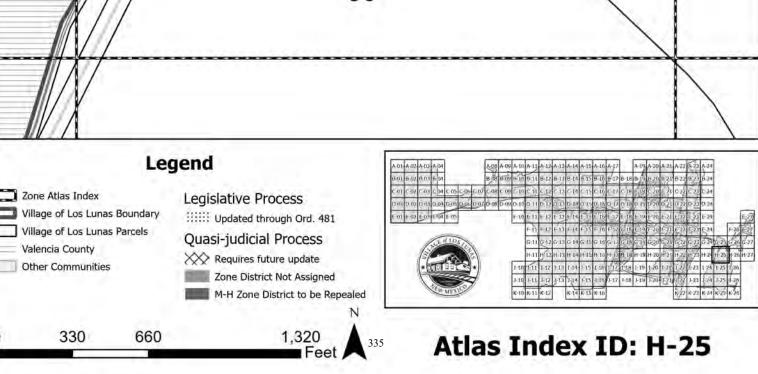
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M-H Zone District to be Repealed

330

660





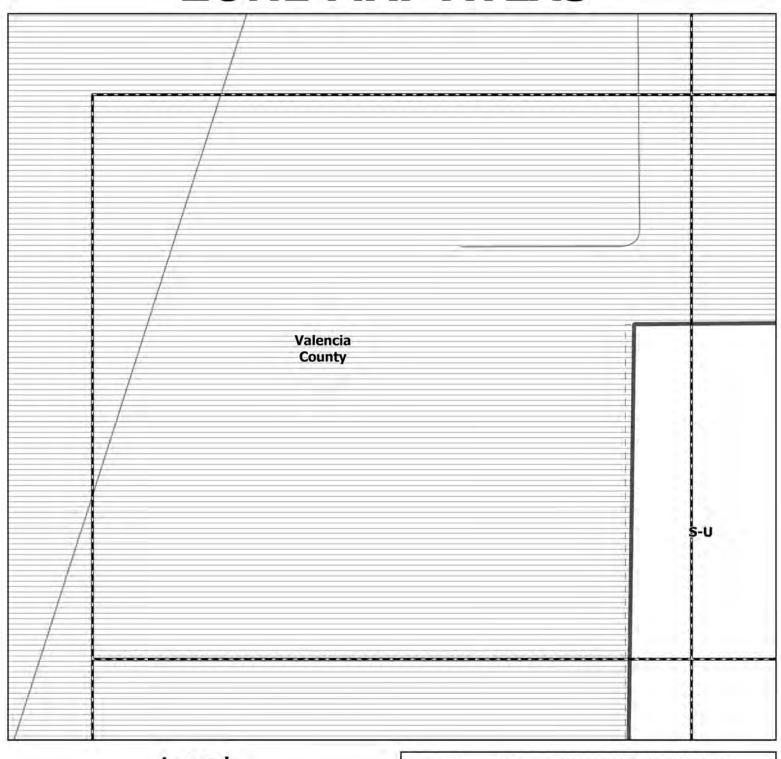


#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: H-26



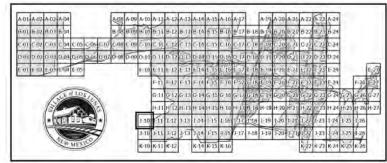
## Legislative Process Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Legislative Process Valencia County Other Communities Legislative Process Valencia County Other Communities N ADJARDARDARD ADJA

330 660 1,320 A Feet

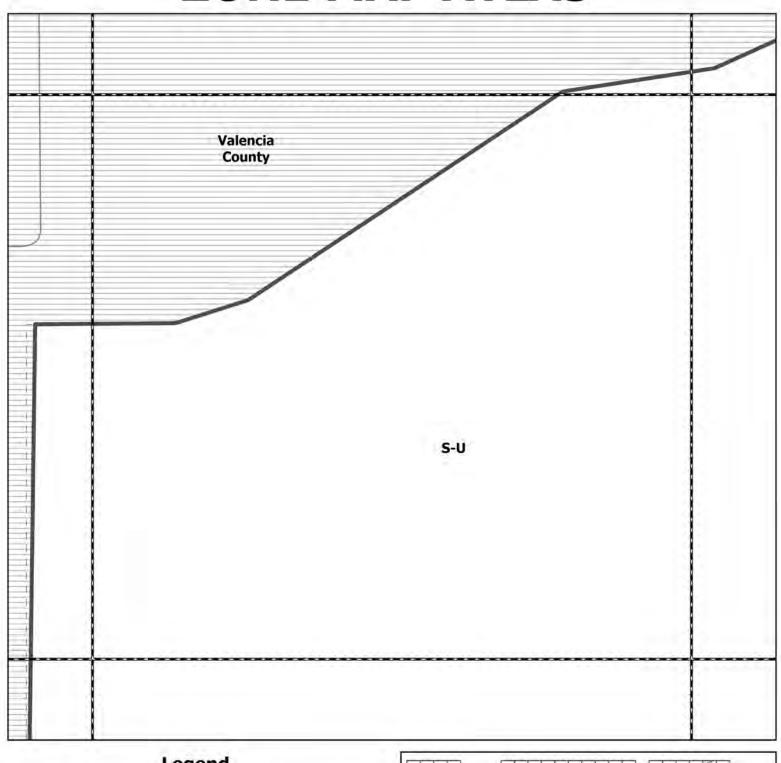


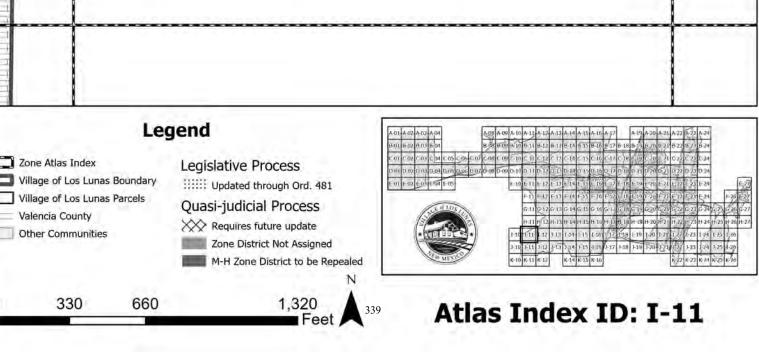
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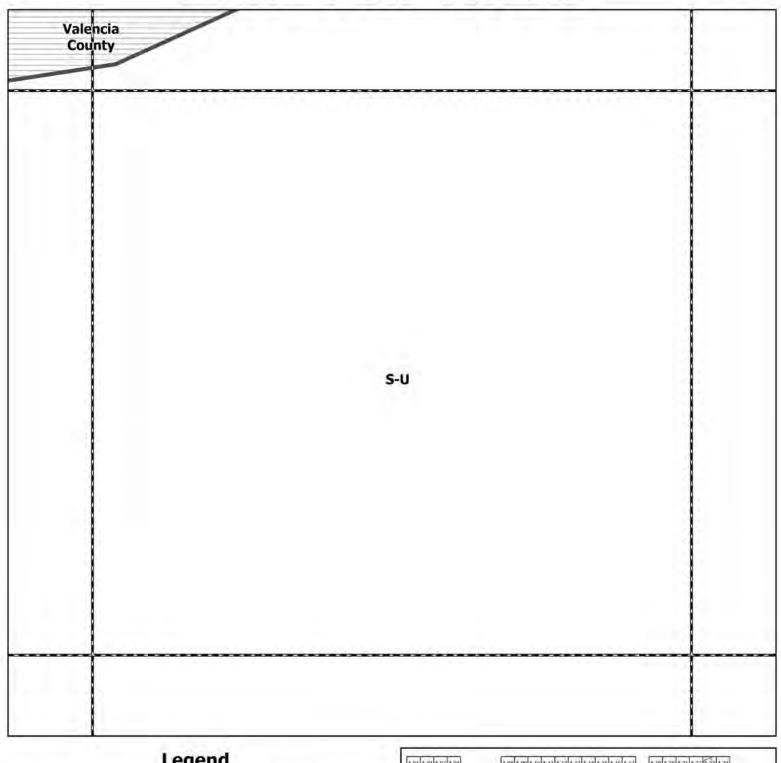




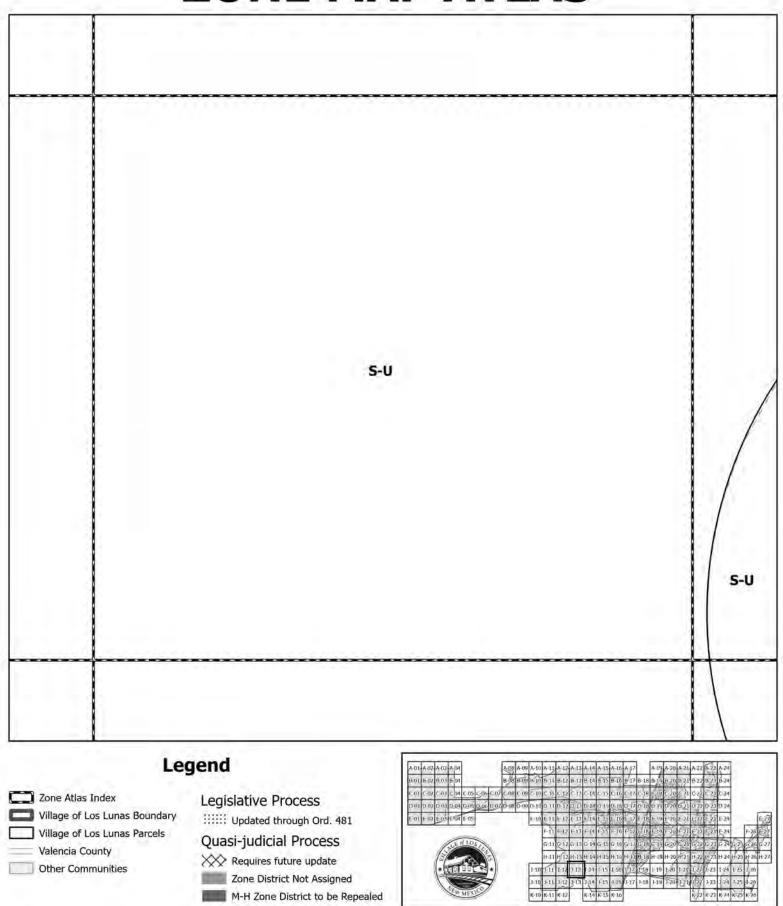
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#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: I-12

