

COMPREHENSIVE ZONING ORDINANCE
FOR THE
VILLAGE OF TIJERAS, NEW MEXICO

Adopted by the Village Council
on
January 12, 2009

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VILLAGE OF TIJERAS ZONING MAP
VILLAGE OF TIJERAS 100' ARROYO SET BACK

ORDINANCE NO. 132

AN ORDINANCE ADOPTING COMPREHENSIVE ZONING REGULATIONS AND A ZONING MAP FOR THE VILLAGE OF TIJERAS, NEW MEXICO; REPEALING ORDINANCE NO. 116

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TIJERAS, NEW MEXICO.

SECTION 1, TITLE.

These regulations shall be known as the “COMPREHENSIVE ZONING ORDINANCE” of the Village of Tijeras, New Mexico, and shall be referred to herein as “this Ordinance.”

SECTION 2, PURPOSE.

This Ordinance is intended to help achieve the goals and objectives of the Comprehensive Master Plan and is viewed as a vital tool for accomplishing that Plan. Thus, the regulations and restrictions of this Ordinance are designed to avoid congestion in the streets and public ways; to secure safety from fire, flood, and other dangers; to promote the general welfare of the community; to preserve and conserve local water resources; to prevent the overcrowding of land; to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other community requirements; to conserve the value of property; and to encourage the most appropriate use of land throughout the Village of Tijeras.

SECTION 3, APPLICATION.

No structure shall be constructed, placed or maintained, and no land use commenced or continued within the Village of Tijeras except as authorized by this Ordinance. Any use not designated as permissive within a particular zone is prohibited from that zone, except as otherwise provided in this Ordinance. The zones described herein are shown on the Tijeras Zoning Map, which is made a part of this Ordinance and is available to the public at the Tijeras Village Office.

SECTION 4, INTERPRETATION.

The provisions of this Ordinance are held to be minimum requirements to carry out the purpose of this Ordinance and are not intended to interfere with any other laws, covenants, or

ordinances. Whenever any provisions of this Ordinance are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern.

SECTION 5, DEFINITIONS.

A. Word Forms. For the purpose of this Ordinance, certain words or phrases used herein shall be interpreted as follows:

1. The word “person” includes an individual, association, partnership, company, corporation, or any other legal entity.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The words “shall” and “must” are mandatory, the word “may” is permissive.

B. Definitions. The following definitions apply to this Ordinance:

1. "Accessory" means subordinate and incidental to a principal use or structure on the same lot.
2. “Apartment” means one or more structures for rent or lease containing two or more dwelling units each.
3. “Banners” means a temporary sign generally made of flexible vinyl and/or canvass like material.
4. “Boarding, Rooming, or Lodging House” means a building other than a hotel or restaurant where lodging, with or without meals, is provided for compensation for 4 or more persons, but not exceeding eight (8) persons.
5. “Building” means any structure having a roof supported by columns or walls, and designed or intended for shelter, support, enclosure or protection of persons, animals, or personal property.
6. “Building Height” means the average of their vertical distances from the finished ground level at the center of all walls of a building to:
 - a. The deck line of a mansard roof;
 - b. The mean height level between the eaves and ridges of a gable, hip, or gambrel roof; or
 - c. The highest point of a flat roof or any roof style not described in this definition.
7. “Business License” means a licensed permit approved and issued by the Village

of Tijeras for each business operated within its Municipal boundaries.

8. “Clinic” means an establishment occupied by one or more members of the medical, dental, or veterinary profession for the purpose of providing health services.
9. “Club” means any membership organization catering exclusively to members and their guests and whose facilities are limited to meeting, eating, and/or recreational uses, and further whose activities are not conducted for monetary gains; including but not limited to civic, fraternal, charitable, religious, social, and patriotic organizations.
10. “Commission” means the Planning and Zoning Commission of the Village of Tijeras, New Mexico.
11. “Conditional Use” means use that may be allowed in a particular zone district but which is subject to Commission and Council approval with or without conditions.
12. “Condominium” means one or more structures containing two or more dwelling units each that are sold to and held under individual ownership by the occupants, and which may or may not include ownership of the land upon which the dwelling units are situated. This includes town houses, patio houses, and other similar forms of individual ownership.
13. “Contiguous” means touching or separated only by a public right-of-way.
14. “Council” means the Village Council of the Village of Tijeras, New Mexico.
15. “Created Open Space” means open space created for the purpose of retaining and enhancing the rural character of the Village assuring that commercial development will compliment, not harm the natural beauty of the Village of Tijeras.
16. “Dedicated Open Space” means any open space dedicated by the Village’s Council by Ordinance.
17. “District, Zone” means any section of the Village of Tijeras in which requirements for the use of buildings and land is uniform, as prescribed by this Ordinance.
18. “Drainage” means discharge or flow of surface water by gravity.
19. “Dwelling, Single-Family” means a detached dwelling unit in a structure other than a mobile home, designed for and occupied by one family only.
20. “Dwelling, Multi-Family” means a single structure containing two or more

dwelling units including but not limited to condominiums and apartments.

21. “Dwelling Unit” means one or more connected rooms to be occupied by one family for living and sleeping purposes.
22. “Family Members” mean two or more persons related by blood, marriage, adoption, guardianship, or any other legal custodial arrangement.
23. “Fence or Wall” means any structural device forming a physical barrier between two open areas. Materials used in the construction of a fence or wall shall not pose health or safety hazards to the community and shall not be disruptive to the rural residential character of the Village or have an adverse effect on drainage.
24. “Floor Area” means the gross horizontal area of the total number of floors of a building.
25. “Frontage” means a distance measured along a public right-of-way line.
26. “Garage, Commercial” means a building other than a private garage, used for the care, repair or equipment of automobiles, or where such vehicles are parked or stored for payment or sale within the structure.
27. “Garage, Private” means any accessory building or portion of a building for the primary purpose of housing vehicles, which are owned and used by the occupants of the main building.
28. “Grade” means the average of the finished ground level at the center of all walls of a building.
29. “Home Business” means any occupation or activity clearly incidental and secondary to the use of the premises for a dwelling. Exterior storage of materials and equipment required for the home business shall be permitted provided no nuisances result from the storage thereof and, other than one non-illuminated sign, not to exceed five (5) square feet in size; there shall be no other exterior indications of the home business. No more than twenty five (25) percent of the dwelling's floor areas shall be devoted to the home business. The Council may upon its own initiative and or upon a complaint from adjacent property owners, impose such additional conditions, as it deems necessary in order to comply with the provisions of this Ordinance.
30. “Inoperable Vehicles” means any vehicle which, for a period of at least thirty (30) consecutive days, the engine, wheels, tires or other parts have been removed or on which the engine, wheels, tires, or other parts have

been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. A vehicle that is not registered or does not display a current valid license plate and validating sticker shall be deemed inoperable. Inoperable vehicles shall include any parts of a vehicle located separately from a vehicle. A vehicle shall be deemed inoperable when it has one or more flat tires or has one or more missing windshield or window, or has one or more windshield or window broken to the extent that visibility is limited so as to make driving such vehicle unsafe. An INOPERABLE VEHICLE does not include any motor vehicle that is kept within a building when not in use, nor a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise. An inoperable vehicle does not include a vehicle for which a temporary sticker has been issued.

