

AGENDA

FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON THURSDAY THE 21st OF DECEMBER 2017 AT 6:00 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

A COPY OF THE AGENDA MAY BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGEANCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES**
Minutes of December 11, 2017
- 6. PUBLIC COMMENT 3 MINUTE PRESENTATIONS:** If more time is needed for presentation, please ask to be scheduled on the next agenda.
- 7. ACTION ITEMS**
 - a. REQUEST FOR A CONDITIONAL USE** for the purpose of placing a convenience collection/recycling center at 501 Bernard Ave., J.N.E. Property LLC., Charles Montoya. **LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tract A, Land of SWPG LLC, containing 8.36 ac.
- 8. PUBLIC HEARING WITH POSSIBLE ACTION**
 - a. REQUEST FOR A CONDITIONAL USE TO INCREASE ALLOWABLE FENCE HEIGHT IN FRONT SETBACK:** Alde Ramirez & Urbano Gonzales for the purpose of a six-foot high front fence height. AKA 214 De Soto Ave, Belen NM **LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Lots 11-14, Block 1, Eastside Addition.
 - b. REQUEST TO AMEND THE ZONE MAP FROM C-1 TO C-2: CITY OF BELEN. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tracts 67A and a portion of 67B, and Lots 1-14, Lots 18-22, BTS Addition, plus a 20' alley adjacent (East side) to lot 20. AKA 116 S Sixth St, 525 Becker Ave, 513 Becker Ave, 511 Becker Ave, 509 Becker Ave, 507 Becker Ave, 510 W Castillo, vacant property located behind Old City Hall (507 Becker Ave).
- 9. DISCUSSION**
Landscape Ordinance
- 10. INFORMATIONAL ITEMS**
 - a. Communication from the Commission and Staff**
- 11. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/s/

Lisa R Miller, Planning & Zoning Administrator

cc: Mayor & City Council
News Bulletin

Belen Chamber of Commerce
Belen Recreation Center

Belen Public Library
Belen City Hall

JERAH R CORDOVA
MAYOR
LEONA VIGIL
CITY MANAGER



CITY OF BELEN
100 SOUTH MAIN STREET
BELEN, NEW MEXICO 87002
(505) 966-2746
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WAYNE GALLEGOS
CITY COUNCIL
DAVID CARTER
CITY COUNCIL
DARLEEN ARAGON
CITY COUNCIL
FRANK ORTEGA
MAYOR PRO-TEM

**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
DECEMBER 11, 2017**

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:00 p.m.

PRESENT: Chairman Steve Etheridge
Commissioner Claudine Montano
Commissioner Gordon Reeves
Commissioner Jim Lardner
Vice Chair Pete Armstrong

CITY STAFF: Steven Tomita, Economic Development
Lisa R Miller, Planning & Zoning Administrator

PLEDGE OF ALLEGIANCE

Chairman Steve Etheridge led the Pledge of allegiance.

APPROVAL OF AGENDA:

Commissioner Claudine Montano moved to approve the Agenda of December 11, 2017.

Vice Chair Pete Armstrong seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

Lisa Miller asked the Commission to take the review and approval of each set of minutes separately.

Vice Chair Pete Armstrong moved to approve the minutes of November 13, 2017

Commissioner Gordon Reeves seconded the motion.

Motion carried.

Vice Chair Pete Armstrong said that he would like to thank Lisa for a job well done on capturing the minutes of November 27, 2017. It was a long meeting with a lot of information being presented. He moved to approve the minutes of November 27, 2017.

Commissioner Jim Lardner seconded the motion.

Motion carried.

PUBLIC COMMENT

There were no public comments.

PUBLIC HEARING WITH POSSIBLE ACTION

Chairman Steve Ethridge swore all participants for the following Public Hearing.

- A. REQUEST FOR A VARIANCE ON FRONT & SIDE SETBACKS** for the purpose of placing a carport along the east side and the front (north) side of the property: **Frank Jaramillo**. **LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 13, Map 100, Lot 6, Bennie Sanchez Addition. AKA 1613 Ben San Ave., Belen NM 87002.

Steven Tomita informed the Commission that he would like to remind them that this was scheduled for the last meeting, but was tabled because the participant was not here when this case was called upon. The participant arrived late at the last meeting due to a miss printed notice.

Lisa Miller informed the Commission that Mr. Jaramillo had come in and requested a variance on the front and side setbacks of his property so that he could place a carport in those areas. This carport would be an open sided carport. This carport would extend from his existing one on the east side of the property and then extend across the front of his home. His reasoning was because the snow and ice accumulates on the north side of his home and he had sustained hail damage to his vehicles during the last hail storm. His wife has fallen and broken her knee due to ice. He provided a copy of the warrantee deed to the property, a lot map and the remaining materials that were requested. The existing neighborhood is zoned R-1 (Single Family residential). The setbacks for an R-1 zone are 20' front, 15' rear and 5' sides. A copy of the R-1 zoning regulations, a zone map, and photos of the neighborhood were provided in the packets.

Steven Tomita said that the reason for the variance is because of the location of the home. The setbacks in the R-1 zoning cannot be complied with. It created a physical constraint that prevented them from complying with the setbacks.

Vice Chair Pete Armstrong said that he has looked at this issue and wondered why a variance and not a conditional use because a variance is permanent and stays with the property. The owner is not going to be living there permanently and sometime in the future there will be a different owner there. He suggested that it be changed to a conditional use with a time frame to

accommodate what the applicant is trying to do. When that conditional use is over the applicant can either come back in to renew it or let it revert back to the original R-1 zone with the current setbacks.

Chairman Steve Ethridge asked if there was a reason why there were no drawings of the carport and its placement so that the Commission could get an idea of what the applicant is trying to do. There are several different types of carports available.

Lisa Miller said that a drawing of where it was supposed to be located was provided but she did not request a drawing of the actual structure that would be put up.

Chairman Steve Ethridge suggested that this type of information should be placed on the applications as part of the required material.

Lisa Miller said ok, and the applications would be changed to include that. She also informed the Commission that the applicant will still have to bring the plans into her for a plan review before the structure is built.

Mr. Frank Jaramillo told the Commission that three of his vehicles were hail damaged by the last storm. One of them was a new pick up that only had 1,100 miles on it. The other two vehicles sustained damage also. His wife gets up and goes to work every morning and approximately two years ago fell and broke her knee because of ice on the north side of the home. The carport that is going to be placed on the east side is like the one that exists. It will be pro panel. He would like to put pro panel siding along the east side of the one that already exists and the one he would like to place there up as far as the existing side fence. His reasoning for this is that the neighbors shed burnt and it also burned his motor home.

Commissioner Claudine Montano asked if the shed belonged to the neighbor.

Ms. Evelyn said that it belonged to the neighbor on the east side.

Mr. Jaramillo said that the siding would be just to the height of his block wall fence and not all the way up to the roof of the carport. The other sides would be left open. The carport on the north side will be left open and is just so that his wife has protection. He cannot shovel ice and snow like he used to.

Chairman Steve Ethridge asked if the Commission had any questions for Mr. Jaramillo.

Commissioner Gordon Reeves asked if the carport on the east side would be the same elevation as the existing one.

Mr. Jaramillo said that it would be the same height as the existing one and the carport on the north side would be the same height as the house at approximately eight feet.

Commissioner Gordon Reeves asked if he was going to attach the carport to his block wall.

Mr. Jaramillo said no and the siding would only be as tall as the block wall.

Vice Chair Pete Armstrong said that he appreciated what he was trying to do. He understood where he was coming from but the request of a variance is permanent. He said a more appropriate use would be a conditional use so that in the future it could be removed or left there. He thinks that a variance is too strong of a commitment and would like to see a conditional use applied to this application with a specified time period. He is thinking of the neighborhood as a whole and when you look at this neighborhood his home is going to stick out like a sore thumb with the additional carports.

Mr. Jaramillo said that the way it was going to be built, it would be easy to take down. He said that he thought the neighbors had sent in letters.

Chairman Steve Ethridge asked if there were any public comments or questions. There were none. He asked Lisa if there were any calls or letters that were sent concerning this request.

Lisa Miller said that she received one call and one letter. She received the phone call on the 21st and that caller did not want to be identified. They were concerned because there were covenants in that area, on the fence height and carports. They thought that this would be detrimental to the neighborhood, and there was an issue with vehicles backing out of the neighbors' homes. Lisa read the letter to the Commission. This letter also mentioned the restrictive covenants against what the applicant is requesting and it would not be appealing to the neighborhood.