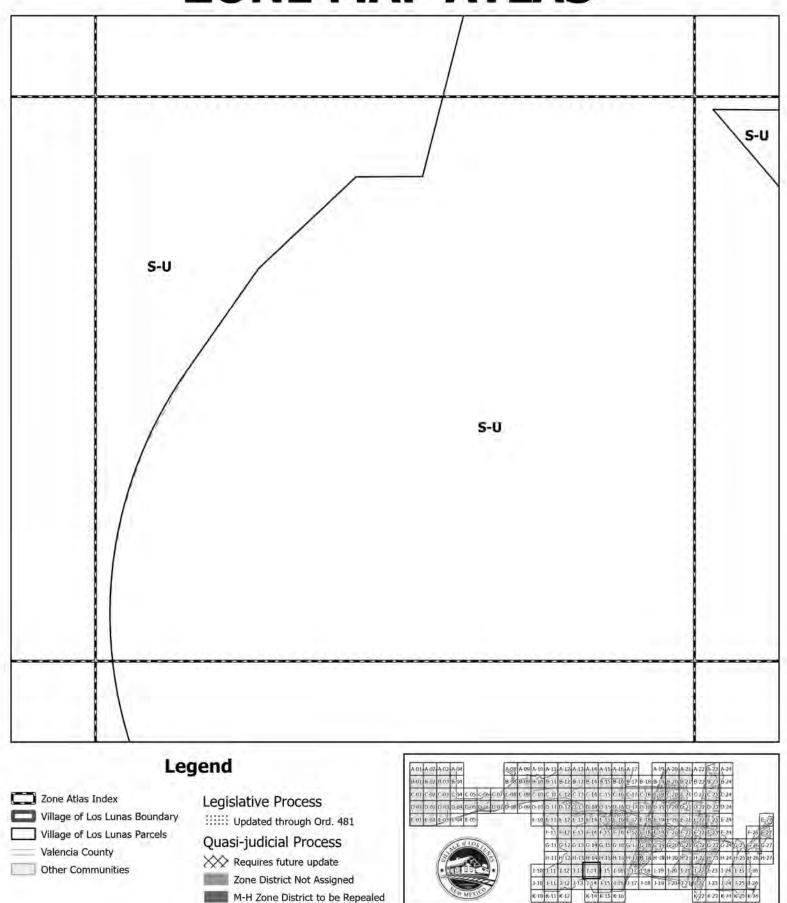


-

1,320 Feet

330

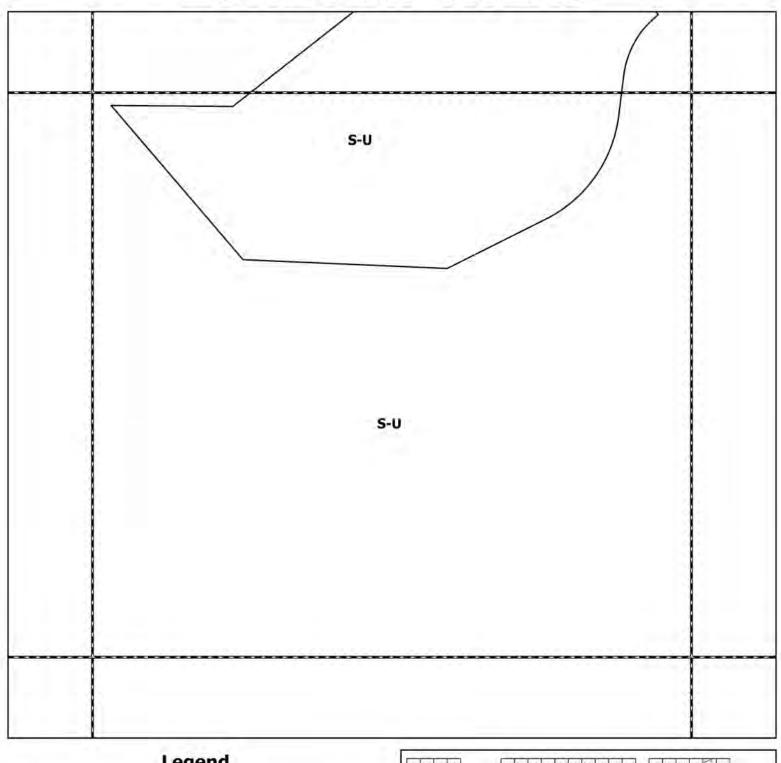
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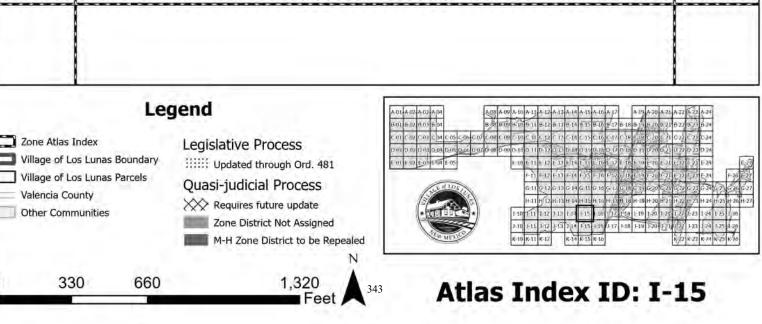


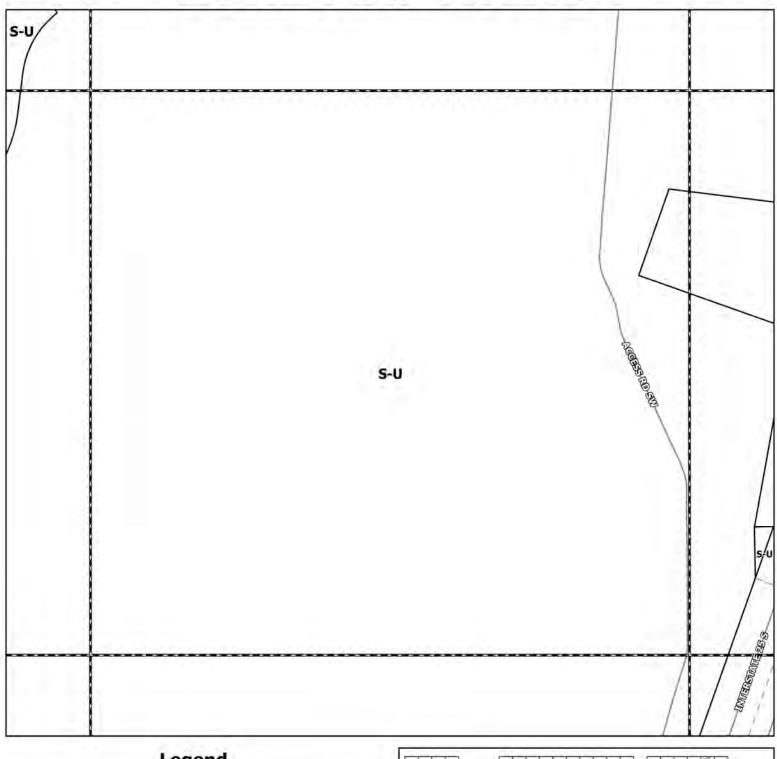
1,320 Feet

330

660

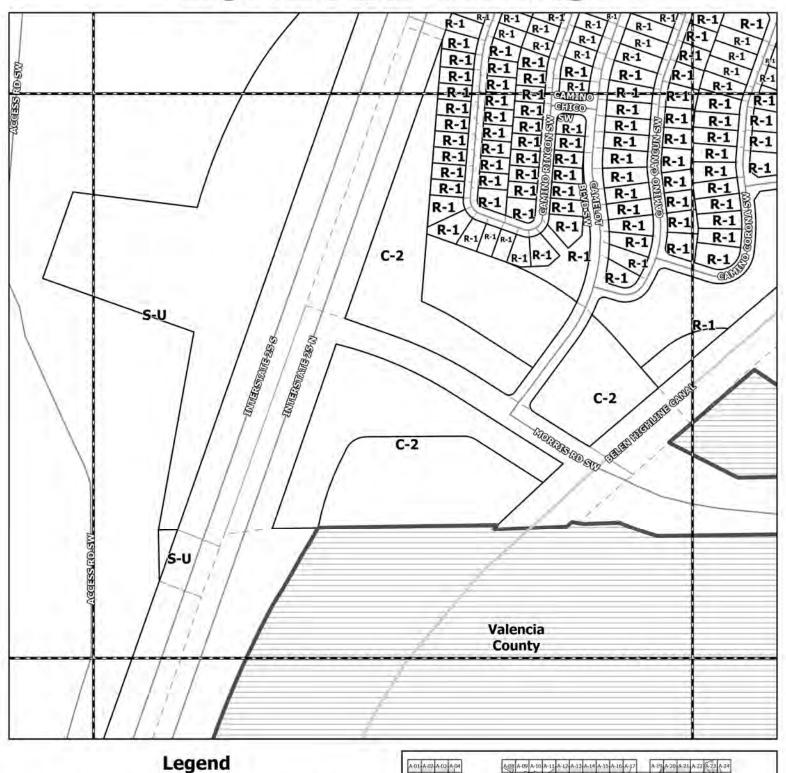






#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary !!!!!! Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 330 660

