

**§ 14-16-2-12 R-3 RESIDENTIAL ZONE.**

This zone provides suitable sites for the highest density housing outside of urban centers. It is most appropriately mapped adjacent to commercial, office, or employment centers, where primary access to a major street is available. The R-3 zone may be mapped in the Established and Central Urban areas, where appropriate.

**(A) Permissive Uses.**

- (1) Uses permissive in the R-2 zone, provided there are not over 30 dwelling units per net acre.
- (2) Uses incidental to an apartment such as day care center, news, cigar, or candy stand, delicatessen, personal-service shop, and the like, are permitted with an apartment development, provided:
  - (a) The use is intended for the exclusive use of residents of the premises on which the incidental use is located.
  - (b) At least 100 dwelling units are on the same premises.
  - (c) The use is limited to a maximum of 2% of the gross leasable floor area of the apartment development.
  - (d) The use is not directly accessible from the outdoors.
  - (e) A sign or window display relating to the use is not discernible from a public right-of-way.
  - (f) Adult book stores and photo studios are not permitted.
- (3) Boarding or lodging house.
- (4) Community residential program for substance abusers with up to seven client residents, all of whom shall be under 18 years old, provided that the standards of § 14-16-3-12 of this Zoning Code are met.

**(B) Conditional Uses.**

- (1) Uses conditional in the R-2 zone.
- (2) Apartment, if there are over 30 but not over 36 dwelling units per net acre. Such development may be approved if and only if it is an appropriate transition between modest density residential areas, such as townhouses, and much more intensive development.
- (3) Club, provided it has no liquor license.
- (4) Fraternity or sorority house or dormitory.
- (5) Nursing or rest home, provided it is conducted in a structure which has the exterior appearance of a residential structure.

- (C) Height.** Structure heights up to 26 feet is permitted at any legal location. The height and width of the structure over 26 feet is permitted at any legal location. The height and width of the structure over 26 feet shall fall within 45° angle planes drawn from the horizontal at the mean grade along

each internal boundary of the premises and each adjacent public right-of-way centerline, or drainageway right-of-way centerline. To protect solar access, a structure over 26 feet may not exceed the northern boundary of these 45° planes, but may be sited in any other direction within planes drawn at a 60° angle from the same boundaries or center line. Exceptions to the above are provided in §§ 14-16-3-3 and 14-16-3-5 of this Zoning Code. Notwithstanding any of the above regulations, apartment structures shall not exceed 26 feet in height within 85 feet of a lot zoned specifically for houses.

**(D) Lot Size.**

- (1) Minimum lot width and depth shall be 150 feet.
- (2) Lots legally nonconforming to minimum lot width or depth may be developed governed by the R-T zone in all respects; no variance is required for such development.

**(E) Setback.**

- (1) There shall be a front-yard setback of not less than 15 feet except driveways shall not be less than 20 feet long.
- (2) There shall be a side-yard setback of not less than five feet, except:
  - (a) There shall be ten feet on the street side of corner lots; and
  - (b) There is no required side-yard setback from internal lot lines for townhouses.
- (3) There shall be a rear-yard setback of not less than 15 feet.
- (4) There shall be a separation between apartments other than townhouses, and off-street parking and vehicular circulation areas of not less than ten feet.

**(F) Density.** A floor area ratio of 1.0 is the maximum permitted.

**(G) Off-Street Parking.** Off-street parking spaces shall be as provided in § 14-16-3-1 of this Zoning Code.

**(H) Usable Open Space.**

- (1) Usable open space shall be provided on-site in an amount equal to 200 square feet for each efficiency or one-bedroom dwelling unit, 250 square feet for each two-bedroom dwelling unit, and 300 square feet for each dwelling unit containing three or more bedrooms.
- (2) Where an aggregate of two or more dwelling units is constructed on any given lot, the development shall include landscaping of the ground-level usable open space, planted and maintained according to a landscaping plan approved by the Zoning Enforcement Officer.

('74 Code, § 7-14-16) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 26-1977; Am. Ord. 38-1978; Am. Ord. 92-1980; Am. Ord. 3-1986; Am. Ord. 41-1987; Am. Ord. 12-1990; Am. Ord. 47-1990; Am. Ord. 19-2010)

**§ 14-16-2-17 C-2 COMMUNITY COMMERCIAL ZONE.**

This zone provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses.