31. “Land Split” means the division of any residential tract of land into two or more one-acre tracts (Residential-1) or two or more two-acre tracts in the case of rural residential areas (Residential-2), by a family for the use of other family members and whose intent is not to circumvent the subdivision regulations of the Village. A land split must otherwise conform to the requirements of the Zoning Ordinance.
32. “Larger Commercial Development” means any commercial or business development, including retail, financial or personal services which have the potential of producing traffic through its premises of one hundred vehicles or more per day.
33. “Lot” means a parcel or tract of land of sufficient size to meet the minimum requirements of this ordinance, platted and recorded with the County Clerk in accordance with all laws and ordinances, legally described and containing sufficient frontage and legally approved access to public rights-of-way.
34. “Lot Area” means the aggregate lot area measured to property lines, but excluding easements.
35. “Lot, Corner” means any lot located at the intersection of, and having frontage on two or more streets.
36. “Lot, Double Frontage” means any lot with frontage on two parallel or approximately parallel streets.
37. “Lot Line, Front” means the boundary line of a lot bordering on a road or public right-of-way.
38. “Lot Line, Rear” means the boundary line of a lot, which is opposite and most distant from the front lot line and does not connect to the front lot line.

39. “Lot Line, Side” means any lot boundary line which is not a front lot line or a rear lot line.
40. “Mayor” means the chief executive officer of municipalities having the Mayor-Council form of government.
41. “Mobile Home” (also known as Manufactured Housing) means a transportable structure, at least eight (8) feet in width and thirty-two (32) feet in length, built to be towed on its own chassis, and designed to be used as a movable dwelling unit for connection to permanent utilities. A mobile home structure shall be certified as meeting the National Manufactured Housing Construction and Safety Standards of the U.S. Department of Housing and Urban Development, or acceptable prior codes, and is not built to standards of the New Mexico Uniform Building Code. A mobile home shall be installed in accordance with the provisions of the N.M. Manufactured Housing Act (60-14-1 et seq. NMSA 1978).
42. “Mobile Home Park” means a parcel of land on which space is leased or rented for occupancy by two or more mobile homes, and which contains facilities for the use of mobile home occupants.
43. “Modular or Prefabricated Home” means a factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure on a permanent foundation; the term applies to major assemblies designed to be permanently affixed to real property in conformance with the local building codes, and does not include prefabricated supplements such as panels, trusses, or plumbing trees which are to be incorporated into a structure at a building site.
44. “Nonconforming Uses, Lots or Structures” means any building, structure or portion thereof, or use of any building or land which does not conform to the regulations of this Ordinance and which lawfully existed on the effective date of the regulations to which it does not conform.
45. “Outdoor Lighting Fixture” means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting.
46. “Parking, Off-Street, Parking Lot” means an area used for parking of motor vehicles as regulated by this Ordinance.
47. “Permissive Use” means any use authorized in a particular zone district established by this Ordinance.
48. “Premises” means any lot or combination of contiguous lots held in single

ownership, together with the development thereon.

49. “Public Right-of-Way” means a thoroughfare, which has been dedicated to the public by deed, or reserved by plat, or otherwise acquired by the Village, County, State, or Federal Government.
50. “Salvage Material” means any excess or reusable materials having a value to the owner.
51. “Seasonal Sales” means the seasonal selling, offering for sale, selling or delivering, bartering, exchanging, peddling or hawking any goods, wares, merchandise, property, either real or personal, tangible or intangible, services, Christmas trees or other vegetation or food items such as chili, piñon, fruits and vegetables, on any commercial property in the Village.
52. “Setback” means the minimum allowable distance between any building and the nearest lot line of the lot upon which it is located, consisting of open space, unoccupied by any structure except as otherwise provided in this Ordinance.
53. “Setback, Front Yard” means the minimum allowable distance between any building and the front lot line of the lot on which such building is located. No more than one front yard setback shall be designated on corner lots or double frontage lots.
54. “Setback, Rear Yard” means the minimum allowable distance between any building and the rear lot line of the lot on which such building is located. On double frontage lots, the rear yard setback shall be designated on the opposite side of the lot from the designated front yard setback.
55. “Setback, Side Yard” means the minimum allowable distance between any building and a side lot line of the lot on which such building is located. On corner lots, a side yard setback shall be designated along the lot line bordering a road or street that is not designated as the front yard setback.
56. “Shielded” means an outdoor lighting fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
57. “Shopping Center” means an aggregation of retail service, or commercial businesses occupying a single site and including any number of businesses connected or clustered with common parking and vehicular access.
58. “Sign” means a device intended to direct or attract persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the sign regulations herein:

- a. Signs required by State or Federal law, or signs of an official governmental body.
 - b. Illustration of names of occupants and address or property numbers, when smaller than one square foot.
 - c. Private traffic signs, visitor signs, or warning signs bearing no advertising matter, and smaller than one square foot.
59. “Sign Face” means the area of the sign or signs, which is enclosed by a continuous line, connecting the extreme points or edges of the sign, but not including structural supports of the sign. For any two-sided sign, only one sign face shall be counted in computing the sign size.
60. “Single-Family” means one or more persons occupying a single dwelling unit, who are related by blood, marriage, adoption, guardianship, or any other legal custodial arrangement. All persons grouped in any other way shall not exceed five per single dwelling unit.
61. “Sub Divider” means any person proposing a subdivision, including the owner, equitable owner, or any authorized representative.
62. “Subdivision” means the division of any tract of land into two or more parts for the purpose, whether immediate or in the future, of sale, lease or development for profit.
63. “Structure” means anything constructed or erected with a permanent location on the ground, or attached to something having a permanent location on the ground.
64. “Temporary” means a time frame to be determined by the Commission/Council.
65. “Travel Trailer or Recreational Vehicle (RV)” means a vehicle, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, and not permanently connected to utilities.
66. “Use” means the purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased.
67. “Variance” means a relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary hardship. Financial gain or loss shall not be the determining factor in deciding a variance.

SECTION 6, GENERAL PROVISIONS – APPLICABLE TO ALL ZONES.

- A. Access to Structures. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and any required off-street parking or loading.
- B. Height Regulations. No building shall exceed 26 feet in height. Building height limitations shall not apply to chimneys, noncommercial antennas or flagpoles. All water tanks, windmills, commercial antennas, spires, and other objects exceeding 26 feet above finished ground level shall require approval of a height variance. Telephone and electrical utility poles are exempt. (See SECTION 20).
- C. Mobile Home Installation. Regardless of any setback regulations provided in this Ordinance, no mobile home shall be located within 50 feet of any other mobile home or dwelling unit. Mobile homes shall be limited to residential use only, unless otherwise provided in this Ordinance. Within 30 days following occupancy, mobile homes shall be connected to adequate utilities, provided with skirting of a durable material, and stabilized and anchored in accordance with regulations promulgated by the Manufactured Housing Act of New Mexico (60-14-1 et seq. NMSA 1978).
- D. Water and Sewerage Facilities. Regardless of any of the provisions of this Ordinance, all lots and all structures located thereon, shall be in compliance with the regulations established by the Village of Tijeras Water Ordinance No. 94-74, the Wellhead Protection Plan, and those of the New Mexico Environment Department of the New Mexico State Engineer's Office, and any other laws or regulations concerning water and sewerage facilities.
- E. Refuse Disposal and Salvage Material Control. All persons owning or occupying lands within the Village shall be responsible for the sanitary conditions of their premises. No person shall permit or cause the accumulation of refuse or solid waste or salvage materials, which may become hazardous to public health or safety or which obstructs traffic, drainage, or access to structures.
- F. Professional Services. The Council and Commission through discussion with the Mayor/Staff shall have the right to use any professional services necessary to protect the interests of the Village of Tijeras. The property owner absorbs the expenses of these services when appropriate.
- G. Blasting. Blasting will be done by a licensed contractor only. All State and local laws will be addressed per the Standard Specifications for Highway and Bridge construction. These sections identify pre-blasting and the requirements necessary as well as a pre-blast condition survey, vibration control and monitoring, air blast and noise control, and fly rock control. Other requirements needed before blasting include proof of insurance and bond plus a copy of the contractor's license.
- H. Water Storage Tanks. Residential-1 and Residential-2 areas shall not exceed a 200 gallon maximum water storage tank. No overhead water storage tanks to be allowed in R-1 or

R-2 zones. Any commercial property storage tanks would need a special permit obtained upon recommendation by the Commission and approved by the Village Council.