Chairman Steve Ethridge asked how you would ask someone questions that wrote a letter and made a phone call but did not attend the hearing.

Steven Tomita said it does not count as much as if they were here to question.

Commissioner Claudine Montano asked how many notices were sent out informing the neighbors of the hearing.

Lisa said it was approximately 10 to 15.

Commissioner Jim Lardner what the height of the existing carport was.

Mr. Jaramillo said that it is 17 1/2' to accommodate the motor home.

Commissioner Jim Lardner asked if he was going to take that height all the way to the curb or just too where he has his truck.

Mr. Jaramillo said that he would like to take it all the way to the sidewalk. He does not have to take it all the way to the sidewalk but that is what he would prefer. He said he could go up to the corner of the house with it and then the carport on the north side would be the normal height.

Commissioner Gordon Reeves asked him if the existing carport that he has over his RV could be lowered.

Mr. Jaramillo said that all he has is one foot clearance from the top of the air conditioner unit to the top of the carport.

Commissioner Gordon Reeves asked if he could lower the carport he is wanting to put in just a little.

Mr. Jaramillo said that if he did that he would not be able to get the RV in or out.

Chairman Steve Ethridge said that the application states that he wanted it all the way to the sidewalk but it sounds like he is willing to negotiate that and move it back to the corner of the home.

Mr. Jaramillo said that he prefers it all the way to the sidewalk. He has four vehicles that park in that area. Two where his truck is and two in his driveway.

Chairman Steve Ethridge asked who would be constructing the carports.

Mr. Jaramillo said that he has a contractor that put the pro-panel on his roof doing the carports.

Chairman Steve Ethridge asked if he would like to address any of the concerns on the letter or the phone call.

Ms. Jaramillo said that there is a neighbor down the street that has put up a carport without a permit and wanted to know why he could do that and they could not. They received no notice of a variance for that carport.

Steven Tomita said that if he did not have a permit that it would need to be addressed.

Chairman Steve Ethridge asked if it was one of those that just sets on the driveway and can be removed very easily.

Ms. Jaramillo said yes.

Steven Tomita said that it would still need to go thru the same process.

Chairman Steve Ethridge said that the Commission and the City are more concerned about the setbacks.

Lisa Miller informed them that if they are more than 100 feet away they would not have received notification.

Chairman Steve Ethridge asked him to please state what his hardship is again.

Mr. Jaramillo said that it was the ice and snow that accumulates on the north side of his home and for vehicle protection from hail damage.

Commissioner Gordon Reeves asked if the RV was functioning at this time.

Mr. Jaramillo said that it was not usable at this time due to the fire that burned down the neighbors shed. That fire also burned one side of the RV. It is drivable but it is un-usable.

Commissioner Jim Lardner asked if there were any other carports in the neighborhood.

Mr. Jaramillo said that he did not think there were any others.

Commissioner Gordon Reeves asked Mr. Jaramillo if he would be willing to just put up the carport to the corner of the house on the east side and a regular height carport on the north side.

Mr. Jaramillo said that he would be willing to take the one on the east side to where the fence steps down from the six feet.

Commissioner Gordon Reeves said that would be agreeable to him. He was worried about the visual effect of having a carport all the way to the sidewalk at that height.

Mr. Jaramillo said that he would also like to enclose the side of the carport closest to the block fence for protection against the possibility of another fire at the neighbor's home. He would put it up as far as the fence height and not all the way up to the top of the RV carport.

Steven Tomita said that the Commission can add conditions to the granting of a variance. They can add that the structures must be kept in good repair and the structure can only remain there as long as the home is there. There are different things that you can add to a variance that can address any issues that the Commission may have.

Chairman Steve Ethridge closed the public hearing. He asked if the Commissioners had any comments that they would like to say.

Commissioner Gordon Reeves said that he was glad that they were able to discuss with Mr. Jaramillo, some of the concerns he had and came to an agreement. He was pleased that Mr. Jaramillo was willing to move the requested east side carport back to where the fence drops down and approximately at the corner of the home.

Vice Chair Pete Armstrong asked if the Commission could vote on what was proposed at the hearing due to the fact that it is different than what was on the original request.

Steven Tomita said that they could vote on it. The Commission has the authority to grant what it feels is necessary, whether it is the original request or an adjusted request.

Chairman Steve Ethridge closed the discussion and asked for a motion.

Commissioner Gordon Reeves moved that the Commission approve the variance with the following conditions. One condition is that the RV height carport can be extended to the corner of his home and place siding from the block fence height down along the east side of that carport and the existing RV carport and that he be allowed to place a carport on the north side of his home as far as the sidewalk and the height of the home (8 feet).

Commissioner Claudine Montano seconded the motion.

Motion carried.

Vote was as follows:

Commissioner Claudine Montano

Yes

Commissioner Gordon Reeves	Yes
Vice Chair Pete Armstrong	No
Commissioner Jim Lardner	Yes

DISCUSSION

Fencing Ordinance review and revisions.

Lisa Miller informed the Commission that the highlighted text is what they had changed and the red crossed out text is what they removed.

Steven Tomita pointed out that on the first highlighted area, under Purpose, we no longer get rid of pre-existing front yard fencing. It can be replaced but it must comply with paragraph 14 of the regulations which states what kinds of materials can and cannot be used. In number 5 they put "not limited to" wrought iron or vinyl rail. They are still maintaining the heights of the City's original fence requirements.

Chairman Steve Ethridge asked if there was still going to be a workshop with the Council on this Ordinance.

Steven Tomita said yes and then it is up to the Council to make any changes or not accept it at all.

Chairman Steve Ethridge asked if the Council wants changes done, does it come back to the Commission for another review.

Steven Tomita said that the workshop is to explain what the Commission has done and voted on and the Council takes it from there.

Vice Chair Pete Armstrong said that under New Subdivision & Agricultural Zoning District the number 2 is highlighted and asked why.

Lisa Miller said she does not know why it is highlighted. It shouldn't be.

Steven Tomita said that in number 16 the Commission added "unless new and specifically manufactured to be fencing material and framing shall be on the interior of the fence". This was due to the discussion the Commission had on the pro-panel fencing. They also removed or electric fencing and in number 2 of section B they added Columns and poles are exempt. That was why number 2 was highlighted. The spelling on the word mask was changed from mast throughout the rest of the Ordinance.

Chairman Steve Ethridge said that nothing else was highlighted so they agree with what is in the Ordinance.

Steven Tomita said that the Commission needs to vote on this to send it to the Council and request a workshop with the Council.

Vice Chair Pete Armstrong moved to approve the fencing ordinance and request a workshop with the City Council.

Commissioner Jim Lardner seconded the motion.

Motion carried.

Landscape Ordinance.

Chairman Steve Ethridge said that this information was not included in the packets.

Lisa Miller informed the Commission that a copy of the last section of the Landscape Ordinance that they had been working on was placed on the table in front of their seats. The last thing that was to be discussed was the Lighting section of the Landscape Ordinance.

Chairman Steve Ethridge asked the Commission if they would like to read over it and go thru it at this time.

Vice Chair Pete Armstrong said that what is there is pretty good and he doesn't know if any of the Commission, except for Gordon and Steve, are technically smart enough to know this very well. He includes Steven with the respect of the different types of bulbs, lumens, and lux's. The way it is sounds good, looks good, but he is not technically competent to say yes or no.

Steven Tomita asked the Commission if they were wanting more information to explain some of this.

Vice Chair Pete Armstrong said as a first document, in total, he thinks this is a good starting point.

Steven Tomita said that the one concern he had on this is that it does not necessarily address the height of the lighting fixture. It addresses what it does but does not address the height configuration.

Vice Chair Pete Armstrong said that maybe they should start by speaking with PNM, because they have all the guidelines concerning the types of lighting.

Steven Tomita said that PNM would know more on the street lighting and not so much on the lighting on buildings or in parking lots. He said that he would touch base with Albuquerque and Rio Rancho to see if they have something.

Commissioner Jim Lardner said that he did not see anything that talks about commercial specifically.

Steven Tomita said that it is covering both residential and commercial.

Chairman Steve Ethridge said that from his perspective, that one thing he would like to see gone would be the 65K coloring on the lights. It glares too much. The purpose of lighting is to light up a work area or safe area. They glare and it is relevant to him. The reason you have the high pressure sodium lights is to cut down the glare.