(A) **Permissive Uses.** Permissive uses, provided there is no outdoor storage except parking and as specifically allowed below:

- (1) Antenna, up to 65 feet in height.
- (2) Clinic.
- (3) Copying, blueprinting.
- (4) Institution:
  - (a) Club.
  - (b) Day Care Center.
  - (c) Library.
  - (d) Museum.
  - (e) School, including caretaker's mobile home.
- (5) Office.
- (6) Park-and-ride temporary facilities.
- (7) Public utility structure, provided its location is in accord with an adopted facility plan and a site development plan for building permit purposes has been approved by the Planning Commission.
- (8) Residential uses permissive in the R-3 Zone with the following requirements and exceptions:
  - (a) Relationship to Sector Development Plans.
    1. Where SU-2 zones refer to the C-2 zone and specify regulations for residential uses that impose different restrictions and/or development standards than those contained in this section, the provisions of the SU-2 zones shall prevail.
    2. Where SU-2 zones refer to the C-2 zone but do not specify provisions for the regulation of residential uses, residential development shall be regulated by section (B)(6) below.
  - (b) Site, or any portion thereof, shall be located within 660 feet from the right-of-way line of a Major or Enhanced Transit Corridor or within a Community or Major Activity Center as designated by the Comprehensive Plan, or be located within a designated Metropolitan Redevelopment Area (MRA).
  - (c) Houses are not allowed.

- (d) Residential uses may be part of a vertical mix of uses (e.g., residential over commercial or residential over office).
- (e) Where residential uses are proposed, the following regulations shall apply:
1. Area: minimum of 0.5 acres.
  2. Height: Pursuant to the R-3 Zone.
  3. Number of dwelling units: Maximum 30 dwelling units per acre; however, residential structures constructed in applicable sites located within 660 feet of the centerline of San Mateo Blvd., Central Ave. and Montgomery Blvd. may have up to 75 dwelling units per acre.
  4. Density: The total square footage of all buildings shall achieve a minimum floor area ratio of 0.3.
  5. Usable open space: Pursuant to the R-3 Zone. At least 50% of the required open space shall be provided in the form of shared or aggregate open space.
  6. Parking requirements and allowances:
    - a. One space/unit;
    - b. Shared Parking: As provided in § 14-16-3-1(E)(6)(b) except that parking for residential uses is eligible for a shared parking exception.
    - c. On-street parking credit: one space per available, adjacent on-street parking space.
  7. Approval process: Site Development Plan for Building Permit approval by the Environmental Planning Commission for sites five acres in size and larger. Site development plan approval by the Planning Director or his/her designee for sites under five acres in size.
  8. For new residential development, in addition to the applicable General Regulations in the City Zoning Code, the following regulations must also be met:
    - a. Building Frontage and Articulation. The following regulations shall apply to all facades fronting a street:
      - i. The design standards of § 14-16-3-18(C)(2)(a), (b), (c), (d) and (e) shall apply.
      - ii. The design standards of § 14-16-3-18 (D)(2), except section (h), shall apply.
      - iii. A minimum of 30% of the ground floor shall have windows. For facades with doors, the percentage of windows may be reduced to 20%.
      - iv. Upper floors shall have a minimum of 20% glazing.

- v. The primary entry to the building shall be oriented toward the street or within 50 feet of a central courtyard.
  - b. Alleys: Existing alleys should remain in place to provide access to a site.
  - c. Building Placement:
    - i. Buildings shall be set back 0 to 15 feet from property lines adjacent to a street.
    - ii. Side and rear setbacks shall be pursuant to the underlying zone.
  - d. Pedestrian Access: Residential uses shall provide direct pedestrian connections from the residential building(s) to all street sidewalks and to other building(s) on the premise or project site. See § 14-16-3-1(H).
  - e. Landscaping:
    - i. Building setbacks not used for pedestrian activity shall have a minimum landscape area of 50%. Asphalt is not a permitted material within the setback area.
    - ii. Landscaping on roof decks may be counted toward the required area landscaping as regulated by § 14-16-3-10.
  - f. Parking Placement: Parking shall be located to the rear or to the side of a building, in a common parking area located interior to the block, or in a combination of the above. Parking is not permitted between a building and the street on which it fronts. Parking areas between a building and a side street are limited to 64 feet in width and shall have landscaped buffers facing the streets with a minimum depth of four feet and a screen wall with a minimum height of 36 inches. Wall material shall be as regulated by § 14-16-3-19(c).
  - g. Signage: Signage shall be as regulated by the O-1 zone, with the following exceptions:
    - i. Building-mounted signs shall be limited to 25 square feet.
    - ii. No more than one wall-mounted sign per building façade.
    - iii. Freestanding signs are not permitted on premises of under five acres.
    - iv. The maximum height of freestanding signs is eight feet.
  - 9. Redevelopment of existing structures that results in a net 25% increase in square footage shall comply with the preceding regulations as determined by the Planning Director or his or her designee.
- (9) Sign, off-premise, as provided in § 14-16-3-5 of this Zoning Code, and further provided:
- (a) Location.