- I. Fire Sprinklers. All new non-residential construction and any remodeling of existing buildings, consisting of 5,000 square feet or more of which are used for public gatherings of any kind will require the installation of fire protection sprinkler systems.
- J. Inoperable Vehicles. Inoperable vehicles, vehicle bodies, parts, or salvage materials are not to be in view of adjoining properties, commercial areas or public roadways. Any such inoperable vehicles shall be removed, enclosed in a building or solid fence or other means that hide the inoperable vehicle from view. Any property owner upon whose property an inoperable vehicle is located and who fails to comply with the provisions of this section, shall upon thirty (30) days written notice by the Village to remove, be deemed to have consented to entry and removal by the Village at the property owner's expense.

SECTION 7, ESTABLISHMENT OF ZONES.

- A. Zone Districts. In order to carry out the provisions of this Ordinance, the Village of Tijeras is hereby divided into the following zone districts:
 - R-1 RESIDENTIAL-1 is SECTION 8
 - R-2 RURAL RESIDENTIAL-2 is SECTION 9
 - CB-1 COMMERCIAL BUSINESS-1 ZONE is SECTION 10
 - CB-2 LARGER DEVELOPMENT COMMERCIAL-2 ZONE is SECTION 10
 - I/M-3 INDUSTRIAL/MANUFACTURING/SERVICE ZONE is SECTION 10
 - G-4 GOVERNMENT/INSTITUTIONAL is SECTION 10
 - S-U SPECIAL USE is SECTION 11
- B. Zoning Map. The boundaries of zone districts are shown on the Tijeras Zone Map, which is hereby adopted and made a part of this Ordinance as if fully described herein. The Zoning Map shall be maintained by the Village Clerk and shall be made available for public reference.
- C. Interpretations. Where, due to illegibility of the Tijeras Zoning Map, there is any uncertainty as to the intended location of any zone boundaries shown thereon, interpretation concerning the exact location of zone boundary lines shall be determined by the Commission.
- D. Multiple-Zoned Lots. Circumstances may justify the need to designate more than one zone on a single lot. In such cases, zone boundaries within a multiple-zoned lot shall be more fully described by the Tijeras Zoning Map by showing any necessary dimensions of zones in relation to existing property lines.
- E. Annexation. Any request for annexation into the Village shall be filed and processed concurrently with an application for zone map amendment as provided in this Ordinance.

Upon such filing, the Commission shall review and recommend approval or disapproval of the annexation to the Village Council. The Village Council shall make the final decision to either accept or not accept the proposed annexation. Should the annexation be approved by the Village Council, the Council shall also determine and designate the appropriate zoning. Zoning within the annexed areas shall be in accordance with the Village's development policies and this Ordinance.

SECTION 8, R-1 RESIDENTIAL ZONE.

- A. Intent. The intent of this zone district is to provide for the development of single-family homes of mixed construction including conventional housing, modular or prefabricated dwelling units, and mobile homes. Certain other uses specified in this section are allowed, provided they are compatible with the development of the neighborhood. Density shall not exceed one dwelling unit per minimum one-acre lot.
- B. Permissive Uses. Any of the following uses are permissible in this zone district:
1. One single-family dwelling unit or one mobile home per lot.
 2. Accessory buildings, structures, or uses customarily incidental to the uses allowed in this zone.
 3. Storage of a boat, pick-up camper, travel trailer, or recreational vehicle, when not used as additional living quarters and not permanently connected to utilities.
 4. Public utility services, but not including a power generation plant.
- C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Council after Commission review and recommendation in accordance with this Ordinance.
1. Home businesses.
 2. Public and private schools.
 3. Churches and incidental facilities.
 4. Non-profit recreational facilities.
 5. Family day care home as regulated by the N.M. Department of Health.
 6. Temporary real estate, caretaker or storage structures and contractor yards incidental to a specific construction project but not to exceed one year in duration unless the Commission has approved an extension of the application.
 7. Boarding, rooming, or lodging house.
 8. Mobile home used as temporary non-residential structure requiring a renewable one-year permit.
 9. Non-commercial library, museum, or art gallery.
- D. Supplementary Regulations.
1. Area and Setback:

- a. Every lot in this zone district shall have an area of not less than one acre.
- b. Minimum setback requirements are as follows:
 - (1) Front yard ... 20 feet
 - (2) Rear yard ... 15 feet
 - (3) Side yard ... 10 feet
- c. The following structures may be allowed within the required minimum setback when approved by the Council after review and recommendation by the Commission:
 - (1) Walls and fences no higher than six feet may sit on property lines provided visual clearance is not obstructed at any driveway entrance to the lot. However, walls and fences adjacent to any Village street may be constructed from ground level up to three feet of solid wall material, (block or brick) and construction may be continued up to six feet of non-solid material, such as chain link, wire, or wrought iron.
 - (2) Public utility structures.
 - (3) Any accessory building or structure with no utilities.

2. Signs:

- a. Each lot shall not have more than one sign which shall not exceed ten square feet of sign face.
- b. Signs pertaining to the lease or sale of the premises or advertising home businesses shall not exceed five square feet of sign face.
- c. No signs in this zone shall be illuminated; except home physical address numbers.
- d. Signs shall not exceed eight feet in height if free-standing, and shall not extend above the highest point of a building when attached to that building.
- e. Special political signs, up to five square feet of sign face for each premises in this zone may be erected no earlier than 60 days before any primary or general election and shall be removed within 10 days after the election.

3. Off-Street Parking and Loading: (See SECTION 15)

4. Outdoor Lighting:

- a. All outdoor lighting fixtures installed after January 14, 2002, shall be shielded except incandescent fixtures of one hundred fifty watts or less and other sources of fifty watts or less;

- b. Any outdoor lighting used for security, landscape or building illumination, or area illumination shall be additionally shielded so as to reflect no more than one candle foot onto any adjacent residentially zoned property.
- c. Outdoor lighting fixtures not meeting the provisions of subsection (a) or (b) shall be allowed, if the fixture is extinguished by an automatic shutoff device between the hours of 10:00 P.M. and sunrise.
- d. No outdoor recreational facility, whether private or public, shall be illuminated after 10:00 P.M. except to conclude any recreational or sporting event or other activity, which is in progress prior to 10:00 P.M. at a ballpark, arena or similar facility.

The following are exempt from these provisions:

- 1. Outdoor lighting fixtures existing and legally installed prior to January 14, 2002; however, when existing lighting fixtures cannot be repaired, and/or within three years from the date this Ordinance is adopted, replacements must be installed to conform with these provisions.
- 2. Outdoor lighting fixtures that is necessary for worker safety.

SECTION 9, R-2 RURAL RESIDENTIAL ZONE.

- A. Intent. The purpose of this zone district is to provide for low-density housing development in areas remote from available public services or situated in rugged terrain. This zone allows single-family homes of mixed construction including conventional housing, modular or prefabricated dwelling units, and mobile homes. Certain other uses specified in this section are allowed, provided they are compatible with the development of the neighborhood. Density shall not exceed one dwelling unit per minimum two-acre lot.
- B. Permissive Uses. Any of the following uses are permissible in this zone district:
 - 1. One single-family dwelling unit or one mobile home per lot.
 - 2. Accessory buildings, structures, or uses customarily incidental to the uses allowed in this zone.
 - 3. Storage of a boat, pick-up camper, travel trailer, or recreation vehicle, when not used as additional living quarters and not permanently connected to utilities.
 - 4. Public utility services, but not including a power generation plan.
- C. Conditional Uses: The following uses may be allowed in this zone district only, upon permit granted by the Council after Commission review and recommendation in

accordance with this Ordinance:

1. Home Businesses.
2. Public and private schools.
3. Churches and incidental facilities.
4. Non-profit recreational facilities.
5. Family day care home as regulated by the N.M. Department of Health.
6. Temporary real estate, caretaker or storage structures and contractor yards incidental to a specific construction project but not to exceed one year in duration unless the Commission has approved an extension of the application.
7. Boarding, rooming, or lodging house.
8. Mobile home used as temporary non-residential structure requiring a renewable one-year permit.
9. Non-commercial library, museum, or art gallery.