Steven Tomita said that section E does look at glare so if there is language that they would like to add to that, this would be the place to do so.

Chairman Steve Ethridge said that he would come up with a paragraph to address the glare. The Commission will be discussing this at the next meeting.

Steven Tomita suggested that the members of the Commission that have not been involved with all of the landscaping ordinance, to read it and make suggestions for any other changes.

INFORMATIONAL ITEMS

COMMUNICATIONS FROM THE COMMISSION AND STAFF.

Lisa Miller informed the Commission that a public workshop has been set up for December 21 from 5:00 PM to 6:00 PM and then the Commission meeting will be at 6:00 PM.

Steven Tomita said that the workshop was to go over any further information provided by AC Disposal and any other that was provided. The meeting will be for any motion that is made. The workshop is not open for any public discussion. The public hearing has been closed.

Vice Chair Pete Armstrong asked if that also included AC Disposal.

Steven Tomita said that the Commission may ask AC Disposal questions on any new information that has been provided. If the public grumbles, the Commission may decide to re-open the public hearing at the meeting, not the workshop. The Commission may also not re-open the public hearing. The public hearing was closed in the last meeting.

Commissioner Jim Lardner said that the workshop is just for the Commission to review any new information and discuss conditions.

Steven Tomita said that the Commission was uncertain what conditions should be placed on a motion that was made at the last meeting. They felt that they did not have enough time to analyze what had been presented to come up with a solid motion. The Commission decided to hold a workshop to delve further into the information to determine whether there was going to be a motion and what conditions would be applied.

Vice Chair Pete Armstrong said that he had read the contract between AC Disposal and the City of Belen and he has some questions regarding how the contract was going to be implemented and whom was doing what to whom.

Steven Tomita said that if there is some language in the contract that he feels would impact whether or not it should be located on Bernard, he could send Lisa a note to have that part of the contract clarified for him and the Commission.

Vice Chair Pete Armstrong said that there are three elements, residential, commercial and recyclables will all be located at one place and there are some other things in it that document he questions.

Steven Tomita said that he would prefer that he forward these questions to Lisa so that she may get the information together to provide the Commission with it for the workshop. Discussing this further needs to be done at the workshop. The public hearing has been closed. He informed the Commission that he will be here for the workshop but is unable to attend the meeting.

The Commission asked why the meeting was scheduled for Thursday the 21st.

Lisa explained that the next scheduled meeting was set for the 25th of December, which is Christmas day, and if we moved it to the next day there was a very strong possibility that no one would attend. Most people go out of town for this holiday and do not return until after the New Year. Most people will leave Friday, so Thursday was the day that was decided on.

Steven Tomita informed the Commission that Valencia County, and Belen is right in the middle of it, is leading New Mexico in economic development. There was an article a few weeks ago, in the News Bulletin about growth in Los Lunas, and then there was one the following week on the growth in Belen. The Albuquerque Journal had an article in the Business news on this also. The thing he stressed in these articles is that a community has to continue growing. That growth does not mean that you have to give up your customs or traditions. You preserve those, maintain those but you also evolve into new things at the same time. That is the challenge that every community faces over the years with growth.

Vice Chair Pete Armstrong said that the word on the streets is that the largest area employer is planning on expanding and possibly quadruple their employees within the next few years.

Chairman Steve Ethridge said that he would like to see drawings included with packets to give them a better idea of what is going to take place.

The Commission agreed.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Vice Chair Pete Armstrong moved to adjourn.

Commissioner Jim Lardner seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:14 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Economic Development Director

December 19, 2017

Lisa Miller
Planning Administrator
City of Belen Planning Department
100 South Main Street
Belen, New Mexico 87002

Re: Conditional Use Permit
501 West Bernard Avenue

Lisa:

Since AC Disposal was selected by the City of Belen to provide waste collection and disposal services for the City, there has been between AC Disposal and the City Manager as to what will happen with the City's existing waste convenience facility. Discussion whether AC Disposal will take over the operating of the facility, as Waste Management has done in the past, or whether a facility will be provided at 501 West Bernard. With the recent approval by the Belen City Council of the Resolution allowing all residents in Valencia County to drop off solid waste at the City's facility discussion between the City and my company has increased.

Last week, based upon the approval of the Resolution to accept all County drop offs, the City requested AC Disposal to concentrate toward the continued operation of the City's facility at this time. The City and AC Disposal will further discuss the continued operation of the City's facility later during the year 2018, taking into consideration records of operation by AC Disposal and other factors and data gathered during that time. Due to the continued discussions between the City and AC Disposal, uncertainty regarding the direction the City of Belen will be taking regarding the convenience facility and AC Disposal getting fully up and running with waste collection services in the City (and operating the convenience facility), AC Disposal requests our Application for approval for a Conditional Use Permit for a convenience center at 501 West Bernard Ave be placed on "Indefinite Hold". This action will allow both the City of Belen and AC Disposal adequate time to assess drop off activities at the existing facility and AC Disposal's performance in operating that facility.

I appreciate the Belen Planning and Zoning Commission's cooperation with this request.

Respectfully,

Two handwritten signatures in black ink. The first signature is on the left and the second is on the right, both appearing to be cursive and somewhat stylized.

CITY OF BELEN, NEW MEXICO
APPLICATION FOR CONDITIONAL USE

REGULAR

SIX MONTHS

NOTE: The following conditional uses are limited to six months duration, at the end of which time such use must be reviewed and a new permit granted in order for it to be continued:

- Amusement Parks, Carnival, Circus. Conditional use in any A-R, C-1 or M-C zone.
- Dwelling, Temporary Watchman or Caretaker. Conditional use in all zones.
- Offices, Temporary (Real Estate Sales, Etc. Conditional use in all zones.
- Flea Markets. Conditional use in C-1 and M-C zones only, subject to district regulations and any supplementary regulations or special condition imposed by the Planning & Zoning Commission.

Applicants Name: J.N.E. Property, LLC Phone: 505-681-9409
Address: 951 Curtman Rd. Los Lunas, NM 87031
Authorized Agents Name: _____ Phone: _____
Address: _____

Address of Property: 501 Bernard Ave. Belen NM 87002
Block and Lot: _____ Addition: _____
Tract Number: _____ Map: _____
Total acreage in Tract: _____
Number of Dwellings: _____ Density/Acre: _____
Zoning of Property: _____ Present Use: _____

APPLICATION REQUIREMENTS

The following material must be provided by applicant.

- Filing fee payment of \$150.00
- Letter of transmittal, state nature of request, include name of applicant and address where conditional use is requested.
- Affidavit of ownership
- Scaled drawing of property indicating location of structures, on-site parking and points of access to public streets

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

NOTE: Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Conditional Use. I have examined and am familiar with the zoning regulations of the present zone and the requested Conditional Use. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

Chalo Martinez
Signature of Applicant

10/26/17
Date

THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION

Planning and Zoning Commission Meeting Date: 11-27-17 Approved/Disapproved: _____
FEE PAID: 150 RECEIPT NO.: 14.007870 DATE: 10-26-17

OWNERS AFFIDAVIT

STATE OF NEW MEXICO)
COUNTY OF VALENCIA) SS
CITY OF BELEN)

We,
I J.N.E. Property LLC
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at
501 Bernard Ave., for which (I am) (we are)
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal, Replat, Lot Split, Etc.)

Conditional Use through the City of Belen. Furthermore, (I) (we) hereby appoint
_____ of _____ as our agent to act in our
behalf on all matters pertaining to the processing of this application.

[Signature]
Signed

951 Curfman Rd.
Address

Los Lunas, NM 87031

505-681-9409
Phone

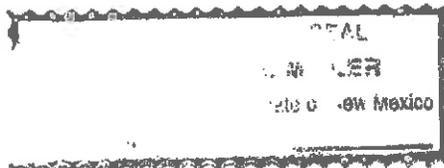


Subscribed and sworn to before me this 26 day of October, 20 17.

[Signature]
Notary

My Commission Expires:

9-18-2021



**City of Belen
Planning and Zoning
100 S. Main St.
Belen, NM 87002**

Re: Conditional Use Permit

To whom it may concern,

I am writing you to request a conditional use permit for the property located at 501 Bernard Ave., Belen, NM 87002. The purpose of this permit will be to allow the property, currently occupied by AC Disposal Services, Inc., to be utilized as a collection/recycling center. They have previously been approved by NM Environmental Department and are permitted. An operations plan is in place and will be presented as needed for clarification, should you need any. Additionally, all necessary requirements will be abided by.