1. Only wall signs and free-standing signs are permitted in the Established or Redeveloping Areas.
  2. Only wall signs are permitted in the Developing or Semi-Urban Areas except that free-standing signs designated to be read from the Interstate Highway and with at least one edge within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, are also permitted.
  3. Separation.
    - a. No sign shall be nearer than 300 feet to any other off-premise sign.
    - b. No sign within 660 feet of the nearest edge of the public right-of-way of an Interstate Highway shall be nearer than 1,000 feet to any other off-premise sign.
    - c. But divisions a. and b. above shall not apply as to the distance between two signs separated by a building or other obstruction where the face of only one sign is visible from any point on the public right-of-way.
    - d. But divisions a. and b. above shall not apply to signs which are at some point within five feet of each other and only one of the sign faces is designed to be read from any given lane of traffic.
  4. No free-standing sign erected after January 1, 1976, shall be nearer than 100 feet to any preexisting on-premise sign.
  5. Setback
    - a. No sign shall be nearer than seven feet to any public street right-of-way, except a public right-of-way containing an Interstate Highway without a frontage road between the sign and the Interstate Highway.
    - b. No sign shall overhang a public right-of-way containing an Interstate Highway without a frontage road between the sign and the Interstate Highway.
  6. No free-standing sign shall be nearer than 150 feet to any conforming residential property.
- (b) Size.
1. Free-standing sign area of any one sign shall not exceed 300 square feet plus an additional add-on sign area of 18 square feet, except that within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, the area of any one sign designed to be read from the Interstate Highway may be up to but shall not exceed 672 square feet plus an additional add-on sign area of 34 square feet. Free-standing sign length shall not exceed 60 feet.
  2. Wall sign area shall be controlled by the provisions of division (9)(c)2. of this division (A).
- (c) Height.

1. Sign height shall not exceed 26 feet, except:
    - a. As provided in division 2. below; and
    - b. the height of an add-on sign may be up to but shall not exceed 31 feet.
  2. Within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, the height of the highest point of the sign shall not exceed 29 feet, measured either from grade or from the elevation of the Interstate Highway at its closest point, except the height of an add-on sign may be up to but shall not exceed 34 feet, measured in the same way.
- (d) Illumination, Motion: No regulations, apart from the general sign regulations.
- (10) Sign, on-premise, as provided in § 14-16-3-5 of this Zoning Code, and further provided:
- (a) Location.
1. Building-mounted signs extending above the height of the building shall be permitted only if they are:
    - a. A continuation of the plane of a projecting sign or of the nearest facade; or
    - b. Counted and controlled by all number, size, and height regulations for free-standing signs, including division (c)2.b. below.
  2. A sign shall not overhang into the public right-of-way more than five feet.
  3. Projecting signs shall not project horizontally more than five feet, except marquee signs are permitted to project ten feet.
- (b) Number.
1. In the Established or Redeveloped Areas. One free-standing or projecting sign shall be permitted for each street frontage of each premises or joint sign premises which has at least 100 feet of street frontage, or one per 300 feet of total street frontage (e.g., up to two signs allowed if 630 feet of frontage), whichever is more permissive. A portable sign may also be permitted pursuant to the General Signage Regulations.
  2. In the Developing, Semi- Urban, or Rural and Open Areas.
    - a. No free-standing signs on sites of under five acres except a portable sign may also be permitted pursuant to the General Signage Regulations.
    - b. One free-standing sign per street frontage shall be permitted on premises of five acres or more, provided the street frontage is at least 100 feet wide.
    - c. One free-standing sign shall be permitted on a premises with 250 feet or more of street frontage but an area under five acres, provided the maximum sign area for each of one or two faces shall not exceed 35 square feet per face.
  3. One canopy sign per entrance or exit shall be permitted.