D. Supplementary Regulations.

1. Area and Setback:

- a. Every lot in this zone district shall have an area of not less than two acres.
- b. Minimum setback requirements are as follows:
 - (1) Front yard...30 feet
 - (2) Rear yard...20 feet
 - (3) Side yards...15 feet
- c. The following structures may be allowed within the required minimum setback when approved by the Council after review and recommendation by the Commission:
 - (1) Walls and fences no higher than six feet may sit on property lines provided visual clearance is not obstructed at any driveway entrance to the lot. However, walls and fences adjacent to any Village street may be constructed from ground level up to three feet of solid wall material, (block or brick) and construction may be continued up to six feet of non-solid material, such as chain link, wire, or wrought iron.
 - (2) Public utility structures.
 - (3) Any accessory building or structure.

2. Signs:

- a. Each lot shall not have more than one sign which shall not exceed ten square feet of sign face.
- b. Signs pertaining to the lease or sale of the premises or advertising

home businesses shall not exceed five square feet of sign face.

- c. No signs in this zone shall be illuminated, except home physical address numbers.
 - d. Signs shall not exceed eight feet in height if free-standing, and shall not extend above the highest point of a building when attached to that building.
 - e. Special political signs, up to five square feet of sign face for each premises in this zone may be erected no earlier than 60 days before any primary or general election and shall be removed within ten days after the election.
3. Off-Street Parking and Loading: (See SECTION 15)
 4. Outdoor Lighting.
 - a. All outdoor lighting fixtures installed after January 14, 2002, shall be shielded except incandescent fixtures of one hundred fifty watts or less and other sources of fifty watts or less.
 - b. Any outdoor lighting used for security, landscape or building illumination, or area illumination shall be additionally shielded so as to reflect no more than one candle foot onto any adjacent residentially zoned property.
 - c. Outdoor lighting fixtures not meeting the provisions of subsection (a) or (b) shall be allowed, if the fixture is extinguished by an automatic shutoff device between the hours of 10:00 P.M. and sunrise.
 - d. No outdoor recreational facility, whether private or public, shall be illuminated after 10:00 P.M. except to conclude any recreational or sporting event or other activity, which is in progress prior to 10:00 P.M. at a ballpark, arena or similar facility.

The following are exempt from these provisions:

1. Outdoor lighting fixtures existing and legally installed prior to January 14, 2002; however, when existing lighting fixtures cannot be repaired, and/or within three years from the date this Ordinance is adopted, replacements must be installed to conform to these provisions.
2. Outdoor lighting fixtures that is necessary for worker safety.

SECTION 10, C-B COMMERCIAL, INDUSTRIAL & GOVERNMENT ZONES.

The following provisions apply to all of the zone districts in this Section 10:

1. All commercial, industrial or governmental development shall preserve the natural landscape and open space shall be used to retain the rural character assuring that commercial development will compliment, not harm the natural beauty of the Village of Tijeras.
2. Assure that compatibility of property uses shall be maintained in the general area.
3. Preserve the integrity and character of the land on which the uses will be located, and the utility, character and value of property in all adjacent zones.
4. Assure that these zoning areas will not become a detriment to the municipal water supply, traffic safety, or general welfare of the Village of Tijeras.

CB-1 COMMERCIAL DEVELOPMENT

- A. Intent: The purpose of this zone district is to provide for those commercial and business uses which serve the community on a day to day basis, including retailing, financial, and business services, in such a manner as to harmonize with the rural residential nature of the community, minimizing lighting, visual and audible distractions to create an overall esthetically pleasing environment. In order to safeguard a limited future water supply, uses that require in excess of 36,900 gallons per month in this zone shall not be permitted. Minimum lot size is one acre.
- B. Permissive Uses: Any of the following uses are permissible in this zone district:
1. One single-family unit per lot.
 2. Professional offices, e.g. insurance agencies, law offices, CPA firms/tax preparers
 3. Banking Services
- C. Conditional Uses: The following uses may be allowed in this zone district only upon permit granted by the Council after Commission review and recommendation in accordance with this Ordinance:
1. Home businesses.
 2. Public and private schools.
 3. Churches and incidental facilities.
 4. Non-profit recreational facilities.
 5. Small eating and drinking establishments.
 6. Small urgent care facilities and medical clinics.
 7. Family day care home as regulated by the New Mexico Department of Health.
 8. Temporary real estate, caretaker or storage structures and contractor yards incidental to a specific construction project but not to exceed one year in duration unless the Commission has approved an extension of the application.
 9. Mobile home used as temporary non-residential structure requiring a renewable one-year permit.
 10. Non-commercial library, museum, or art gallery.
 11. Clubs and places of assembly when conducted completely within enclosed buildings.
 12. Public utility service, not including a power generation plant and other public

- services, e.g. libraries.
13. Retail business establishments except gas, fuel, pumping services and/or other potential hazardous/flammable materials.
 14. Business services, e.g. nail and hair salons.
 15. Seasonal sales.
 16. Financial Services

Development Plan Requirements

1. All outside storage and refuse collection areas shall be screened from public view to the greatest extent possible.
2. A minimum 10-foot wide landscaped area shall be contiguous to all property lines along the residential zoned lands. A solid six (6) foot fence and/or barrier shall be used in order to establish a visual screen.
3. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened to the extent possible such that it does not shine directly or reflect into any adjoining residential properties or public right of way.
4. The site and plan design should be in harmony with the small Village character of the area and should minimize visual distractions.
5. Any site proposal for a development containing 10,000 square feet of floor space or more shall include a traffic impact analysis of traffic to be generated by the development and its affect on the surrounding street system.
6. An approved site development plan may be voided for one or both of the following reasons:
 - a. Either the developer or other evidence indicates that significant changes have been made to the approved plan; or
 - b. A State issued building permit has not been obtained within one year following the date of approval of the site development plan.
 - c. If an approved site development plan becomes void, the Conditional Use Permit for the site shall be terminated.
7. Said developments shall not destroy the rural residential character of the Village of Tijeras nor shall they affect the community water system, sewer system, fire protection systems, and any other infrastructures must be adequate to serve the development.

(REFER TO SUPPLEMENTARY REGULATIONS ON PAGE 23)

CB-2 LARGER DEVELOPMENT COMMERCIAL BUSINESS ZONE

- A. Intent: The purpose of this zone is to provide for those larger commercial, retail and

business development uses which may potentially produce traffic of one hundred vehicles or more per day, which serve the community on a day to day basis, including retail, financial and personal services, in such a manner as to be in harmony with the rural residential character of the community, minimizing lighting, visual and audible distractions to create an overall esthetically pleasing environment. In order to safeguard a limited future water supply, uses that require in excess of 50,500 gallons of water per month in this zone shall not be permitted. Minimum lot size shall be determined by the Commission with approval of the Council but in any event shall not be less than two acres.