1,320 Feet



#### Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481

Requires future update

Village of Los Lunas Parcels Quasi-judicial Process Valencia County

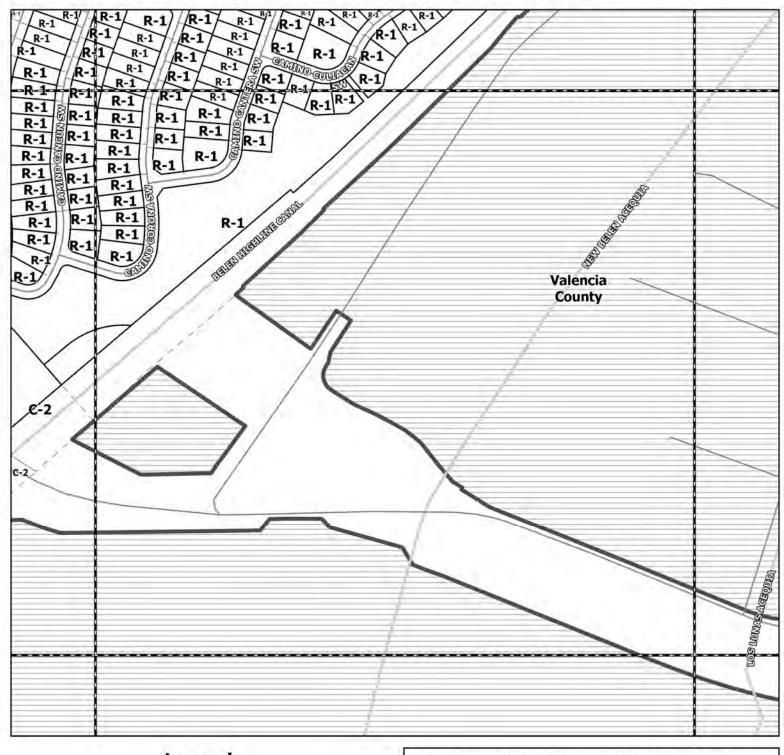
Zone Atlas Index

Other Communities

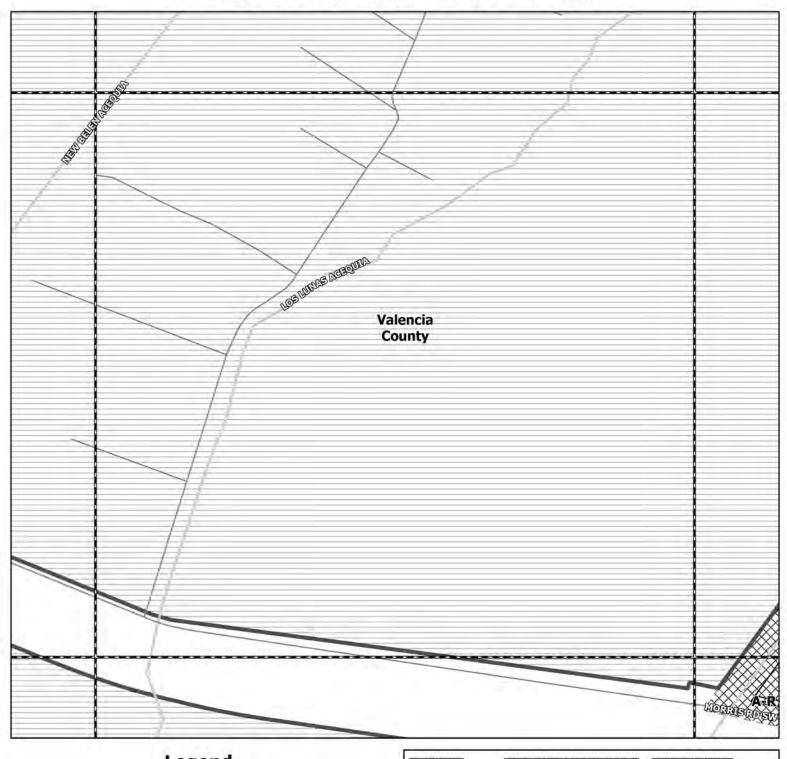
Zone District Not Assigned M-H Zone District to be Repealed

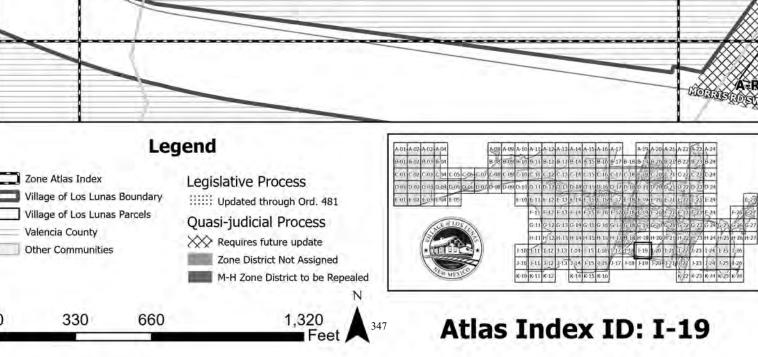


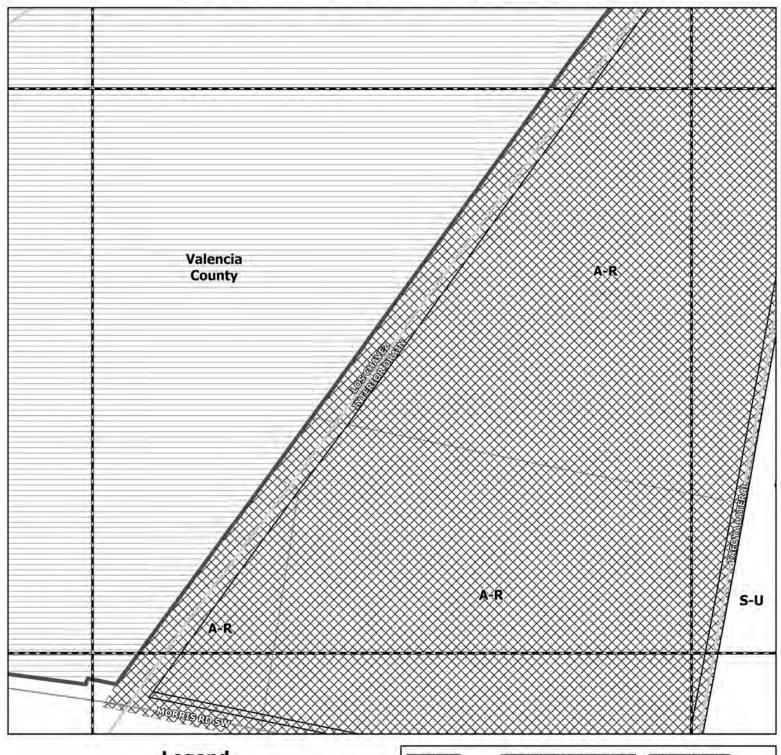
330 660 1,320



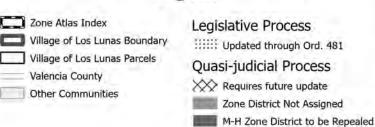
#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: I-18





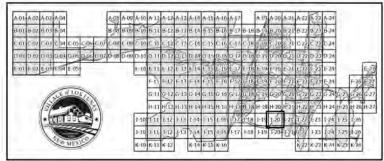


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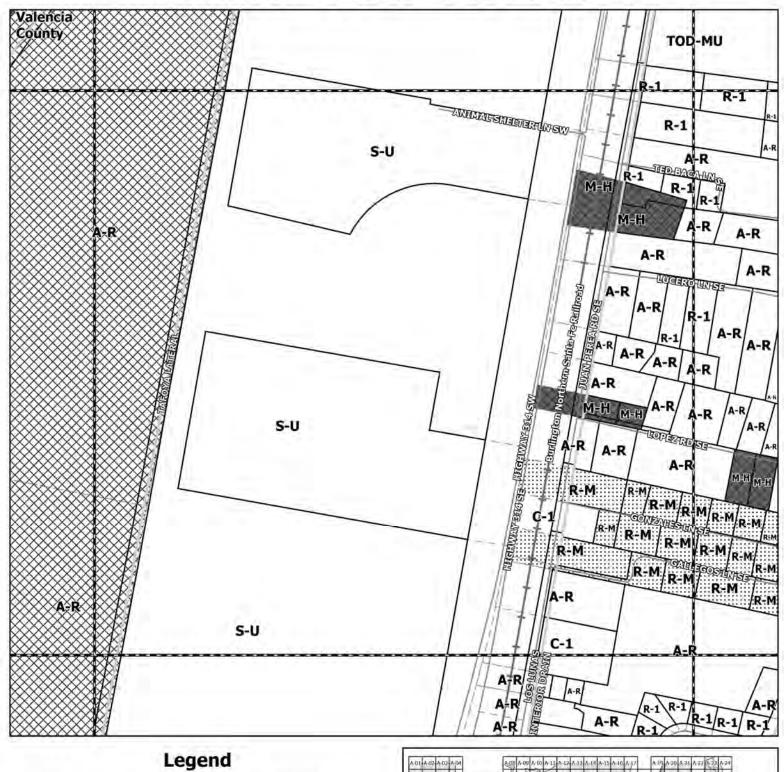


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1,320 A 348



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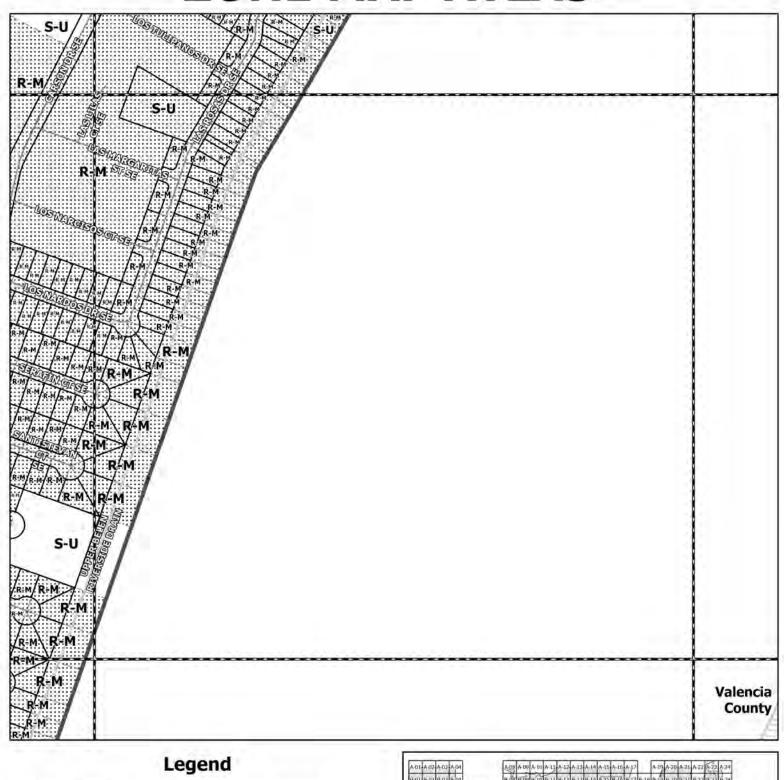


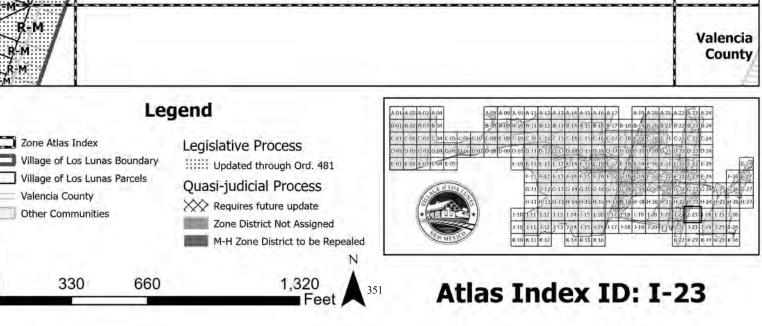
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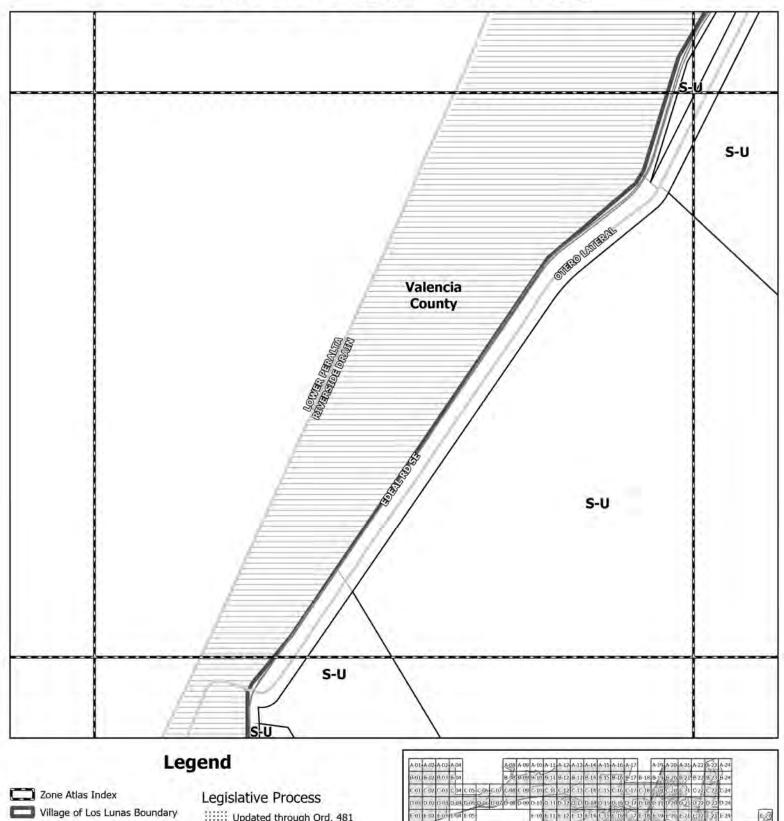