4. No limit on number of wall signs.

(c) Size.

1. Size of Free-Standing and Projecting Signs. Sign area for a free-standing or projecting sign shall not exceed the following area:
  - a. Seventy-five square feet if the most important street abutting the lot is a local street.
  - b. One hundred square feet if the most important street abutting the lot is a collector street.
  - c. Two hundred and fifty square feet if the most important street abutting the lot is an arterial street or freeway (if division d. below does not apply).
  - d. Three hundred square feet if the sign is within 200 feet of a moving lane of a freeway and is visible from the freeway; in addition to the regular limits on numbers of signs, there shall be no more than one sign this large per business.
2. Size, Building-Mounted Signs, Except Projecting Signs.
  - a. A building-mounted sign on premises or joint sign premises where there is no free-standing on- or off-premise sign shall not exceed the following:
    - i. Twenty percent of the area of the facade to which it is applied, if the sign area is not wholly visible from an abutting collector street, arterial street, or freeway;
    - ii. Twenty-five percent of the area to which it is applied, if the sign area is wholly visible from an abutting collector street; or
    - iii. Thirty percent of the area of the facade to which it is applied, if the sign area is wholly visible from an abutting arterial street or freeway.
  - b. A building-mounted sign on premises or joint sign premises where there is a free-standing or projecting on- or off-premise sign shall not exceed one-half the percentage of facade area listed in division a. above.
  - c. An off-premise wall sign may be substituted for the area which otherwise would be permitted for an on-premise sign; such sign shall be regulated by height regulations for off-premise signs.

(d) Height.

1. Height of a free-standing sign shall not exceed 26 feet, except a sign which is within 200 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, may be up to but shall not exceed 26 feet above the freeway at its closest point.
2. Height of a building-mounted sign shall not exceed five feet above the height of the building, or it shall not exceed 30 feet, whichever is lower.



3. However, height of either a non-illuminated wall sign or an illuminated wall sign for a hotel or motel may be over 30 feet.
- (e) Illumination, Motion, Lettering. No regulations, apart from general sign regulations.
- (f) Exceptions.
  1. Permitted building-mounted sign area from the front and sides of the principal building of the business may be transferred from the building to a customer service area of the same business on the same premises, provided the height of such signs shall not exceed 15 feet and setback shall be at least ten feet; such signing shall not be considered free-standing.
  2. Any exceptions allowed for shopping centers, in order to provide adequate signing in special situations, shall be as provided in § 14-16-3-2 of this Zoning Code. Such a sign exception must be specifically defined in the Planning Commission resolution. Shopping centers approved prior to the effective date of this Zoning Code shall comply with sign regulations in this article unless an exception is specifically defined in a Planning Commission resolution.
- (11) Radio or television studio or station.
- (12) Recycling bin as an accessory use on the site, as provided in § 14-16-3-15 of this Zoning Code.
- (13) Retailing of any consumer product and provision of any customer, personal, or business service, except adult amusement establishments and adult stores, hospitals for human beings and transit facilities, provided it is not listed as a conditional use in this zone, or as a permissive or conditional use listed for the first time in the C-3 zone, and with the following limitation:
  - (a) Alcoholic drink sales for consumption off premises; except the sale of alcoholic drink within 500 feet of a community residential program or hospital for treatment of substance abusers is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994:
    1. are limited to building area which is not within 500 feet of a residential zone; and
    2. shall not include the sale of broken packages or the following packages within 500 feet of a pre-elementary, elementary or secondary school, a religious institution, a residential zone, a designated Metropolitan Redevelopment Area (as defined in the State Metropolitan Redevelopment Code), a city owned park or city owned major public open space:
      - A. distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 750 milliliters;
      - B. beer, as defined in the New Mexico Liquor Control Act, in any single container labeled as containing 16 or fewer ounces; and
      - C. fortified wines with a volume of alcohol of more than 13.5 percent.
  - (b) Vehicle sales, rental, service, repair, and storage, both indoor and outdoor, provided:

1. Outdoor activity areas (display and storage of stock in trade) meet all the specifications for a parking lot, as regulated in the O-1 zone.
  2. Outdoor storage of inoperative vehicles is limited to two vehicles at any time, and a given inoperative vehicle shall not be parked outdoors over two weeks in any 12-month period.
  3. Painting and major automotive repair is conducted within a completely enclosed building at least 20 feet from any residential zone.
  4. A truck terminal is not permitted.
  5. Outdoor vehicle storage as a principal business, where vehicles are typically not moved for one week or more, is not a permissive use.
- (c) Banking, loaning money, including pawn. Drive-in facilities included on the condition the vehicle movement plan is approved by the Traffic Engineer.
- (d) Building materials, provided they are in a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high which must be solid when it faces or is contiguous to land not zoned C-2, C-3, M-1 or M-2.
- (e) Circus or Carnival operation outdoor or in a tent provided:
1. The use is located at least 300 feet from a dwelling in a residential zone;
  2. The use is permitted at one location for a period not to exceed seven days in any calendar year;
  3. Hours of operation, including erection and dismantling of equipment are:
    - a. If the use is located between 300 feet and 500 feet from a dwelling, between 7:30 a.m. and 10:30 p.m.;
    - b. If the use is located 500 feet or more from a dwelling, between 6:00 a.m. and 11:30 p.m.;
  4. There is sufficient off-street parking available on the premises to meet parking requirements for all the uses on the premises. The Zoning Enforcement Officer shall approve a site plan which shall demonstrate adequate parking and vehicle circulations;
  5. There are toilet facilities on the premises; and
  6. The City Fire Marshal or his authorized representative gives prior approval of any tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (f) Drive-in restaurant, provided a solid wall or fence at least six feet high shall be erected on sides which abut land, other than public right-of-way land, in a residential zone. However, if the wall or fence plus retaining wall would have an effective height of over eight feet on the residential side, the Zoning Hearing Examiner shall decide the required height; such decision shall be made by the same process and criteria required for a conditional use.

- (g) Dry cleaning, laundry, clothes pressing, provided:
  - 1. Only cleaning fluid which is not flammable at temperatures below 138.5° Fahrenheit may be used;
  - 2. The number of persons engaged in operating a laundry or dry cleaning establishment is limited to five, excluding pressers, office, clerical, or delivery personnel;
  - 3. That portion of the structure in which any cleaning process is done is at least 50 feet from any residential zone.
- (h) Flowers and plants, including out-door sales.
- (i) Gasoline, oil, and liquified petroleum gas retailing, including outdoor sales, but not truck plazas.
- (j) Golf driving range, miniature golf course, baseball batting range, located in a building or outdoors, provided fencing or other suitable device is employed to insure that balls are not hit out of premises.
- (k) Hospital for animals, provided it has no outside pens. One outside exercise run is permitted, provided it is enclosed with a solid wall or fence at least six feet high, and no more than one animal is permitted in the run at any one time.
- (l) One mobile home for a watchman or caretaker on the same lot with commercial uses, permissive or conditional in this zone, which do not have or normally require a permanent structure, including but not limited to used car sales lot; mobile home or recreational vehicles sales or rental lot; and circus, carnival, or similar enterprise. However, the mobile home shall not be within 100 feet of a lot in a residential zone or a dwelling unit in any zone.
- (m) Parking lot, as regulated in the O-1 zone.
- (n) Pets, as regulated in the C-1 zone.
- (o) Restaurant with outdoor seating.
- (p) Sample dwelling unit used to sell such units, including incidental sales office activity.
- (q) Secondhand store, including outside storage in the side or rear yard and if enclosed by a solid wall or fence at least six feet high.
- (r) Stand or vehicle selling fruit, vegetables, or nursery stock, provided it is limited to a period of 90 days in any calendar year. However, one renewal for an additional 90 days may be permitted by the Planning Director.
- (s) Not permissive as retailing or services are uses listed as conditional use in this section and uses that are in substantial part industrial or manufacturing activities, e.g., automobile dismantling, sheet metal working, or tire recapping and retreading.
- (14) Storage structure or yard for equipment, material or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six

or more months, and further provided that it is limited to a period of one year unless the time is extended by the Planning Director.