- B. In order to safeguard the rural residential nature of the community, preserve limited natural resources, and in view of the community's limited public safety safeguards, there shall be no permissive uses in this zone.
- C. Conditional Uses:
 - 1. Retail business establishments.
 - 2. General and professional offices.
 - 3. Businesses and personal services.
 - 4. Banking and financial services.
 - 5. Public and private schools.
 - 6. Churches and incidental facilities.
 - 7. Non-profit recreational facilities.
 - 8. Temporary real estate, caretaker or storage structures and contractor yards incidental to a specific construction project but not to exceed one year in duration unless the Commission has approved an extension of the application.
 - 9. Non-commercial library, museum, or art gallery.
 - 10. Lodging (hotels, motel, bed and breakfast, or similar business) provided there are community water and sewer systems to serve the development.
 - 11. Eating and drinking establishments.
 - 12. Urgent care facility, medical clinic, hospital and convalescent or nursing homes.
 - 13. Clubs and places of assembly when conducted completely within enclosed buildings.
 - 14. Gas/fuel pumping services shall meet all State regulations and comply with the Environmental Department.
- D. Larger Development Plan Requirements.
 - 1. The site shall be located with direct access to a State or Federal arterial highway.
 - 2. All buildings must be placed at least 100 feet from any property lines of residential uses or residential zoned lands unless physical characteristics such as topography warrant a lesser setback, which must be approved by the Council.
 - 3. At least ten percent of the required off street parking area shall be landscaped and maintained in a clean and healthy condition.
 - 4. All outside storage and refuse collection areas shall be screened from public view to the greatest extent possible.

5. A minimum 10-foot wide landscaped area shall be contiguous to all property lines along the residential zoned lands. A solid six (6) foot fence and/or barrier shall be used in order to establish a visual screen.
6. A minimum of two separate entrances and exits with direct access to a State or Federal highway shall be provided for circulation and emergency vehicle access.
7. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened to the extent possible such that it does not shine directly or reflect into any adjoining residential properties or public right of way.
8. The site and plan design should be in harmony with the small Village character of the area and should minimize visual distractions.
9. Any site proposal for a development containing 10,000 square feet of floor space or more shall include a traffic impact analysis of traffic to be generated by the development and its affect on the surrounding street system.
10. An approved site development plan may be voided for one or both of the following reasons:
 - a. Either the developer or other evidence indicates that significant changes have been made to the approved plan; or
 - b. A State issued building permit has not been obtained within one year following the date of approval of the site development plan. If an approved site development plan becomes void, the Conditional Use Permit for the site shall be terminated.
11. A site development shall not exceed a total of 136,000 square feet of floor area.
12. On any site development, the largest individual business or retail trade use shall not exceed 50,000 square feet and any other retail trade use shall not exceed 20,000 square feet. No additional exterior storage facilities will be allowed on site.
13. Said developments shall not destroy the rural residential character of the Village of Tijeras nor shall they affect the community water system, sewer system, fire protection systems, and any other infrastructures must be adequate to serve the development.

(REFER TO SUPPLEMENTARY REGULATIONS ON PAGE 23)

I/M-3 INDUSTRIAL/MANUFACTURING/SERVICE ZONE

- A. Intent: The purpose of this zone district is to provide for those commercial, industrial and manufacturing uses which serve the community on a day-to-day basis in such a manner as to harmonize with the rural residential nature of the community. In order to safeguard a limited future water supply, uses that require in excess of 50,400 gallons per month shall not be permitted. Minimum lot size is 1 acre.
- B. Permissive Uses:
 1. One single-family unit per lot.
 2. Professional offices, e.g. insurance agencies, law offices, CPA firms/tax preparers

3. Banking Services

C. Conditional Uses:

1. Home businesses.
2. Public utility service, not including a power generation plant and other public services, e.g. libraries.
3. Retail business establishments except gas, fuel, pumping services and/or other potential hazardous/flammable materials.
4. Business services, e.g. nail and hair salons.
5. Seasonal sales.
6. Financial Services
7. Public and private schools.
8. Churches and incidental facilities.
9. Non-profit recreational facilities.
10. Family day care home as regulated by the New Mexico Department of Health.
11. Temporary real estate, caretaker or storage structures and contractor yards incidental to a specific construction project but not to exceed one year in duration unless the Commission has approved an extension of the application.
12. Mobile home used as temporary non-residential structure requiring a renewable one-year permit.
13. Non-commercial library, museum, or art gallery.
14. Clubs and places of assembly when conducted completely within enclosed buildings.
15. Motor vehicle services and commercial garages provided that:
 - (a) Any repair work shall be conducted entirely within an enclosed building.
 - (b) A solid wall or fence at least six feet high is erected and maintained between the activity and a contiguous R-1 and R-2 zone.
 - (c) Outdoor storage of not more than five automobiles awaiting repair shall be permitted.
16. Construction contractors, waste removal services, and building trades, including storage are enclosed on all sides by a solid wall or fence at least six feet high.
17. Annual firewood sales provided:
 - (a) All outdoor storage is enclosed by a solid wall or fence at least six feet high.
 - (b) Wood shall not be stacked higher than six feet.
 - (c) Wood shall not be stored within 20 feet of any property line or within 20 feet of any building.
18. Motor vehicle sales (park and sell or similar business).
19. Motor vehicle washing services (including mobile service) must comply with all State and Federal regulations.
20. Boarding or selling of animals.
21. Storage Units.

Development Plan Requirements

1. All outside storage and refuse collection areas shall be screened from public view to the greatest extent possible.
2. A minimum 10-foot wide landscaped area shall be contiguous to all property lines along the residential zoned lands. A solid six (6) foot fence and/or barrier shall be used in order to establish a visual screen.
3. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened to the extent possible such that it does not shine directly or reflect into any adjoining residential properties or public right of way.
4. The site and plan design should be in harmony with the small Village character of the area and should minimize visual distractions.
5. Any site proposal for a development containing 10,000 square feet of floor space or more shall include a traffic impact analysis of traffic to be generated by the development and its affect on the surrounding street system.
6. An approved site development plan may be voided for one or both of the following reasons:
 - a. Either the developer or other evidence indicates that significant changes have been made to the approved plan; or
 - b. A State issued building permit has not been obtained within one year following the date of approval of the site development plan.
 - c. If an approved site development plan becomes void, the Conditional Use Permit for the site shall be terminated.
7. Said developments shall not destroy the rural residential character of the Village of Tijeras nor shall they affect the community water system, sewer system, fire protection systems, and any other infrastructures must be adequate to serve the development.

(REFER TO SUPPLEMENTARY REGULATIONS BELOW)

G-4 GOVERNMENT/INSTITUTIONAL

- A. Intent: Village of Tijeras properties and other governmental owned facilities.

(REFER TO SUPPLEMENTARY REGULATIONS BELOW)

SUPPLEMENTARY REGULATIONS ARE APPLICABLE TO SECTION 10. COMMERCIAL, INDUSTRIAL AND GOVERNMENT ZONES.

1. Area and Setback:
 - a. Every lot in this zone district shall have an area of not less than one acre.

- b. Minimum setback requirements are as follows for total area whether all is in Tijeras or not:

	Front setback	Back setback	Side setback
1 acre	35 feet	20 feet	15 feet
2 acres	50 feet	30 feet	25 feet
3 to 5 acres	65 feet	40 feet	35 feet
6 to 8 acres	80 feet	55 feet	45 feet
9 to 11 acres	95 feet	70 feet	55 feet
12 to 14 acres	110 feet	85 feet	65 feet
15 to 17 acres	125 feet	100 feet	75 feet
18 to 20 acres	140 feet	110 feet	85 feet
21 and up acres	155 feet	125 feet	100 feet

- c. The following structures may be allowed within the required minimum setback only when approved by the Council after review and recommendation by the Commission:

- (1) Walls and fences no higher than six feet may sit on property lines provided visual clearance is not obstructed at any driveway entrance to the lot. However, walls and fences adjacent to any Village street may be constructed from ground level up to three feet of solid wall material, (block or brick) and construction may be continued up to six feet of non-solid material, such as chain link, wire, wrought iron.
- (2) Public utility structures.
- (3) Any accessory buildings or structures that are no larger than 200 square feet in floor area with no utilities and are not within ten feet of any other building.
- (4) Free-standing signs at least ten feet away from any property Line.
- (5) Associated parking and loading structures.