If you have any questions, please feel free to contact me.

Thank you for your consideration.

Sincerely,



**Charles Montoya
J.N.E. Property, LLC.**

Collection Center Registration



AC Disposal Collection Center (Valencia County)

has met the criteria of the New Mexico Solid Waste Rules, 20.9.3.27 NMAC,
and is registered as a Collection Center
Certificate No. 0132536CC

Issued by

State of New Mexico Environment Department

Issued: September 14, 2017

Expires: September 14, 2022


Auralie Ashley-Mark, Chief
Solid Waste Bureau

City of Belen
100 South Main Street
Belen, NM 87002
(505) 864-8221

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to hear a **REQUEST FOR CONDITIONAL USE** for the purpose of placing a convenience collection/recycling center at 501 Bernard Ave.: J.N.E. Property LLC., Charles Montoya.

LEGAL DESCRIPTION: Township 5 North, Range 2 East, Section 18, Map 100, Tract A, Land of SWPG LLC, containing 8.36 ac.

You are further notified that this public hearing will be held on **Monday, November 27, 2017 at 6:00 P.M.**, in the Council Chambers at City Hall, 100 South Main Street, Belen, New Mexico 87002. Any person having objections or wishing to be heard should make such protest to the Commission at the above stated date and time or write comments to the Planning and Zoning Commission, 100 South Main Street, Belen, New Mexico 87002.

Property owners within 100 feet excluding public right-of-way of said tract desiring to comment may write to the City of Belen Planning & Zoning Department at 100 South Main Street, Belen nm 87002

LEGAL NOTICE PUBLISHED: November 9 & 23, 2017



CONDITIONAL USE REQUEST

**JERAH R
CORDOVA**
MAYOR
LEONA VIGIL
CITY MANAGER



CITY OF BELEN
100 SOUTH MAIN STREET
BELEN, NEW MEXICO 87002
(505) 966-2730 • FAX (505) 864-8408
www.belen-nm.gov

WAYNE GALLEGOS
CITY COUNCILOR
DAVID CARTER
CITY COUNCILOR
DARLEEN ARAGON
MAYOR PRO-TEM
FRANK ORTEGA
CITY COUNCILOR

CASE REPORT

November 21, 2017

CONDITIONAL USE REQUEST

Location: 501 Bernard Ave., Belen NM 87002

SITE DATA

Existing Use: Manufacture/Commercial

Lot Size: 8.36 acres

Direction	Zoning	Existing Land Use
North	R-2 & C-R	Multi Family Residential & Commercial/Residential
East	R-1A & A-R	Single Family Mixed & Agricultural/Residential
South	R-1A & A-R	Single Family Mixed & Agricultural/Residential
West	R-1A	Single Family Mixed

*See attached zone map.

REQUEST

The applicant is requesting a Conditional Use to place a convenience collection/recycling center at 501 Bernard Ave.

Conditional Use Requirements:

1. Type of Conditional Use and why.
2. Location of Conditional Use request.
3. Survey Plat
4. Time Period of Conditional Use request.

STAFF FINDINGS

1. The surrounding area primarily consists of Residential and Commercial areas.

- 2. The area is zoned M-C**
- 3. The property is presently being used for AC Disposal vehicles, maintenance, office and metal fabrication.**
- 4. Bernard is a Collector Rd (increased traffic volume) and has been constructed for that type of use.**
- 5. A convenience collection/recycling center is allowable under the M-C zoning with a Conditional Use Permit.**
- 6. There should not be any adverse affects on the surrounding area due to the fact that the collections are not kept on the premises. It is removed daily.**

CITY OF BELEN, NEW MEXICO
APPLICATION FOR CONDITIONAL USE

REGULAR _____

SIX MONTHS _____

NOTE: The following conditional uses are limited to six months duration, at the end of which time such use must be reviewed and a new permit granted in order for it to be continued:

- Amusement Parks, Carnival, Circus. Conditional use in any A-R, C-1 or M-C zone.
- Dwelling, Temporary Watchman or Caretaker. Conditional use in all zones.
- Offices, Temporary (Real Estate Sales, Etc. Conditional use in all zones.
- Flea Markets. Conditional use in C-1 and M-C zones only, subject to district regulations and any supplementary regulations or special condition imposed by the Planning & Zoning Commission.

Applicants Name: Ale Ramirez or Verba Gault Phone: 505-270-9669
Address: 214 DeSoto Ave
Authorized Agents Name: _____ Phone: _____
Address: _____

Address of Property: 219 DeSoto Ave
Block and Lot: 4166 Sgft Addition: _____
Tract Number: _____ Map: _____
Total acreage in Tract: 100 x 172 ft
Number of Dwellings: one Density/Acre: 1 acre
Zoning of Property: residential Present Use: _____

APPLICATION REQUIREMENTS

The following material must be provided by applicant.

- Filing fee payment of \$150.00
- Letter of transmittal, state nature of request, include name of applicant and address where conditional use is requested.
- Affidavit of ownership
- Scaled drawing of property indicating location of structures, on-site parking and points of access to public streets

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

NOTE: Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Conditional Use. I have examined and am familiar with the zoning regulations of the present zone and the requested Conditional Use. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

Verba Gault
Signature of Applicant

10-07-17
Date

THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION

Planning and Zoning Commission Meeting Date: 12-21-17 Approved/Disapproved: _____
FEE PAID: \$150.00 RECEIPT NO.: 16002540 DATE: 11-9-17

Aide & Urbano Gonzalez

214 De Soto Ave
Belen NM 87005
5052709569
Hanniac12@gmail.com

November 21, 2017

To whom it may concern,

Please accept my appeal to maintain my fence up for the following reasons. In the last few months, I have had issues with people going into my property and stealing. My tail lights, bikes , important documents were stolen. Ive also dealt with people breaking into my vehicles and searching them , invading my privacy. These things had to be replaced upon my own expense. Since i have put up my fence up I have not had this problem anymore. My family & I feel, much more safe now. Thank you for your time and consideration in this matter. I can be reached anytime. We look forward to settling this matter in a timely fashion.

OWNERS AFFIDAVIT

STATE OF NEW MEXICO)
COUNTY OF VALENCIA) SS
CITY OF BELEN)

We,
I Aide Romiréz Urbano González
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at
214 deSoto Belea NM 87002, for which (I am) (we are)
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal, Replat, Lot Split, Etc.)

_____ through the City of Belen. Furthermore, (I) (we) hereby appoint
_____ of _____ as our agent to act in our
behalf on all matters pertaining to the processing of this application.

Aide Romiréz
Signed

214 deSoto Ave
Address

Belen NM 87002

505 409 8606
Phone

505 409 504-6876

Subscribed and sworn to before me this 22 day of November, 2017.