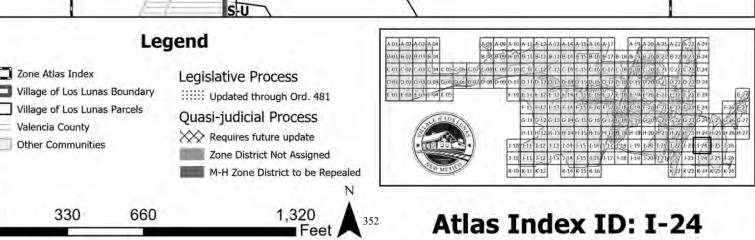


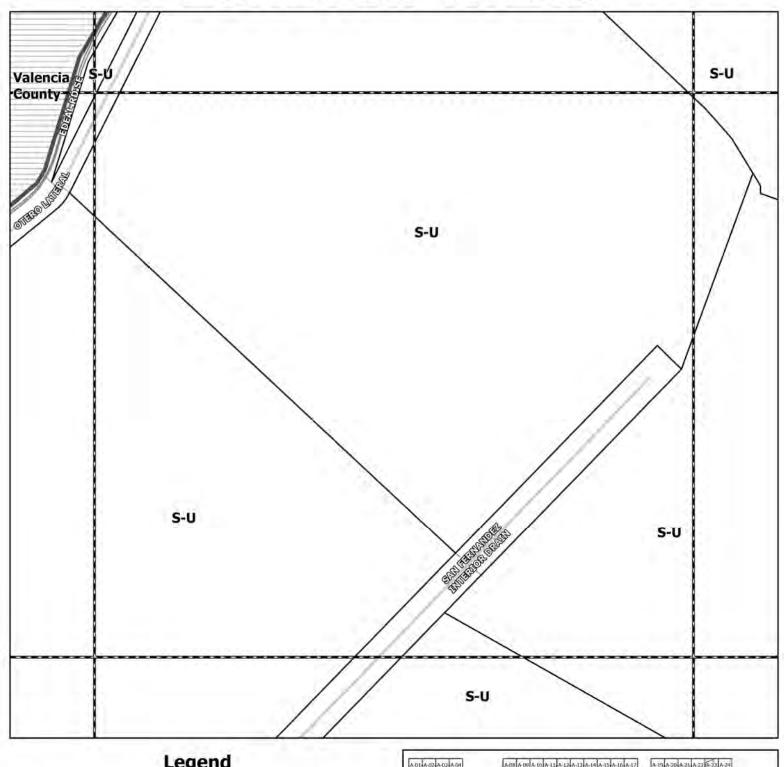
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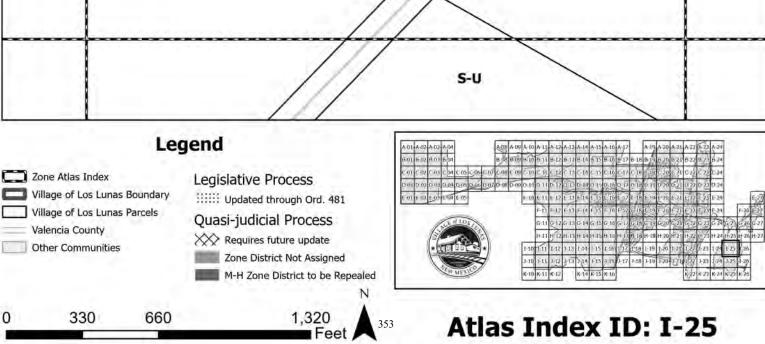




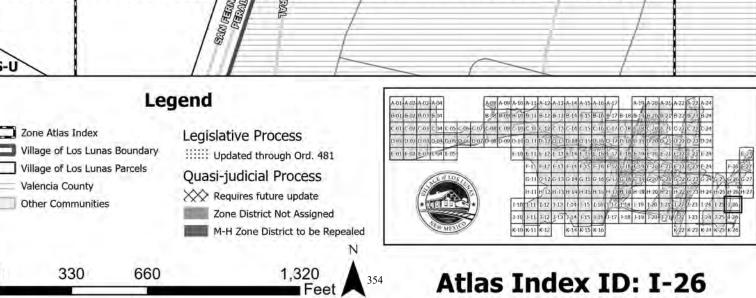


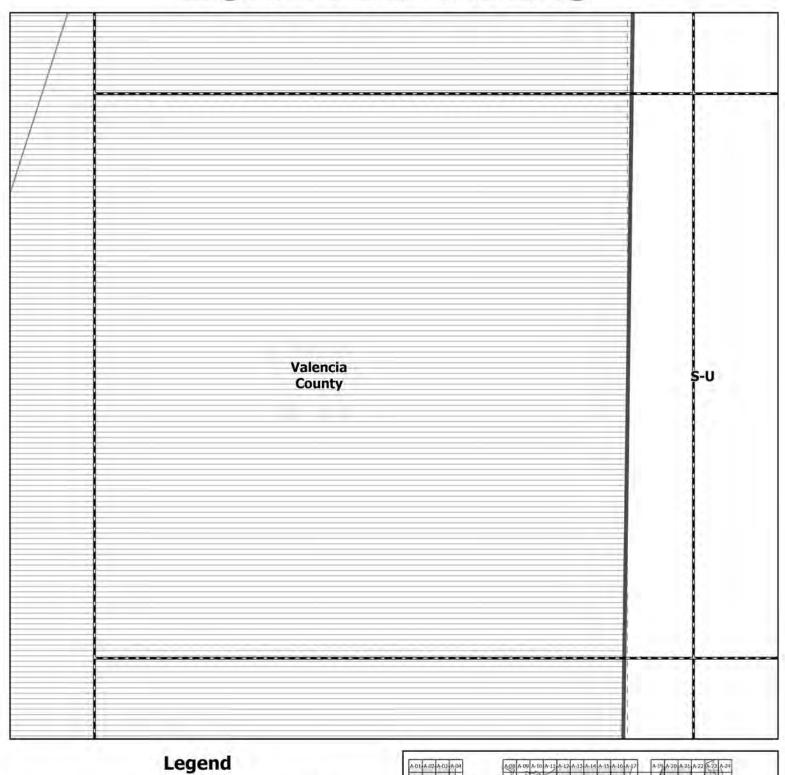














Village of Los Lunas Parcels Quasi-judicial Process Valencia County

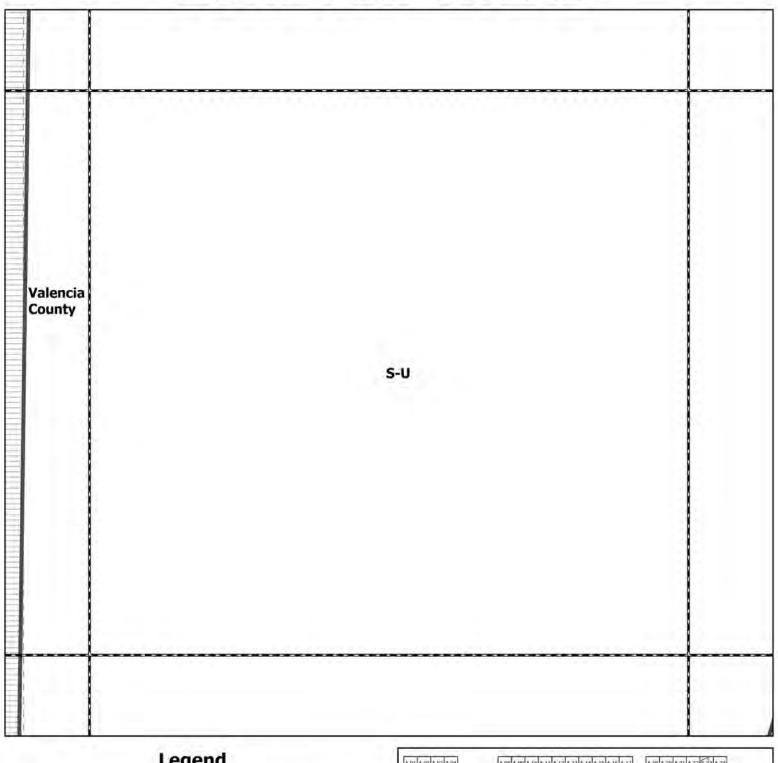
Zone Atlas Index

Other Communities

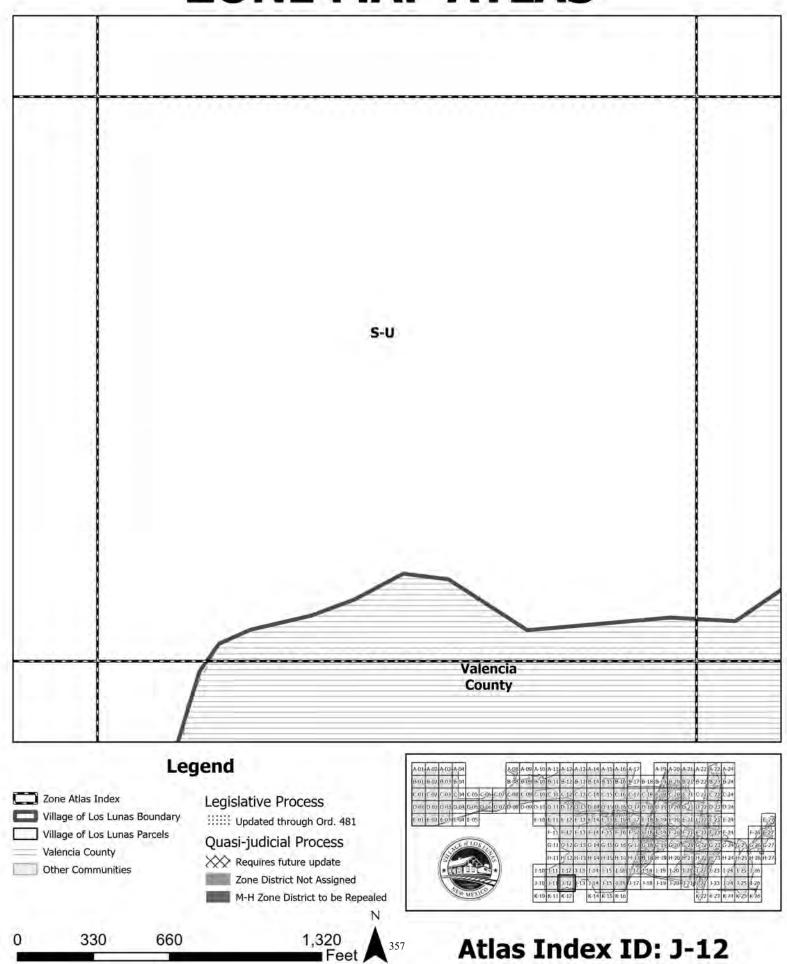
Requires future update Zone District Not Assigned M-H Zone District to be Repealed