- (15) Wholesaling of jewelry.
- (16) Uses or activities in a tent, if the uses or activities are listed elsewhere in this subsection, provided:
  - (a) The tent may not be erected for more than seven days at a time and may not be erected more than two times a year on a given premises;
  - (b) There is sufficient paved off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent. The Zoning Enforcement Officer shall approve the site plan for the tent, which shall demonstrate adequate parking and vehicle circulation, prior to erection of the tent; and
  - (c) There are toilet facilities on the premises available to the users of the tent; and
  - (d) The City Fire Marshall or his authorized representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (17) Wireless Telecommunications Facility, provided that the requirements of § 14-16-3-17 of this Zoning Code are met, and as specifically allowed below:
  - (a) A concealed wireless telecommunications facility, up to 65 feet in height.
  - (b) A collocated free-standing wireless telecommunications facility, up to 75 feet in height.
  - (c) A face-mounted wireless telecommunications facility.
  - (d) A roof-mounted free-standing wireless telecommunications facility, up to 20 feet above the parapet of the building on which it is placed.
  - (e) A wireless telecommunications facility, the antennas of which are all mounted on an existing vertical structure.

**(B) Conditional Uses.**

- (1) Antenna, over 65 feet in height.
- (2) Apartment, as permitted in division (A)(8) above, if there are more than 30 dwelling units per acre but not more than 75 dwelling units per acre. Conditional use applications shall be considered on the basis of a site plan.
- (3) Church or other place of worship, including incidental recreational and educational facilities. Incidental uses allowed include but are not limited to an emergency shelter operated by the church on the church's principal premises which is used regularly for public worship, notwithstanding special limitations elsewhere in this Zoning Code.
- (4) Cold storage plant.
- (5) Community residential program, provided that the standards of § 14-16-3-12 of this Zoning Code are met.

- (6) Drive-in theater.
- (7) Dwelling unit (house, townhouse, apartment), for properties that do not meet the criteria of divisions (A)(8)(b) and (A)(8)(e)1 above or with SU-2 zoning that refers to the C-1 zone but does not specify provisions for the regulation of residential uses, provided:
  - (a) There are not over 30 dwelling units per net acre.
  - (b) Usable open space is provided on site in an amount no less than specified in the R-3 zone; no more shall be required than specified in the R-2 zone except if located in an area designated by the master plan as "Developing" or "Semi-Urban," the total open space requirements of the R-D or RA-1 zone, respectively, shall be met.
  - (c) Development shall comply with the regulations specified in division (A)(8)(e)8 above.
- (8) Emergency shelter, provided the standards of § 14-16-3-13 of this Zoning Code are met.
- (9) Fire wood sales and related storage, provided the wood is not visible from land not zoned C-2, C-3, M-1, or M-2.
- (10) Kennel.
- (11) Mobile home development, provided the development contains at least three acres. Approval of a site development plan and landscaping plan is required prior to development.
- (12) One mobile home for a watchman or caretaker on the same premises with a commercial use other than one of those uses enumerated in division (A)(12)(l) of this section. However, the mobile home shall not be within 100 feet of a lot in a residential zone or a dwelling unit in any zone.
- (13) Outdoor storage or activity, except as specifically listed as a permissive or conditional use in this section, and as further provided below:
  - (a) No outdoor storage or activity specified as a principal special use in § 14-16-2-22(B) of the Zoning Code, the SU-1 zone, may be a conditional use considered under this division (B).
  - (b) Combinations of uses, some or all of which are outdoor uses, which interact to create a more intense use, operating as one coordinated enterprise or attraction are not normally appropriate for approval as conditional uses under this division (B), being more properly controlled as SU-1 zone special uses.
  - (c) Outdoor uses which would impact their environs with appearance, light, noise, odor, or similar environmental problems likely to be unpleasant to neighboring premises and uses shall not be approved.
  - (d) Outdoor conditional uses often justify special requirements to keep the appearance or other aspects of the outdoor storage or activity from negatively impacting adjacent land.
  - (e) Outdoor vehicle storage as a principal business, where vehicles are typically not moved for one week or more, is not appropriate if it will be significantly visible from adjacent streets or nearby residential, office, or commercial uses: if approved, this type of storage requires special buffering.