Lisa R Miller
Notary

My Commission Expires:
9-18-21



City of Belen
100 South Main Street
Belen, NM 87002
(505) 864-8221

NOTICE OF PUBLIC HEARING

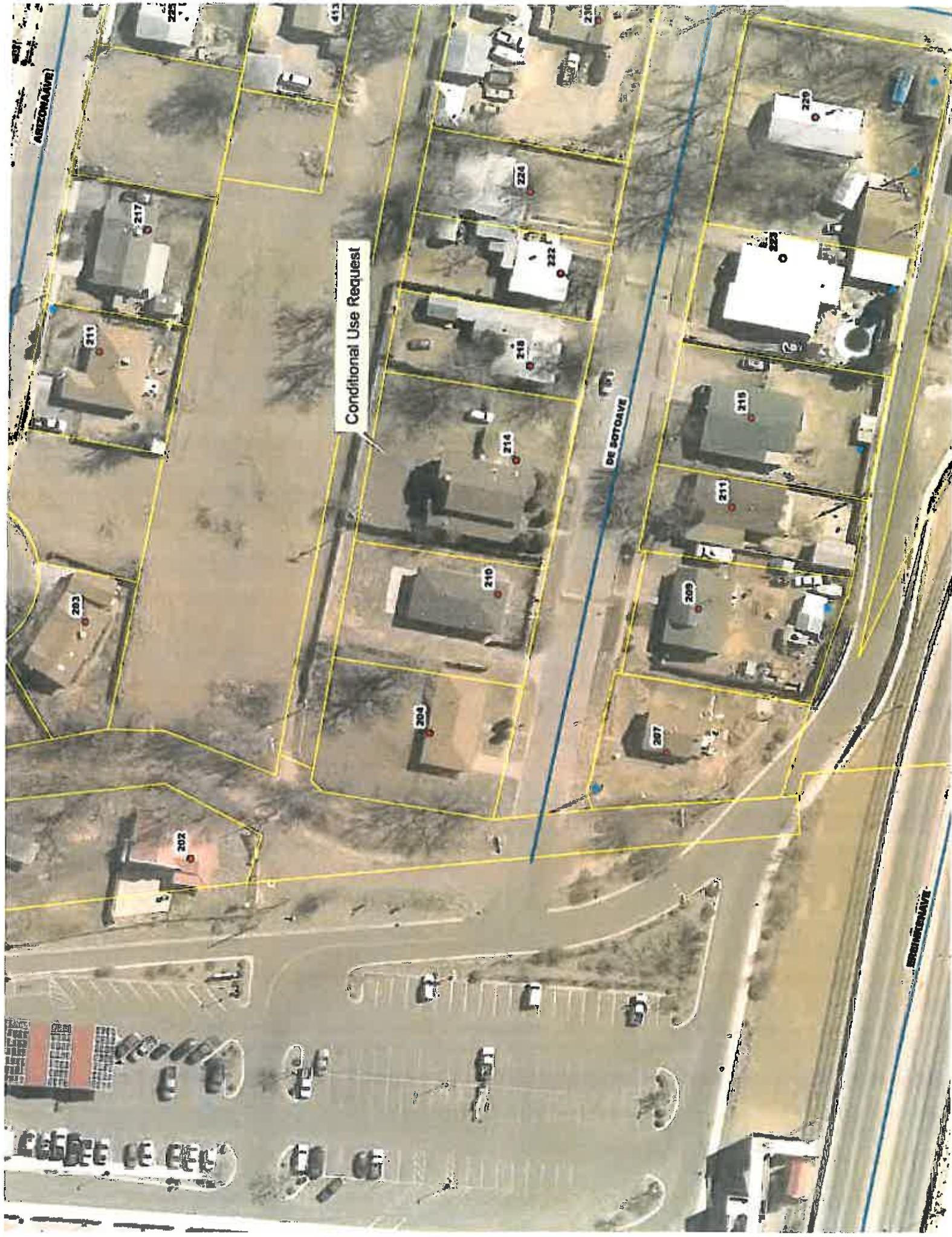
NOTICE IS HEREBY GIVEN to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to hear a **REQUEST FOR CONDITIONAL USE TO INCREASE ALLOWABLE FENCE HEIGHT: ALDE RAMIREZ & URBANO GONZALES** for the purpose of a six-foot high front fence height. AKA 214 De Soto Ave., Belen NM 87002

LEGAL DESCRIPTION: Township 5 North, Range 2 East, Section 18, Map 100, Lots 11-14, Block 1 , Eastside Addition, aka 214 De Soto Ave., Belen NM 87002.

You are further notified that this public hearing will be held on **Tuesday December 21, 2017 at 6:00 P.M.**, in the Council Chambers at City Hall, 100 South Main Street, Belen, New Mexico 87002. Any person having objections or wishing to be heard should make such protest to the Commission at the above stated date and time or write comments to the Planning and Zoning Commission, 100 South Main Street, Belen, New Mexico 87002.

Property owners within 100 feet excluding public right-of-way of said tract desiring to comment may write to the City of Belen Planning & Zoning Department at 100 South Main Street, Belen nm 87002