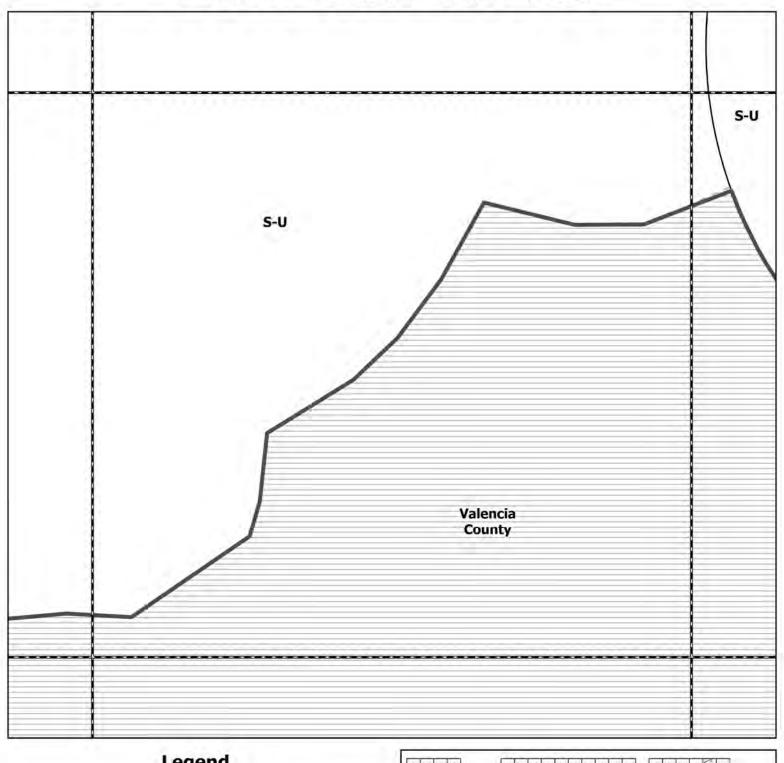


1,320 Feet 330 660

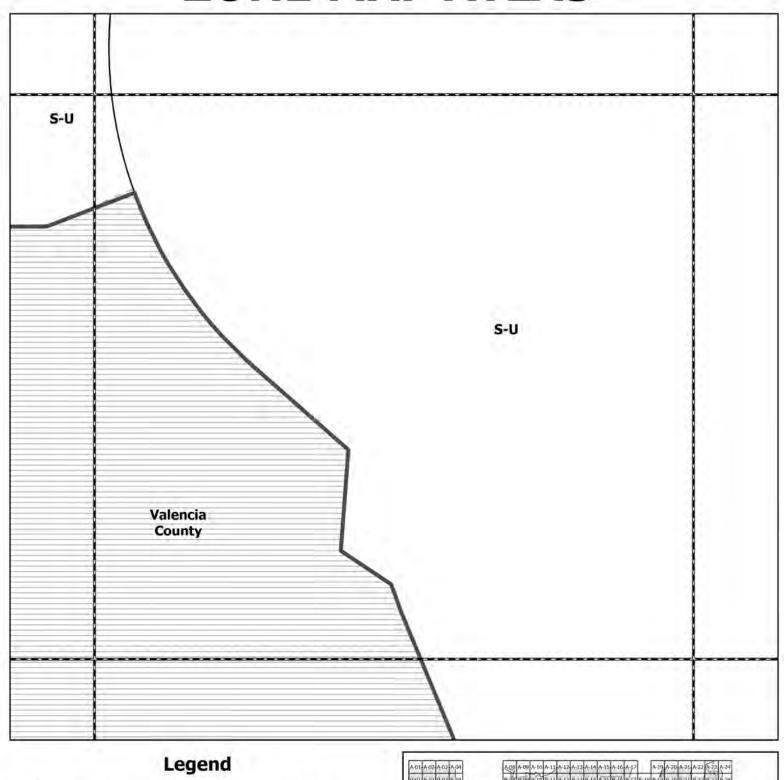


#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: J-11

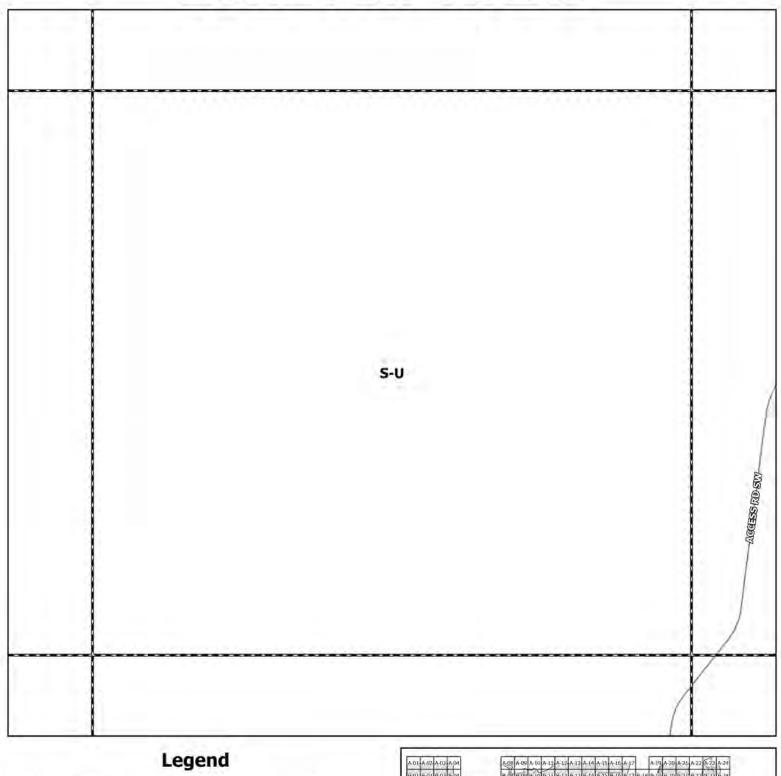




#### Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process Valencia County Requires future update Other Communities Zone District Not Assigned M-H Zone District to be Repealed 1,320 Feet 330 660 Atlas Index ID: J-13

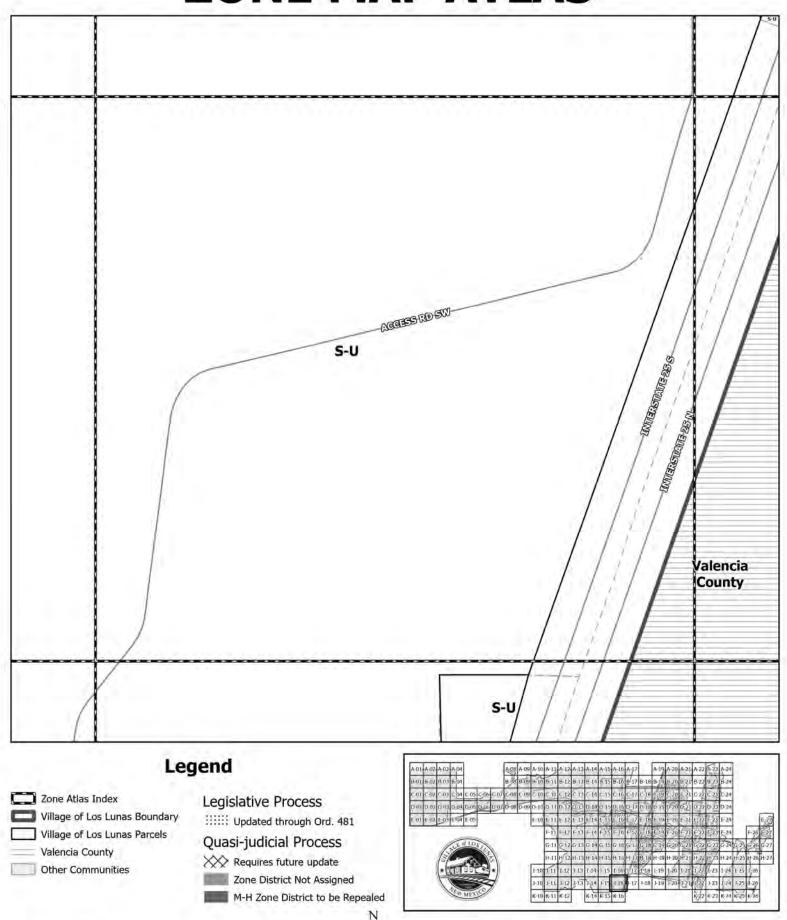


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## Legislative Process Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Legislative Not Assigned M-H Zone District to be Repealed