2. Signs:

- a. Signs must be located on private property and may advertise, identify, or direct to a use currently conducted on the same premises.
- b. The total aggregate of all sign faces allowed for the property on which the use is located shall not exceed 150 square feet of sign area for the first 50 feet of street frontage and one additional square foot of sign face for each additional foot of street frontage;
- c. Signs shall not exceed 16 feet in height if free-standing, and shall not extend more than five feet above the highest point of a building when attached to that building.
- d. No sign in this zone shall be permitted with flashing, blinking, or intermittent lights and no sign shall interfere with traffic safety, except

- e. physical address numbers.
- e. Special political signs, up to 32 square feet for each sign, may be erected no earlier than 60 days before any primary or general election and shall be removed within ten days after the election.
- f. No billboards shall be allowed.

3. Banners:

- a. A banner is a temporary sign that can be restricted by a time frame period.
- b. A banner can be a seasonal sign.
- c. A banner can announce pending events.
- d. All banner signs must be included in overall square footage requirements.
- e. No business shall exceed two temporary signs.
- f. A banner cannot exceed 40 square feet.
- g. A seasonal/announcement banner is a temporary sign, which can be changed throughout the year. Only one such sign is allowed per business location.
- h. A banner can be replaced with identical wording and size as previously approved by the Commission as the banner becomes ragged or faded.

4. Off-Street Parking and Loading: (See SECTION 15)

5. Storage Tanks:

Any business or development in these zones requiring the use of underground storage tanks or any other facilities that may contaminate or pollute the water or air shall meet the minimum standards of all Federal and State environmental laws and regulations, and in any event, such underground storage tanks or other such facilities, including buildings shall not be located within 100 feet from the center of an arroyo, acequia, water well, or any other waterway.

6. Towers:

All towers including telecommunication towers are prohibited by the Village of Tijeras except by special permit.

7. Overnight and Drive through Vendors:

No overnight vendors allowed. If property owner does not collect rental fees, then the Village will not charge a business registration fee. No vendors to be allowed in the highway right-of-ways and they must not obstruct traffic. Yard sales are not subject to these conditions.

8. Outdoor Lighting:

- (a) All outdoor lighting fixtures installed after January 14, 2002, shall be shielded except incandescent fixtures of one hundred fifty watts or less

and other sources of fifty watts or less.

- (b) Any outdoor lighting used for security, landscape or building illumination, or area illumination shall be additionally shielded so as to reflect no more than one candle foot onto any adjacent residentially zoned property.
- (c) Outdoor lighting fixtures not meeting the provisions of subsection (a) or (b) shall be allowed, if the fixture is extinguished by an automatic shutoff device between the hours of 10:00 P.M. and sunrise.
- (d) No outdoor recreational facility, whether private or public, shall be illuminated after 10:00 P.M. except to conclude any recreational or sporting event or other activity, which is in progress prior to 10:00 P.M. at a ballpark, arena or similar facility.

The following are exempt from these provisions:

1. Outdoor lighting fixtures existing and legally installed prior to 14, 2002; however, when existing lighting fixtures cannot be repaired, and/or within three years from the date this Ordinance is adopted, replacements must be installed to conform to these provisions;
2. Outdoor lighting fixtures that is necessary for worker safety.

SECTION 11, S-U SPECIAL USE ZONE.

- A. Intent. This zone district permits only those uses, which require special consideration because of their unusual nature, frequency of occurrence, effect on surrounding property, or other similar reason. The boundaries of this zone district shall be determined on a case-by-case basis following amendment procedures provided in this Ordinance. Supplementary regulations shall be the same as in the C-B Zone. The Council, upon recommendation by the Commission, may impose special conditions. The Council may not grant a zone change for Special Use unless satisfactory provisions have been made:

To assure that compatibility of property uses shall be maintained in the general area;

1. To preserve the integrity and character of the land on which the Special Use will be located, and the utility and value of property in the Special Use Zone and in adjacent zones.
2. To assure that the Special Use will not become detrimental to the public health, safety, or general welfare of the Village.

- B. Application. Each application for a Special Use Zone shall be processed as an amendment to this Ordinance and must be accompanied by development plans, which shall:

1. Be drawn to a minimum scale of 1 inch to 100 feet.

2. Show boundaries and topography of the property to be developed.
 3. Show the proposed size, location, use, and arrangement of all structures.
 4. Signs, parking and loading areas, drainage facilities, landscaping, and traffic and pedestrian circulation routes.
 5. Indicate the location, type, use, and size of structures on adjacent properties within 200 feet of the proposed Special Use Zone boundary.
- C. Removal of Zone. In the event that a Use authorized as a Special Use Zone is permanently discontinued, the Special Use Zone may be cancelled and removed from the Tijeras Zoning Map under the provisions for an amendment to this Ordinance. That area delineated by such discontinued Special Use Zone shall be rezoned to the prevailing surrounding zone as determined by the Council following recommendation by the Commission.
- D. Special Uses. A Special Use Zone may be authorized and established only for uses designated by the Council, including the following:
1. Apartments, condominiums, and other multi-family dwellings, provided there are no more than two dwelling units per structure on lots of adequate size to comply with the regulations and standards of the New Mexico Environment Department.
 2. Automobile dismantling yard, or general salvage operation, provided that:
 - a. All activities are conducted within an enclosed building or within an area enclosed on all sides by a solid wall or fence at least six feet high.
 - b. Inoperative automobile bodies or salvage materials may not be stacked higher than the required surrounding wall.
 - c. The site for such operation shall not exceed five acres.
 3. Cemetery, mausoleum, or crematory, provided that the site shall contain at least two acres.
 4. Fuel storage wholesalers (gasoline, liquefied petroleum), provided that all storage tanks shall not be within 500 feet of any lot in residential use, arroyo, surface water or public access building, and provided that sufficient blast, explosion, or fire-confinement structures are installed in accordance with appropriate national standards.
 5. Government facilities for general public use.

6. Manufacturing, including warehousing and retailing and wholesaling operations, provided the following requirements are met:
 - a. The entire operation shall be no larger than 15 acres.
 - b. Principal structures in this zone shall not be within 150 feet of any residential structures, except for resident watchman or caretaker facilities related to the principal use of the zone.
 - c. All buildings on a site shall not cover an aggregate area of more than 60 percent of such site.
7. Mining, processing, or stockpiling of rock, sand, gravel, clay, or similar materials; provided it complies with the following requirements for land rehabilitation:
 - a. Backfilling shall be made with non-noxious and non-combustible materials.
 - b. Peaks and depressions of the land resulting from the operation shall be reduced to a surface, which is in substantial conformity to the surrounding topography, and measures are taken to minimize erosion.
8. Mobile home park, subject to the following regulations:
 - a. A mobile home park shall be served by community water and sewer system.
 - b. Maximum density shall be four (4) mobile homes per acre.
 - c. All mobile homes shall be installed in accordance with SECTION 6.C of this Ordinance.
 - d. Any mobile home shall be at least 25 feet from a right-of-way line and at least 15 feet from any property line of the mobile home park.
9. Travel trailer or recreational vehicle park, subject to the following regulations:
 - a. The park shall not be larger than five acres in size, with designated campsites.
 - b. The maximum density within the park shall be ten camp sites per acre.
 - c. On any side of the premises contiguous to a lot containing a dwelling unit, a solid wall or fence or any other suitable buffer at least six feet high shall be erected and maintained.

- d. The maximum length of occupancy shall be 30 days.

SECTION 12, LAND SUB-DIVISION.

Every person who desires to subdivide land into two or more parts shall furnish a plat of the proposed subdivision prepared by a surveyor, registered and licensed by the State of New Mexico and shall comply with the requirements of the Subdivision Regulations of the Village of Tijeras. Upon request, the Village Clerk shall furnish the applicant with the Village Subdivision Regulations.

Any proposed subdivision, re-plat or vacation of plat occurring within the corporate limits of the Village shall conform to the requirements of the Subdivision Regulations and the Commission shall submit the proposal to the Council after review and recommendation.