- (14) Parking of more than two truck tractors and two semitrailers for over two hours.
- (15) Park-and-ride joint-use facilities, if it is determined that under the conditions imposed there will not be a shortage of on-site parking for the activities on the site; in such situations, no parking variance is required.
- (16) Pony riding without stables, provided it is located at least 300 feet from a dwelling which is a conforming use.
- (17) Public utility structure which is not permissive.
- (18) Retail sale of alcoholic drink for consumption off premises, where the portion of the building used for such business is within 500 feet of a residential zone, provided such sales shall not include the sale of broken packages or the following packages within 500 feet of a pre-elementary, elementary or secondary school, a religious institution, a residential zone, a city owned park or city owned major public open space except the retailing of alcoholic drink, for on or off premise consumption, within 500 feet of a community residential program or hospital for treatment of substance abusers, is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994 and further provided that such sales shall not include:
  - (a) distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 750 milliliters;
  - (b) beer, as defined in the New Mexico Liquor Control Act, in any single container; and
  - (c) fortified wines with a volume of alcohol of more than 13.5 percent.
- (19) Retail business in which products may be manufactured, compounded, processed, assembled, or treated, as an accessory use, including carpentry, plumbing, sheet-metal working, upholstery, sign painting, making of metal stamps, catering, baking, confectionery making, or jewelry or curio making, provided:
  - (a) All activities are conducted within a completely enclosed building.
  - (b) The number of persons engaged in the manufacturing, processing, assembling, or treating of products is limited to ten, excluding office, clerical or delivery personnel.
  - (c) Activities or products are not objectionable due to odor, dust, smoke, noise, vibration, or other cause.
- (20) Uses or activities in a tent, if the uses or activities are listed elsewhere in this section, provided there is sufficient paved off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent, and provided that the Fire Marshal [i.e., the Chief of the Fire Prevention Bureau] or his designated representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (21) Tire recapping or retreading, provided:
  - (a) The activity is incidental to the major use and is conducted within a completely enclosed building.
  - (b) Outdoor storage of tires is enclosed by a solid wall or fence at least six feet high.

- (c) Tires stored outdoors may not be stacked above the plane established by the top of the required surrounding wall.
  - (22) Transfer or storage of household goods, provided:
    - (a) Parking and maneuvering of trucks is permitted only off the street in an off-street parking area as regulated by this article.
    - (b) Servicing of trucks is permitted only within a building or an area completely enclosed by a solid wall or fence at least eight feet high.
  - (23) Wireless Telecommunications Facility, Roof-Mounted, up to 20 feet above the parapet of the building on which it is placed, provided that the requirements of § 14-16-3-17 of this Zoning Code are met.
  - (C) **Height.** Height shall be as provided in the O-1 zone, except sign and antenna height shall be as provided in division (A) of this section.
  - (D) **Lot Size.** No requirements.
  - (E) **Setback.** Setback shall be as provided in the O-1 zone.
  - (F) **Off-Street Parking.** Off-street parking shall be as provided in § 14-16-3-1 of this Zoning Code.
  - (G) **Shopping Center Regulations.** Any site in this zone classified as a Shopping Center site, as defined in § 14-16-1-5 of this Zoning Code, is subject to special site development regulations. The Shopping Center Regulations are provided in § 14-16-3-2 of this Zoning Code.
- ('74 Code, § 7-14-22) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 57-1976; Am. Ord. 13-1977; Am. Ord. 26-1977; Am. Ord. 74-1977; Am. Ord. 38-1978; Am. Ord. 55-1978; Am. Ord. 74-1980; Am. Ord. 42-1981; Am. Ord. 40-1983; Am. Ord. 54-1983; Am. Ord. 74-1985; Am. Ord. 11-1986; Am. Ord. 80-1986; Am. Ord. 41-1987; Am. Ord. 62-1988; Am. Ord. 3-1990; Am. Ord. 12-1990; Am. Ord. 30-1990; Am. Ord. 47-1990; Am. Ord. 63-1990; Am. Ord. 69-1990; Am. Ord. 43-1991; Am. Ord. 39-1992; Am. Ord. 50-1992; Am. Ord. 13-1993; Am. Ord. 2-1994; Am. Ord. 58-1995; Am. Ord. 9-1999; Am. Ord. 11-2002; Am. Ord. 10-2004; Am. Ord. 42-2004; Am. Ord. 4-2005; Am. Ord. 16-2005; Am. Ord. 43-2005; Am. Ord. 7-2006; Am. Ord. 23-2007; Am. Ord. 5-2008; Am. Ord. 6-2009; Am. Ord. 19-2010; Am. Ord. 2012-004)



*This page intentionally left blank*