0 330 660 1,320 A

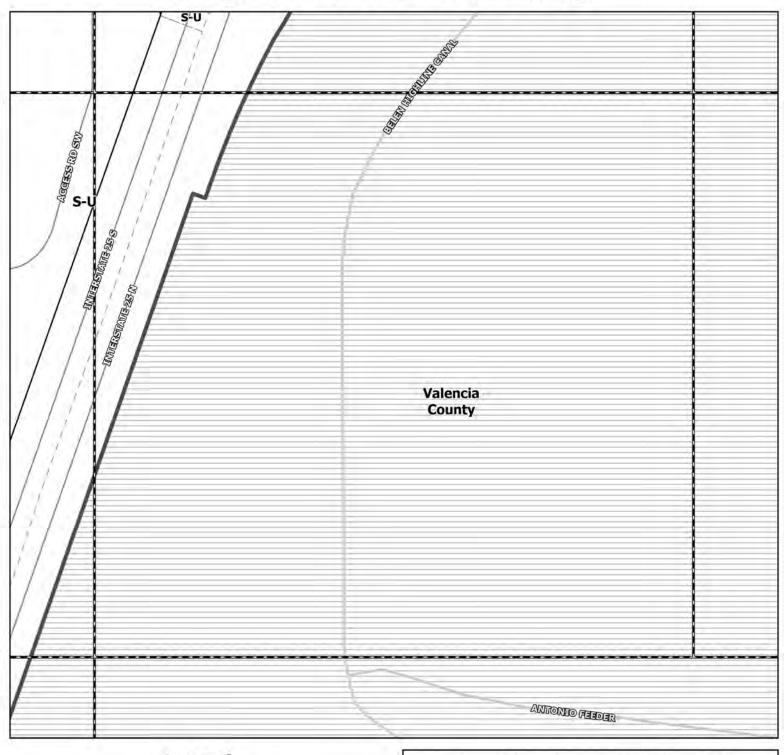


1,320 Feet

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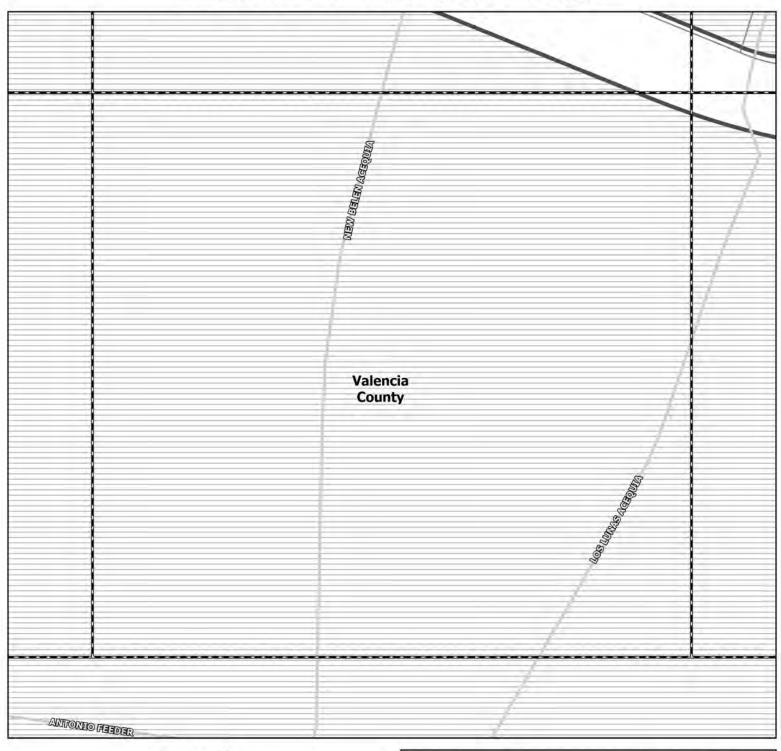
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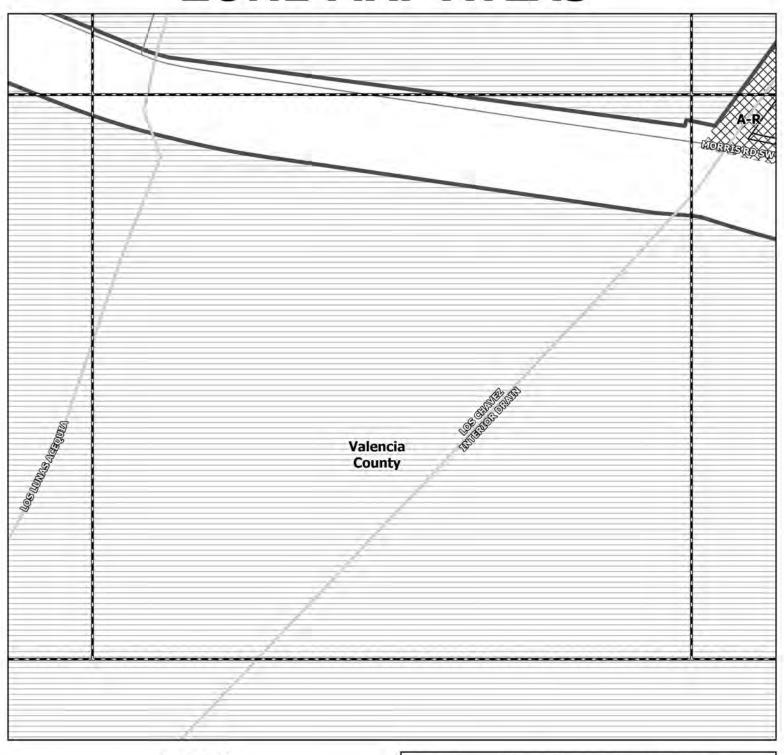
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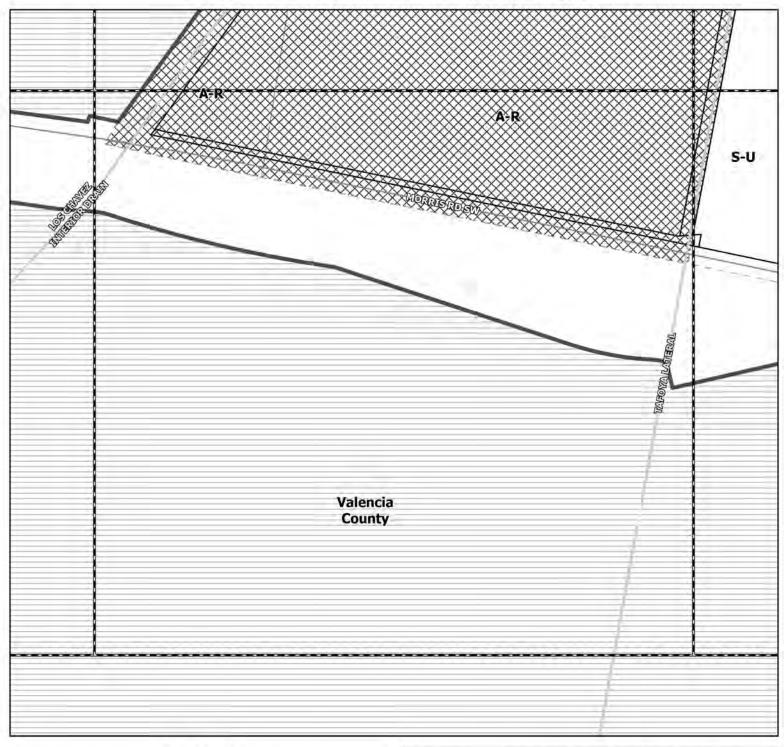


# Legend Zone Atlas Index Legislative Process Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Requires future update Zone District Not Assigned M-H Zone District to be Repealed

0 330 660 1,320 A

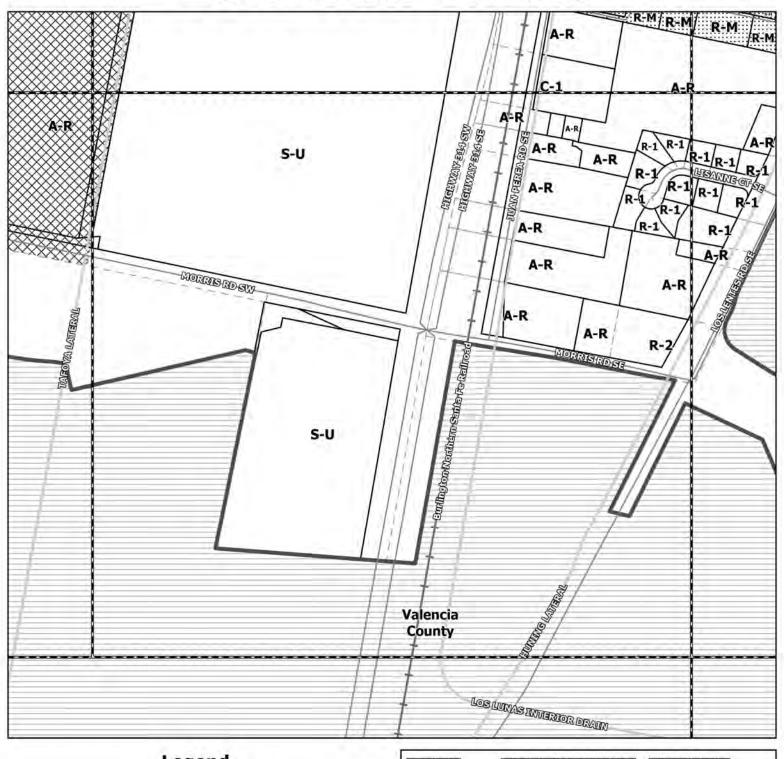




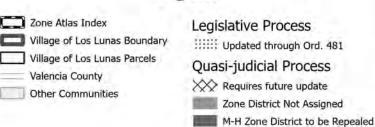


# Legislative Process Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Description of the Communities ADIACO AND ADIADA AD

330 660 1,320 Feet

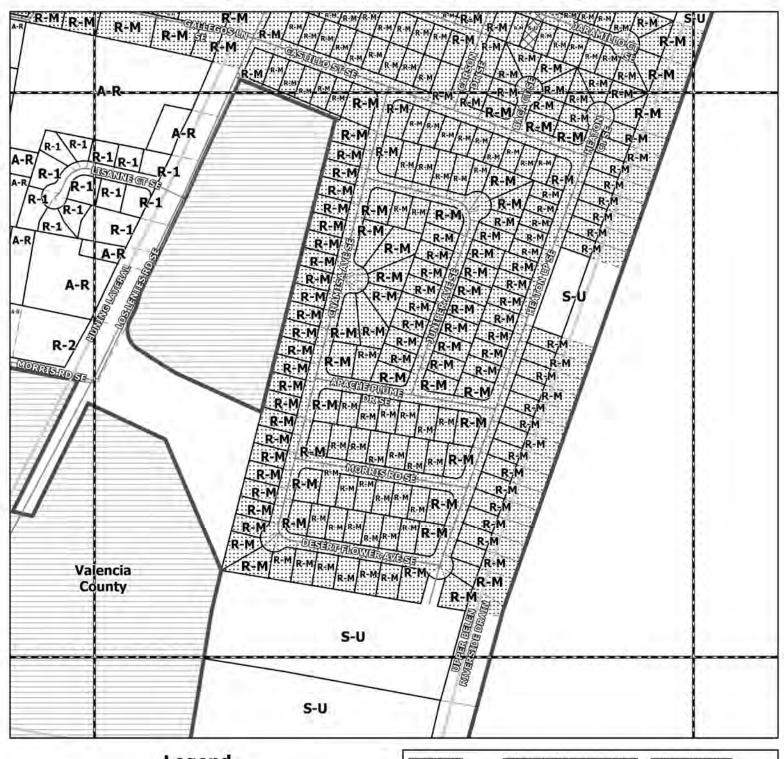


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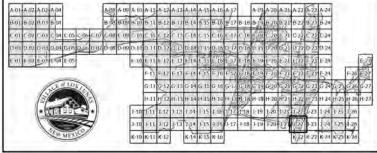


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#### Legend Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process

Requires future update Zone District Not Assigned M-H Zone District to be Repealed