LEGAL NOTICE PUBLISHED: December 7, 2017 & December 14, 2017

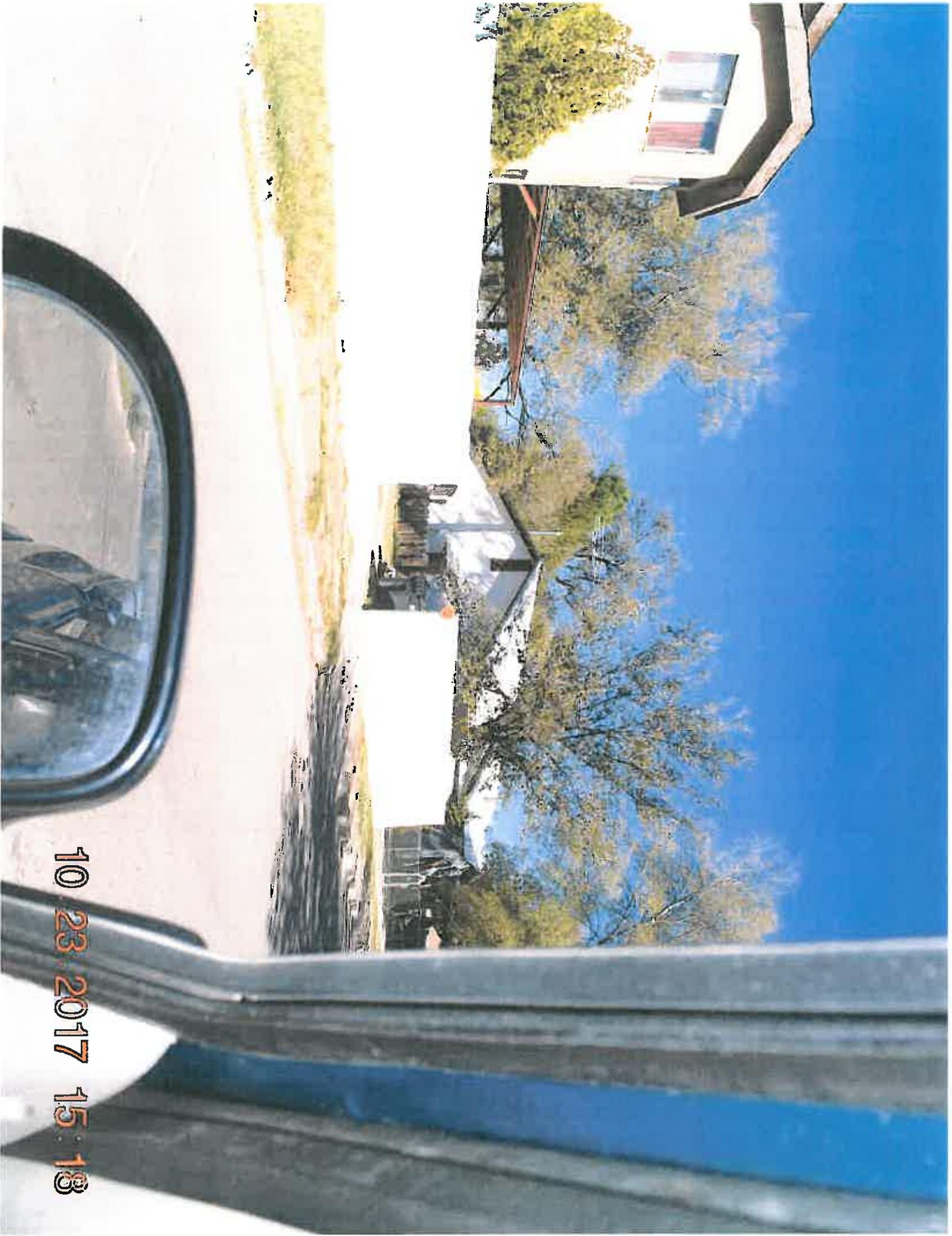


Conditional Use Request

DE SOTO AVE

ARIZONA AVE

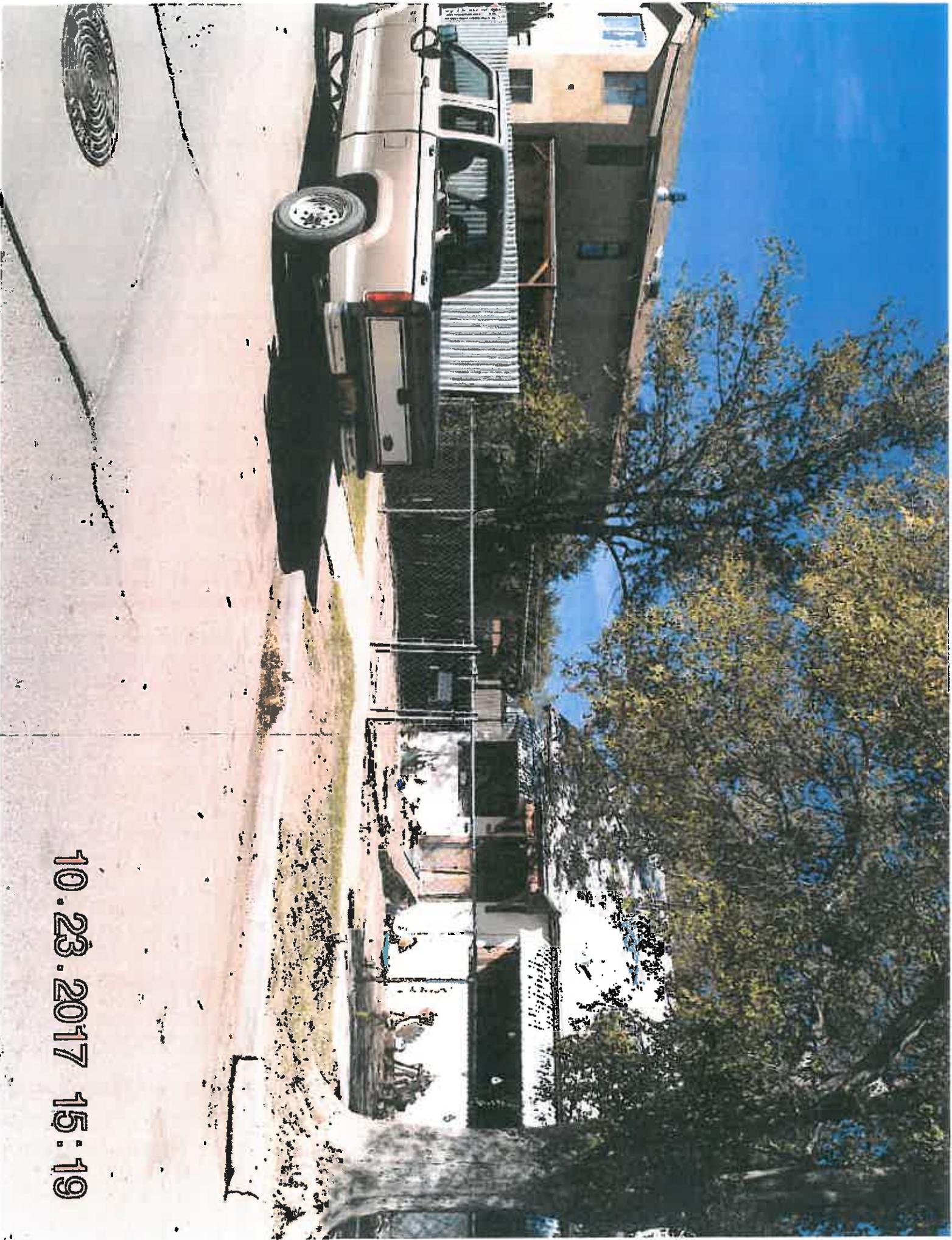
ARIZONA AVE



10 23 2017 15:18



10.23.2017 15:19



10.23.2017 15:19



**JERAH R
CORDOVA**
MAYOR
LEONA VIGIL
CITY MANAGER

CITY OF BELEN
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MAYOR PRO-TEM
FRANK ORTEGA
CITY COUNCILOR

CASE REPORT

December 18, 2017

CONDITIONAL USE REQUEST

Location: 214De Soto Ave., Belen NM 87002

SITE DATA

Existing Use: Single Family Mixed

Lot Size: .29 ac. (12,632 Sq. Feet)

Direction	Zoning	Existing Land Use
North	R-1A	Single Family Mixed – Single Wide Allowed
East	R-1A	Single Family Mixed
South	R-1A & A-R	Single Family Mixed
West	R-1A & M-C	Single Family Mixed & Manufacturing/Commercial

*See attached zone map.

REQUEST

The applicant is requesting a Conditional Use to place a six foot fence within the front setbacks.

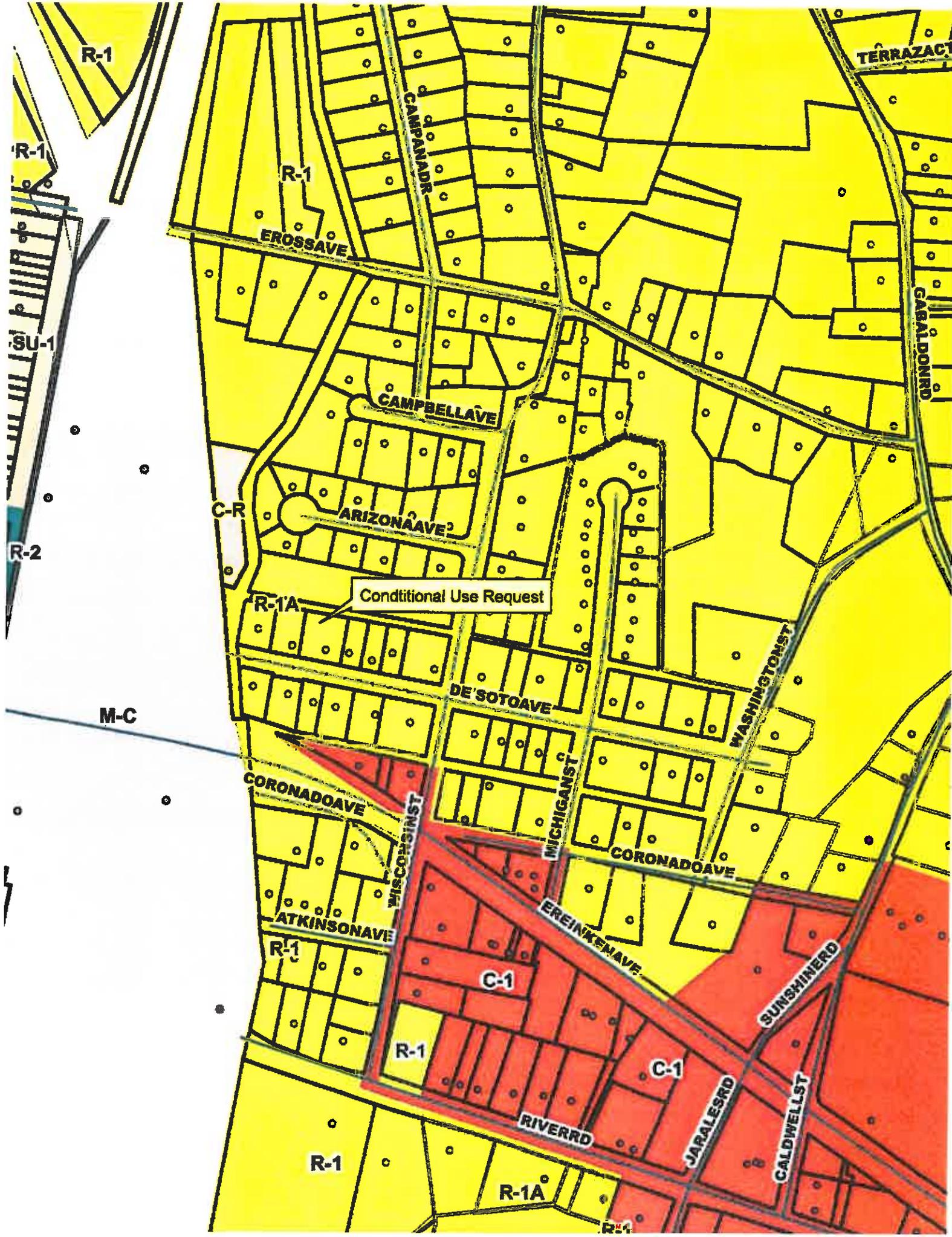
Conditional Use Requirements:

1. Type of Conditional Use and why.
2. Location of Conditional Use request.
3. Survey Plat
4. Time Period of Conditional Use request.