Any proposed subdivision, re-plat, or vacation of plat occurring outside the corporate limits of the Village, but within the planning and platting jurisdiction of the Village shall conform to the requirements of the Village Subdivision Regulations as well as the provisions of the Bernalillo County Land Subdivision Regulations. The Commission shall submit the proposal to the Council after review and recommendation.

Whether the subdivision is in the Village limits or in the Village jurisdiction the proposal is to be filed with the Village Council prior to filing with the Bernalillo County Clerk and before beginning improvement activities or negotiating sale or lease of any lot within the proposed subdivision.

For further information regarding Subdivisions or Land-splits (See SECTION 5, DEFINITIONS) and the Subdivision Regulations.

SECTION 13, (RESERVED).

SECTION 14, (RESERVED).

SECTION 15, OFF-STREET PARKING AND LOADING.

- A. Off-Street Parking Requirements. There shall be provided on site, when any new building or structure is erected, off-street parking spaces as set forth in this section. Existing buildings or structures need supply such parking only to the extent ground space is available, provided however, that existing parking areas shall also be required to conform with the provisions of this Section 15. Parking may be located on any portion of the parcel but shall clearly designate and provide for orderly parking so as not to obstruct public rights-of-way, or any parking or access areas or create any public hazards.

B. Required Parking Spaces. The minimum number of parking spaces to be provided shall be as follows:

1. Clinics: five spaces per doctor.
2. Clubs: one space per five members.
3. Dwellings, single-family: two spaces per unit.
4. Dwellings, multi-family: 1 ½ spaces per unit.
5. Eating and drinking establishments: one space per 100 square feet of floor area.
6. Hospitals, convalescent or nursing homes: one space per two beds.
7. Hotels and motels: one space per unit and one space per two employees.
8. Industrial, manufacturing, and wholesale establishments: one space per two employees on largest shift.
9. Mobile home and travel trailer parks: one space per unit.
10. Offices, retail, and service establishments: one space per 300 square feet of floor area.
11. Places of public assembly: one space per four seats when fully occupied.

C. Parking Design Standards. The following standards shall be applied to off-street parking areas:

1. All parking facilities must provide access to a public right-of-way and fire zones.
2. All driveway entrances shall be at least 30 feet wide to facilitate vehicular turning into parking area.
3. Each parking space shall consist of an area not less than nine (9) feet by twenty (20) feet and shall be clearly marked, spaced and laid out in an orderly fashion.
4. On any non-residential premises, two percent of the spaces, but not less than one space, shall be set aside for the handicapped or physically disabled. In addition:
 - a. Spaces for the handicapped shall consist of an area not less than 12 feet by 20 feet.
 - b. Parking spaces for the handicapped shall be prominently marked for use by the international symbol for handicapped access.

5. On any non-residential premises, fire lanes shall be designated per applicable fire codes.
 6. All parking area lay out shall be subject to Council approval after Commission review and recommendation.
- D. Off-Street Loading Requirements. Any structures built or substantially altered after the effective date of this Ordinance and which receive or distribute bulk materials by motor vehicle shall provide and maintain off-street loading space as approved by the Council after Commission review and recommendation. Minimum off-street loading space shall be at least 50 feet long and 12 feet wide, and shall not be located on designated parking space or public right-of-way.

SECTION 16, ADMINISTRATION.

- A. Administrative Official. The Council shall appoint the Village Clerk to administer the provisions of this Ordinance. The Village Clerk may also serve in some other capacity as an employee or appointed official of the Village of Tijeras.
- B. Inspection. The Village Clerk, Zoning Officials, and Safety Officer has the authority to conduct inspection of buildings, structures, and the use of land to determine compliance with this Ordinance. This provision does not grant right of entry without due process if necessary. The Village Clerk/Zoning Officer/Safety Officer shall provide for on-site inspections and other relevant information, which may be requested by the Council or Commission as necessary to carry out the purpose of this Ordinance.
- C. Administrative Review. The Commission must review an administrative action of the Village Clerk when it is alleged that there is an error in a determination made by the Village Clerk, and may reverse, affirm, or modify the administrative action.
- D. Information and Records. The Village Clerk shall maintain an office to supply the public with information concerning this Ordinance and shall maintain the official Tijeras Zoning Map in an updated form. A “Zoning Action File” shall be maintained and shall contain records which include the following:
 1. Conditional Use Permits.
 2. Variances allowed under this Ordinance.
 3. Application for Amendments.
 4. Certificates of Nonconformance.
5. Zoning Appeals.

6. Building Permit Applications.
7. Zoning Violations.

The Village Clerk will review all active files for any given current year on a quarterly or monthly basis as needed. He/she will follow up on any open / pending items in the “Zoning Action File” with officials at Bernalillo County and/or residents directly. The Clerk will update the files with the appropriate documents, including records of communications with residents and officials, final inspection reports, Certificates of Occupancy, building permits, observations of zone violations, etc. A “Zoning Action Report” will be issued once per quarter or per month as needed at a Regular Planning and Zoning Commission Meeting by the Village Clerk.

- E. Violations: Complaints and Notification. The Village Clerk may institute any appropriate actions or proceedings whenever there is probable cause to believe there is a violation of this Ordinance. Any person aggrieved by an apparent violation of this Ordinance shall file a written complaint with the Village Clerk who shall immediately investigate such complaint to determine if a violation of this Ordinance is found to exist. Whenever the Village Clerk finds probable cause to believe a violation of this Ordinance exists, whether acting on independent initiative or in response to a complaint, the Village Clerk shall notify the person responsible for the alleged violation in writing. Such notification shall order the necessary correction to be made within 60 days following the date of notification.

Any person who fails to comply with the notification order shall be subject to penalties as stated in this Ordinance.

SECTION 17, DEVELOPMENT REVIEW.

- A. For purposes of this Ordinance, no building or structure shall be erected, improvements constructed, no earth, trees, flood ways, or arroyos shall be materially disturbed, nor mobile home installed upon any premises within the Village of Tijeras without being reviewed by the Zoning Commission. An administrative review fee shall be paid at the Village Office prior to any consideration in the development review. Building permit applications and plans shall be submitted to the Zoning Commission for review before applying for the appropriate permits. The Zoning Commission shall determine if a variance, zone change, or conditional use permit is required, and if so, will notify the applicant of such requirements, which will be reviewed by the Commission. The applicant shall then apply for any required variance, zone change, or conditional use permits in accordance with the provisions of this Ordinance. The building permit application will be returned within five working days after receipt. All matters reviewed by the Commission shall be forwarded with recommendation for final approval to the Village Council.

SECTION 18, NONCONFORMING USES.

- A. Definition. Within the zones established by this Ordinance, or amendments that may be

adopted, there exist: lots; structures; and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to allow these nonconformities to continue until they are removed, but not to encourage their survival.

- B. Certificate of Nonconformance. Nonconforming uses shall be issued Certificates of Nonconformance as determined by the Village Clerk. Upon receipt of a written notification from the Village Clerk, it shall be the responsibility of owners of nonconforming property to apply to the Village Clerk for a Certificate of Nonconformance within 60 days after the date of notification.
- C. Expansion. Nonconformity shall not be enlarged, expanded, or extended. However, the addition of a lawful use to any portion of a nonconforming building, which existed prior to the enactment of this Ordinance, shall not be deemed an extension of such nonconforming use.
- D. Abandonment. Whenever a nonconforming use has been discontinued or abandoned for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformance with the provisions of this Ordinance.
- E. Nonconforming Lot Size. Any lot of record existing prior to the effective date of this Ordinance, which fails to meet the minimum area requirements, may be developed or improved provided that setback and any other requirements of the lot are in conformance with the provisions of this Ordinance. Unless specifically cited by the Council, a Certificate of Nonconformance will not be required for nonconforming lots.

SECTION 19, CONDITIONAL USE PERMIT.