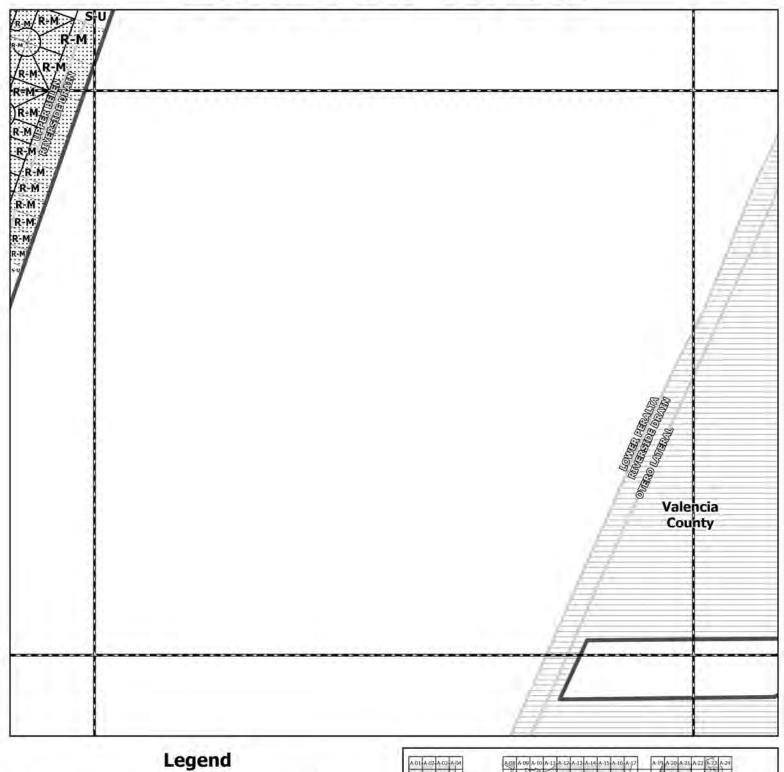


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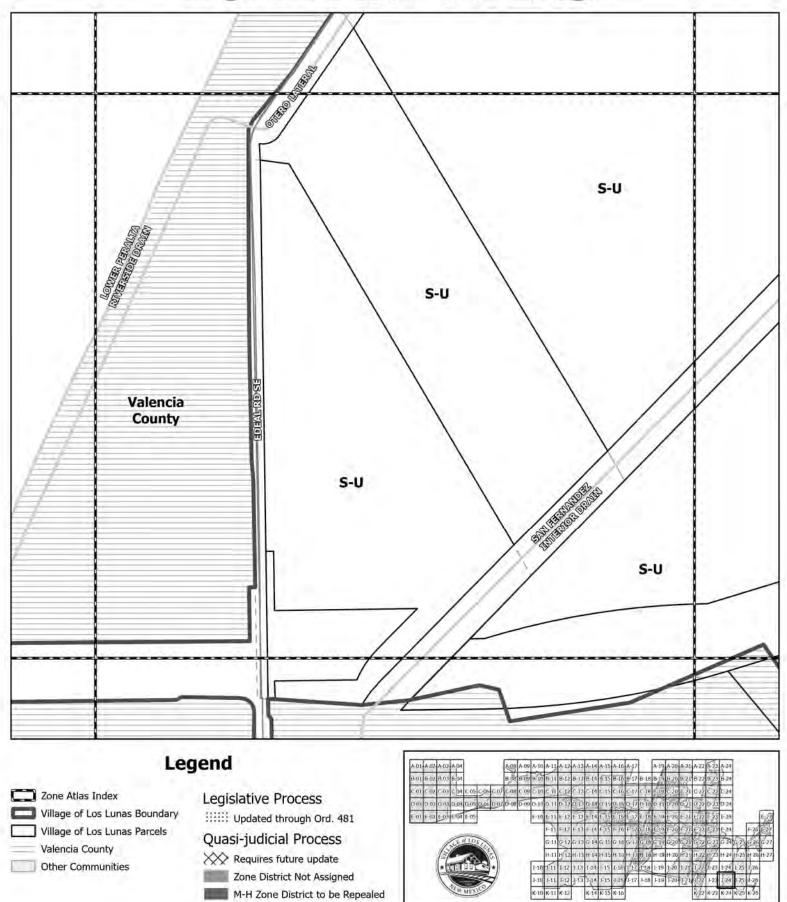
Zone Atlas Index

Valencia County

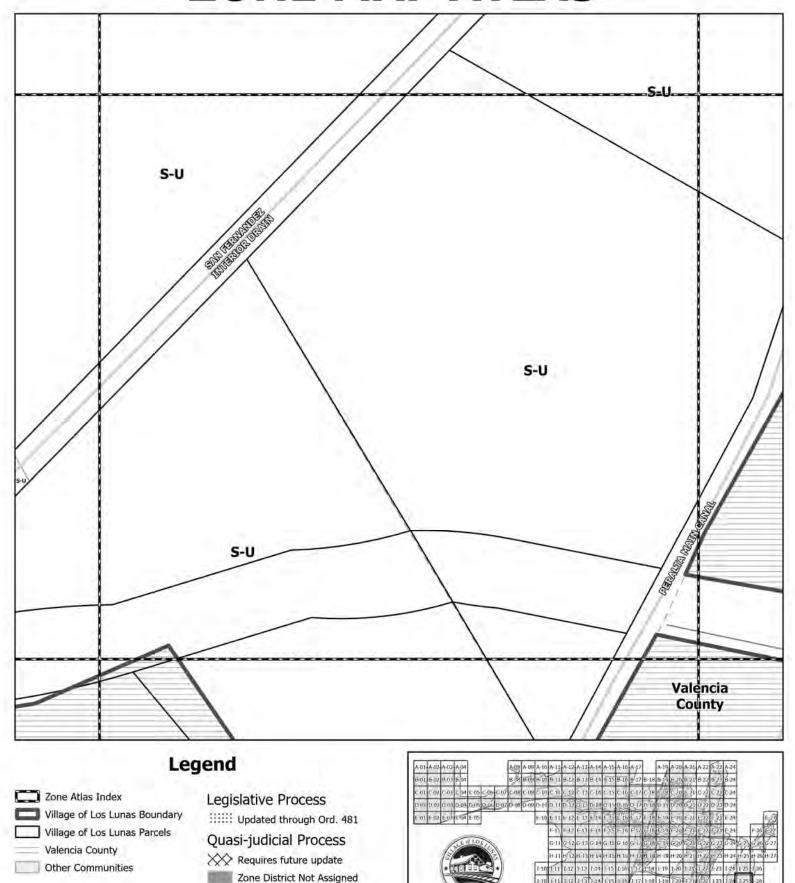
Other Communities



# Legend Zone Atlas Index Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Legislative Process Walencia County Other Communities Annual Annu



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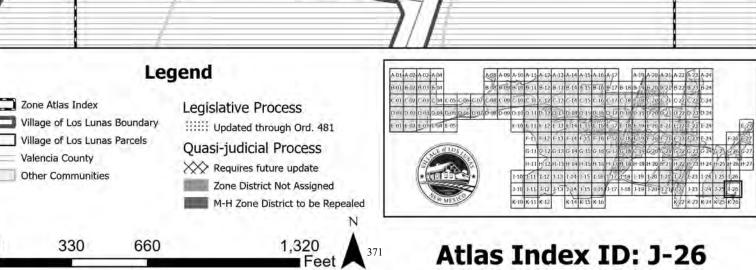
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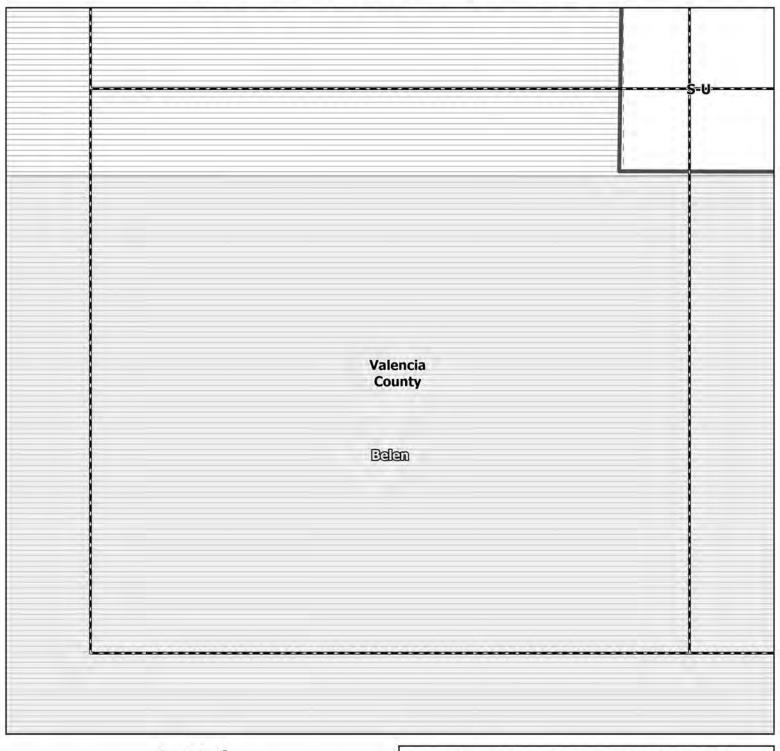
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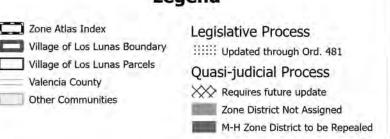
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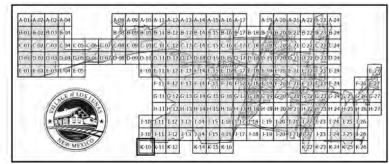


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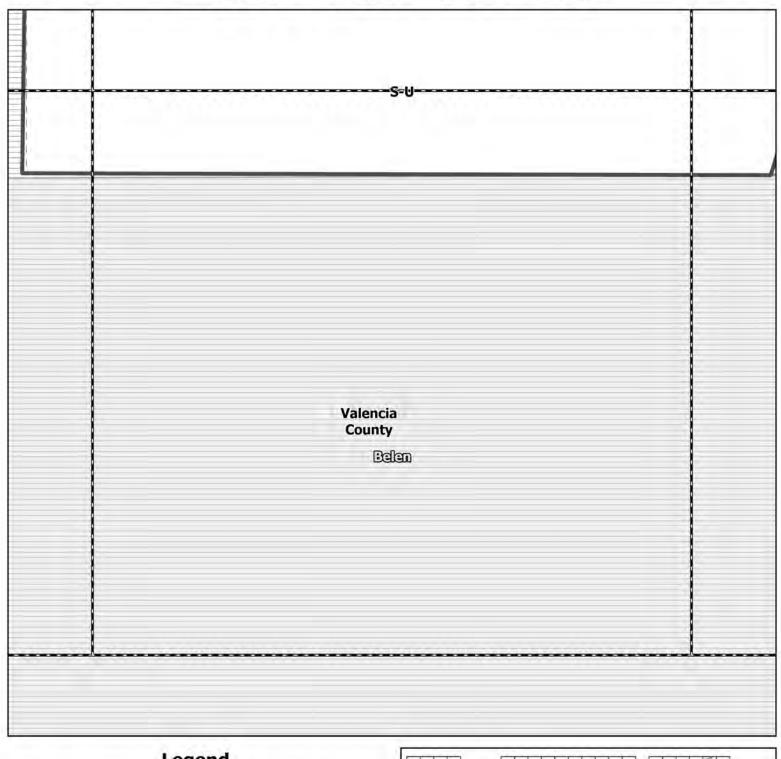