STAFF FINDINGS

1. The surrounding area primarily consists of Residential area with an M-C and C-1 areas close by.

- 2. The area is zoned R-1A.**
- 3. The property is presently being used for single family home.**
- 4. There was an existing 4 foot chain link fence across the front and it was replaced with a six foot pro-panel fence.**
- 5. The request is being made due to criminal activity in the area.**
- 6. No significant hazard or inconvenience to the neighborhood is evident.**



R-1

TERRAZACT

R-1

R-1

CAMPANADR

EROSAVE

CABALDONRD

SU-1

CAMPBELLAVE

R-2

C-R

ARIZONA AVE

Conditional Use Request

R-1A

M-C

DE SOTO AVE

WASHINGTONST

CORONADO AVE

MICHIGANST

CORONADO AVE

ATKINSON AVE

MICHIGANST

EREINKEN AVE

R-1

C-1

SUNSHINERD

R-1

C-1

R-1

RIVERRD

JARALESRD

CALDWELLST

R-1A

R-1

**CITY OF BELEN, NEW MEXICO
AMENDMENT TO ZONING MAP APPLICATION
(ZONE CHANGE)**

Applicants Name: City of Belen Phone: 9166-2745
Address: 100 S Main St, Belen
Authorized Agents Name: _____ Phone: _____
Address: _____

Address of Property: Between Beckwith Ave + W Coitille S Sixth St + S Fifth St
Block and Lot: 1-14 + 18-22 Addition: BTS ADD
Tract Number: TR 67A + portion of 67B Map: 100
Total acreage in Tract: _____
Number of Dwellings: 7 Density/Acre: _____
Zoning of Property: C-1 + C-R Present Use: Businesses
Requested Zoning: C-2

APPLICATION REQUIREMENTS

The following material must be provided by applicant.

- Filing fee of \$250.00
- Letter of transmittal, describing existing zoning, proposed zoning and reasons for the request.
- Affidavit of ownership.
- A scaled drawing describing the survey of tract boundaries, the location of all roads on and adjacent to the tract, the existing zoning for the tract and adjacent properties.
- Survey plat showing boundary, metes and bounds description of the land proposed for rezoning.

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

NOTE: Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Amendment to the Zoning Map. I have examined and am familiar with the zoning regulations of the present zone and the requested zone. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.


Signature of Applicant

12/13/17
Date

**THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING
COMMISSION AND THE BELEN CITY COUNCIL.**

Planning and Zoning Commission Meeting Date: 12-21-17 Approved/Disapproved: _____
Belen City Council Meeting Date: 1-2-18 Approved/Disapproved: _____

FEE PAID: N/A RECEIPT NO.: _____ DATE: 12-13-17

JERAH R. CORDOVA
MAYOR

DARLEEN ARAGON
MAYOR PRO-TEM

LEONA VIGIL
CITY MANAGER



CITY OF BELEN

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DAVID CARTER
CITY COUNCILOR

FRANK F. ORTEGA
CITY COUNCILOR

December 18, 32017

Planning and Zoning Commission
City of Belen
100 South Main Street
Belen, New Mexico 87002

Re: Rezoning of City of Belen Properties bordered by Becker Ave., Castillo Ave, Sixth Street and Fourth Street.

Planning and Zoning Commission:

The City of Belen Planning Department has submitted this application to rezone the above referenced property from C-R Commercial Residential to C-2 Mixed Use Zoning. This property presently contains the existing City Fire Department, Municipal Court, Old City Hall, Belen Art League building and a vacant City Building that has been intended for Art Center usage. This site will soon contain the new City Fire Department Center at the southwest corner of the property. To the north of these properties are the Belen Police Department, County Health Building and the City Hall. Directly to the South is the State of New Mexico Department of Transportation Building.

These properties, along with the City properties to the north and the Department of Transportation to the South are evolving primarily into a governmental agency "Complex" combined with the planned Becker Avenue Art Center, all of which will contain a diversity or mix of land uses and building sizes and styles that presently do not and in the future will not conform with requirements called out for a C-R Zoning District but more closely reflect those in a C-2 Mixed Use Zoning District.

In consideration of the past and ongoing building activities within and adjoining these properties the City Planning Staff requests the Planning and Zoning Commission approve this request for rezoning of the property to C-2 Mixed Use Commercial. In addition, the Belen Planning Department recommends that the Planning and Zoning Commission, with participation from the Belen Planning Department, re-evaluate the areas within proximity to Becker Ave zoned C-R Commercial-Residential Zoning to determine this use's continued viability and determine whether additional rezoning of specific areas should be considered or initiated.

We appreciate your consideration of this request.

Respectfully,
City of Belen Planning Department

A handwritten signature in black ink, appearing to read "Steven Tomita".

Steven Tomita
Planning & Economic Development Director
Phone: (505) 966-2745
Email: steven.tomita@belen-nm.gov

**CITY OF BELEN
100 SOUTH MAIN STREET
BELEN, NM 87002
(505) 864-8221**

NOTICE OF PUBLIC HEARING

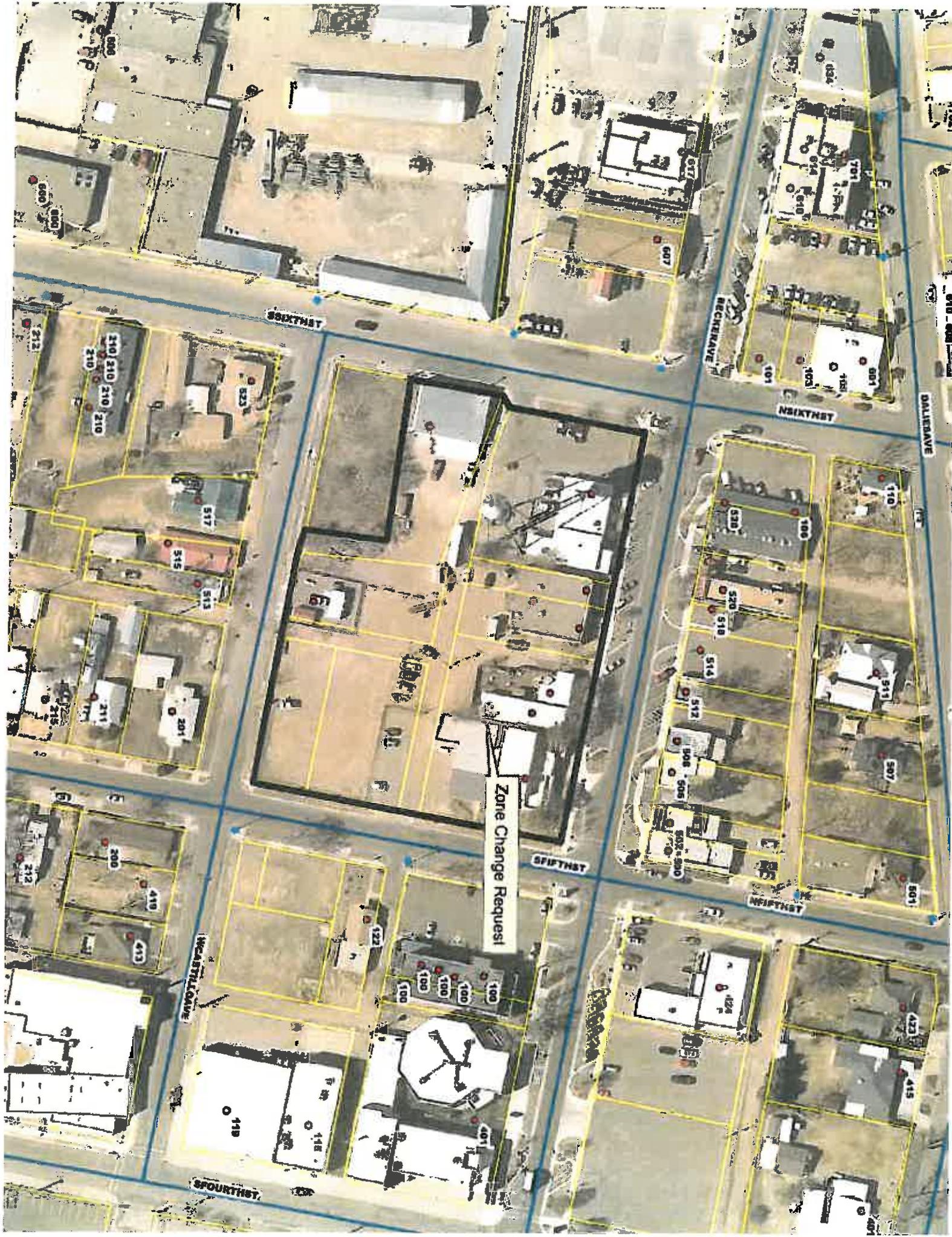
NOTICE IS HEREBY GIVEN to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST TO AMEND THE ZONE MAP FROM C-1 TO C-2: CITY OF BELEN.**