- A. Permit Required. Conditional uses shall not be allowed except upon approval by the Village Council after review and recommendation of the Commission for issuing a permit and subject to any conditions which the Village Council may impose.
- B. Application. Any request for a conditional use permit shall be submitted with a filing fee to the Village Clerk on a prescribed application form obtainable at the Village Office. The Village Clerk shall transmit the application and any supplementary information to the Commission for review and recommendation at their next regularly scheduled meeting. To the extent possible, all abutting property owners shall be notified of the Commission meeting at which the conditional use permit application will be reviewed. All pending applications without applicant activity will be void one year from the original Council application meeting unless good cause is shown therefore.
- C. Guidelines. The Council shall not approve any conditional use permit unless satisfactory provision has been made concerning the following, where applicable:

1. Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood, or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the refuse and service areas.
3. Water and sewerage facilities, with reference to soil limitations, locations, and public health.
4. The economic, noise, glare, or odor effects of the conditional use on adjoining properties.
5. General compatibility with adjacent properties and other properties in the Village.
6. Compliance of all requirements of this Ordinance.
7. Compliance with all conditions the Council may impose.

D. Expiration. All Conditional Use Permits shall be issued for the period of time the Council determines to be consistent with the public interest and the criteria contained in this subsection, or as provided in this Ordinance, and shall be specified in writing at the time of issuance of the permit. At the expiration of any Conditional Use Permit, the Council must approve an application for renewal of the Conditional Use Permit after the review and recommendation of the Commission.

SECTION 20, VARIANCES.

- A. Definition. The Council after Commission review and recommendation may approve a variance from the strict application of area, height, dimension, distance, setback, off-street parking, and off-street loading requirements of this Ordinance in the case of exceptional physical conditions where the strict application of the requirements of this Ordinance would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of land or building.
- B. Application. Any request for a variance shall be submitted with a filing fee to the Village Clerk on a prescribed application form obtainable at the Village Office. The Village Clerk shall transmit the application and any supplementary information to the Commission for review and consideration at their next regularly scheduled meeting. To the extent possible, all abutting property owners shall be notified of the Commission meeting at which the variance application will be considered.
- C. Requirements. The Council after Commission review and recommendation may impose any necessary requirements in approving a variance to assure that the requested variance:

1. Will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property.
2. Will not significantly change the character of the neighborhood or reduce the value of nearby property.

SECTION 21, AMENDMENTS.

- A. Amendment. The Council may amend any of the regulations, zones, or zone boundaries established by this Ordinance.
- B. Applicant. Any request for an amendment to this Ordinance shall be submitted with a filing fee to the Village Clerk on a prescribed application form obtainable at the Village Office. An application may be initiated by the Village acting on behalf of the community at large. The Village Clerk shall submit the application and any supplementary information to the Commission for review and consideration at their next regularly scheduled meeting. The Commission shall prepare and submit a recommendation in writing, to the Council within seven days after their review of the proposed amendment is completed. To the extent possible, all abutting property owners of any land proposed for a zone change shall be notified of the Commission meeting at which a zone change will be reviewed for recommendation to the Council.
- C. Site Plan. Proposed amendments, which are zone changes, shall be accompanied by an accurate site plan showing the property, adjoining properties, and other related information as required by the Village Clerk. Submission of inaccurate information is grounds for denial.
- D. Public Hearing. Upon receipt of the written recommendations of the Commission, the Council shall call for a Public Hearing in which to make its decision on an application for amendment to this Ordinance. Notification of the time and place of the Public Hearing shall be published in a newspaper of general circulation in the Village at least 15 days prior to the hearing.
- E. Notification by Mail. Whenever a zone change is proposed for an area of one block or less, notice of the Public Hearing shall be mailed by certified mail, return receipt requested, to the owners of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. Whenever a zone change is proposed for an area of more than one block, notice of the Public Hearing shall be mailed by first class mail to the owners of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed.

SECTION 22, APPEALS.

- A. Right of Appeal. Any person aggrieved by a recommendation of the Commission or a decision of the Council in carrying out the provisions of this Ordinance may appeal such

decision to the Council. Such appeal must set forth specifically wherein it is claimed there was an error or an abuse of discretion, or where the decision was not supported by evidence in the matter.

- B. Application. Any appeal following a decision of the Council shall be made in writing on prescribed forms obtainable at the Village Office upon payment of the applicable filing fee, and submitted to the Village Clerk. The Council shall not consider any appeal not submitted within 30 days after the decision, which is the subject of the appeal. The Village Clerk shall submit all papers involved in the proceedings to the Council within seven days after the receipt of the appeal application.
- C. Public Hearing. The Council, following a Public Hearing, shall make the decision on an appeal. Notification of the time and place of the Public Hearing shall be published in a newspaper of general circulation in the Village at least 15 days prior to the Hearing. The Village Clerk shall notify the applicant, members of the Council and Commission, and a representative of the opponents, if any, of the hearing date.
- D. Stay of Proceedings. An appeal shall stay all proceedings in the action unless the Village Clerk certifies that a stay will cause imminent peril to life or property. Upon certification, the proceedings shall not be stayed except by order of district court.
- E. Decision. An appeal shall be decided within three months of the date of application of the appeal. A majority vote of the members of the Council is required to reverse, change, or affirm a previous decision made by the Council.

SECTION 23, FILING FEES.

- A. Applications. Any applications required by this Ordinance shall be filed on prescribed forms obtainable at the Village Office upon payment of a filing fee.
- B. Fees. Filing fees will be charged as follows:
 - 1. Administrative Review fee: \$15.00
 - 2. Conditional Use fee: \$40.00
 - 3. Variance fee: \$40.00
 - 4. Amendment to this Ordinance: \$100.00
 - 5. Appeal: \$75.00
 - 6. Commercial Development Review: \$100.00 plus any reasonable professional fees incurred by the Village in reviewing the application.
 - 7. Permissive Use: No fee
 - 8. Parcel Permit Fee: \$35
 - 9. Business Registration Fee: \$60.00
 - a. Business Registration Fee includes \$35 for Regular Business License processing and \$25 for mandatory Fire Inspection
 - b. Home-based businesses that are not required by the Planning and Zoning Commission to undergo a fire inspection will pay only the \$35.00 fee.

- C. Change by Resolution. Filing fees shall be subject to change from time to time by Resolution of the Council.

SECTION 24, PENALTIES.

Any person violating any of the provisions of this Ordinance shall upon conviction be subject to a fine not exceeding \$500.00 or imprisonment for a period not exceeding 90 days, or both such fine and imprisonment. Any violation continued for a period of 30 days after conviction shall be prosecuted and treated as a separate offense.

Any resident or Business entity who fails to obtain required construction permits shall be subject to a fine for after-the-fact construction. Any non-complying resident or Business entity shall be required to obtain all required Bernalillo County construction inspections.

- A. The Village shall charge a fine of:
- | | |
|----------|--|
| \$150.00 | 1 st offense |
| \$250.00 | 2 nd offense |
| \$500.00 | 3 rd offense and revoke their Business License, if any. |

SECTION 25, SEVERABILITY.

The provisions of this Ordinance shall be deemed to be severable, and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 26, REPEAL.

Ordinance No.105 of the Village of Tijeras is hereby repealed. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Ordinance No. 105 if the violation is also a violation of the provisions of this Ordinance.

SECTION 27, PRE-EXISTING CONDITIONS.

Anything in effect at the time of passage of this Ordinance #116 shall remain effective.

SECTION 28, EFFECTIVE DATE.

This Ordinance is hereby declared to be an emergency on the grounds of urgent public need, and it is therefore to become effective immediately upon its passage.

PASSED, APPROVED, AND ADOPTED this 12th day of January 2008.

Honorable Gloria J. Chavez, Mayor

ATTEST:

Daniel S. Abram, Village Clerk/Treasurer