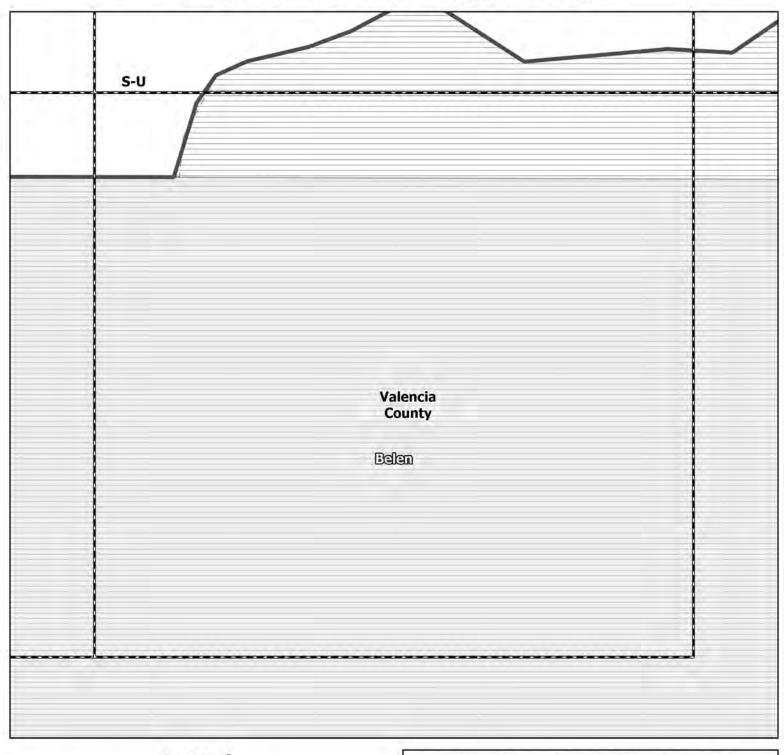
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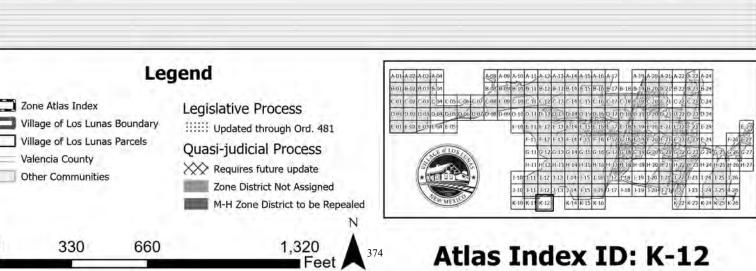
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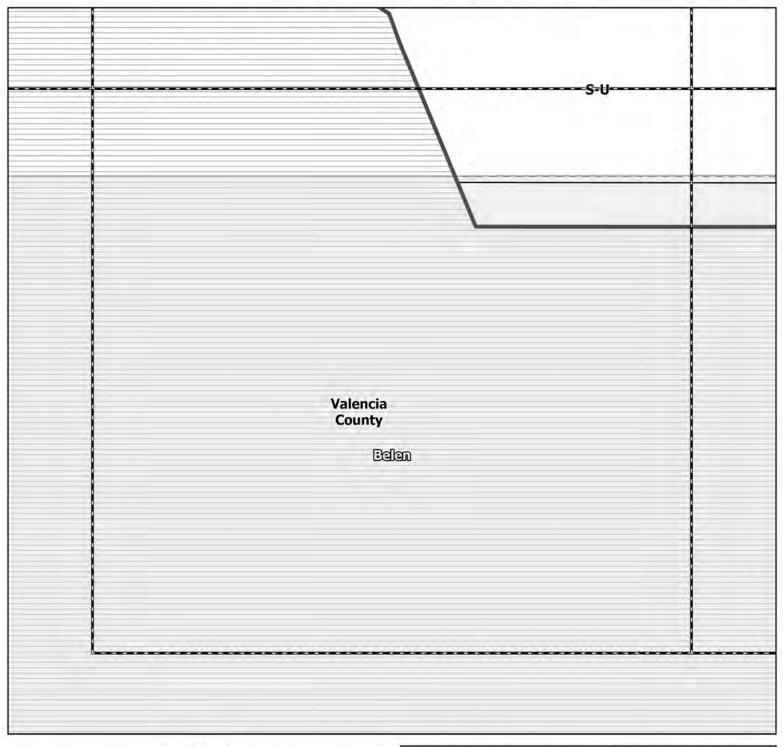


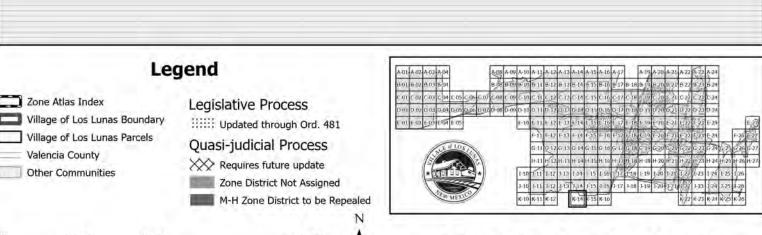
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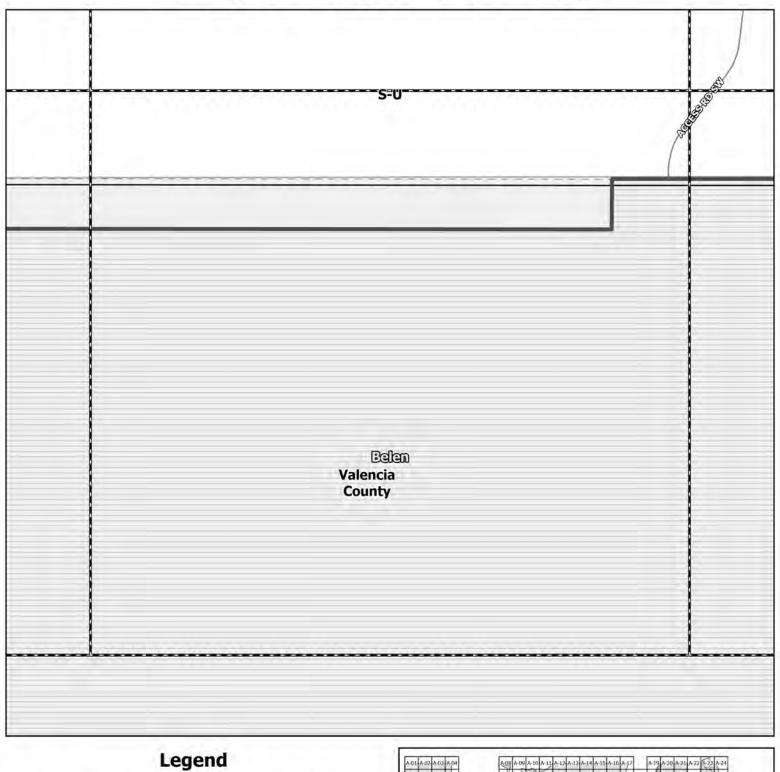








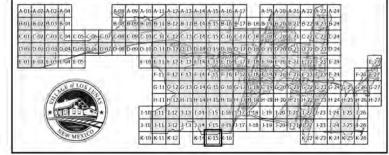
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#### Legislative Process Village of Los Lunas Boundary :::::: Updated through Ord. 481 Village of Los Lunas Parcels Quasi-judicial Process

Requires future update Zone District Not Assigned

M-H Zone District to be Repealed

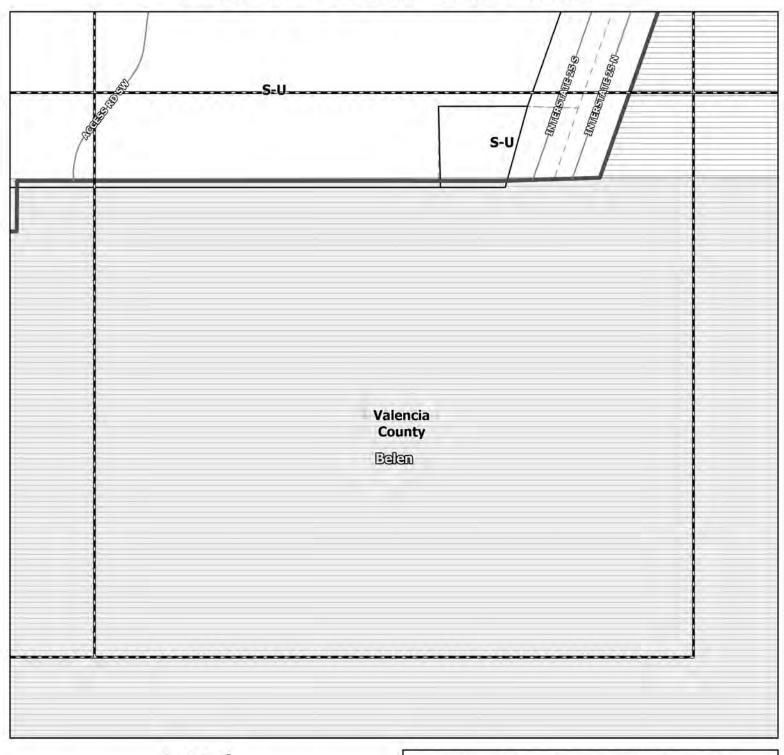


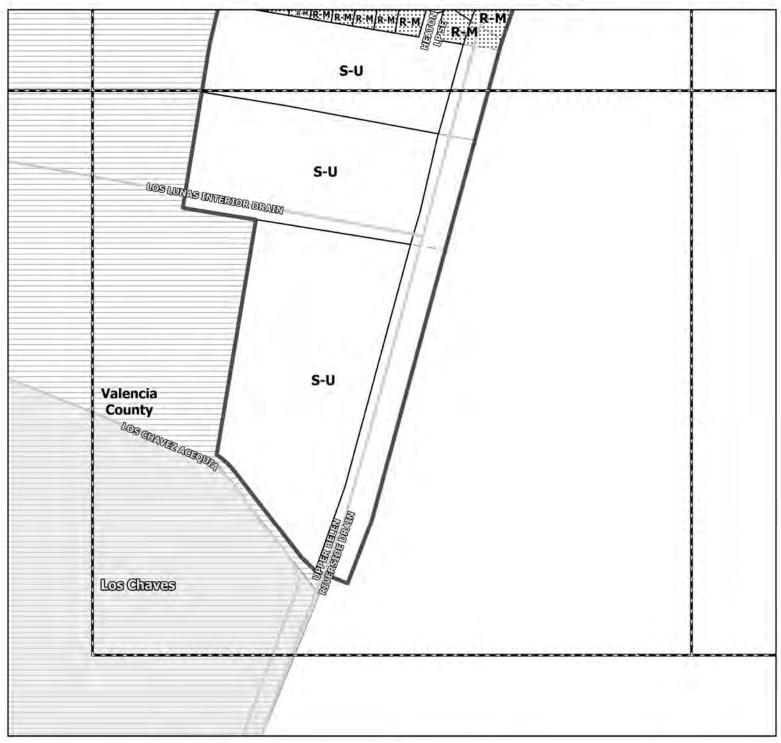
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Zone Atlas Index

Valencia County

Other Communities





# Legislative Process Village of Los Lunas Boundary Village of Los Lunas Parcels Valencia County Other Communities Description of the Communities Animal An

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