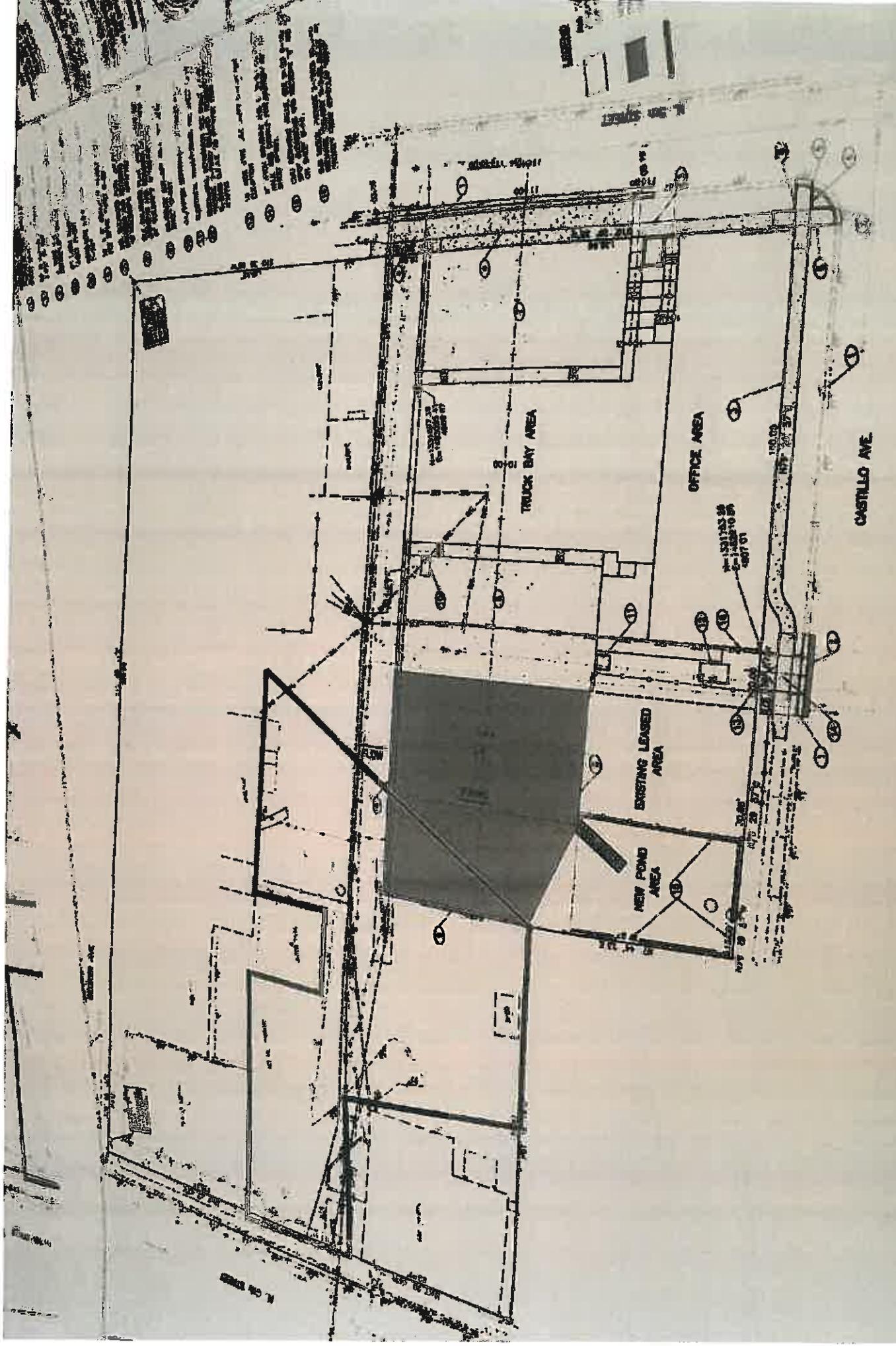
LEGAL DESCRIPTION: Township 5 North, Range 2 East, Section 18, Map 100, Tracts 67A and a portion of 67B, and Lots 1-14, Lots 18-22, BTS Addition, plus a 20' alley adjacent (East side) to lot 20. AKA 116 S Sixth St, 525 Becker Ave, 513 Becker Ave, 511 Becker Ave, 509 Becker Ave, 507 Becker Ave, 510 W Castillo, vacant property located behind Old City Hall (507 Becker Ave).

You are further notified that this public hearing will be held on **Thursday, December 21, 2017 at 6:00 PM**, in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002. Any person having objections or wishing to be heard should make such protests to the Belen Planning and Zoning Commission at the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

The Belen City Council will consider the recommendation of the Belen Planning & Zoning Commission and take action on the request to Amend the Zone Map at a public hearing which will be held on **Tuesday, January 2, 2017 at 6:00 P.M.**, in the Council Chambers at City Hall, 100 South Main Street, Belen NM 87002

LEGAL NOTICE PUBLISHED: December 7, 2017 & December 14, 2017





12.18.2017 15:47



**JERAH R
CORDOVA**
MAYOR
LEONA VIGIL
CITY MANAGER

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CITY COUNCILOR

CASE REPORT

December 18, 2017

ZONE CHANGE REQUEST

Location: ¼ of a block located between S Sixth St and S Fifth St, and Becker Ave and W Castillo Ave.

SITE DATA

Existing Use: Businesses

Lot Size: 2.51 Acres

Direction	Zoning	Existing Land Use
North	C-R	Commercial Residential
East	C-R	Commercial/Residential
South	C-R & C-1	Commercial/Residential & General Commercial
West	C-1	General Commercial

*See attached zone map.

REQUEST

The applicant is requesting a Zone Change from C-R & C-1

C-R & C-1 Requirements	C-2 Requirements
C-R Residential Use -4,000 Square Feet	Commercial – does not say
C-R Commercial – Does not say	
C-1 Residential 7,000 Square Feet	
C-1 Commercial – Does not say	
C-R & C-1 Residential, Front Setback- 20 Feet	Front Setback – 0
C-1 Commercial, Front Setback 6 Feet	

Rear Setback- 15 Feet	15 Feet
Side Setback- 5 Feet	0 Feet
C-R Residential, Off Street Parking – 2 per Single Family Dwelling Commercial – As per 17.56	As per 17.56

*See attached C-R, C-1 & C-2 Zoning Regulations & Off-Street Parking

STAFF FINDINGS

1. The Zoning surrounding this request is C-R and C-1.
2. The surrounding area consists of Businesses and a few Single Family Residential Homes.
3. The present land uses contain a mixed diversity and do not conform to the requirements of the C-R Zone.
4. The zone change request is deemed an appropriate use for this area.



C-R

BACCAVE

C-1

NSEVENTHST

SSIXTHST

BECKERAVE

NSIXTHST

Zone Change Request

DALLIESAVE

SFIFTHST

NFIFTHST

WCASTILLOAVE

C-R

SFOURTHST

NFOURTHST

Chapter 17.28 - C-R COMMERCIAL/ RESIDENTIAL**Sections:****17.28.010 - Intent.**

The purpose of this zone is to permit a limited mixture of residential and retail commercial activities. This zone establishes and preserves areas for those commercial facilities which are essentially useful in close proximity to residential areas, while minimizing the undesirable impact of such commercial uses on the neighborhoods which they service. Any commercial establishment, other than a home occupation, located in this zone shall contain a total floor area no greater than four thousand (4,000) square feet.

(Ord. No. 2015-14, 11-16-2015)

17.28.020 - Accessory uses.

All accessory uses in this zone shall be the same as those listed in the R-2 zone district.

(Ord. No. 2015-14, 11-16-2015)

17.28.030 - Supplementary regulations.

All supplementary regulations in this zone shall be the same as those listed in the R-2 zone district, except that signs indicating a commercial or business establishment may not exceed forty (40) square feet per sign with a minimum width of two (2) feet.

(Ord. No. 2015-14, 11-16-2015)

17.32 - C-1 GENERAL COMMERCIAL**Sections:****17.32.010 - Intent.**

The purpose of this zone is to provide for those commercial uses which serve the community on a day-to-day basis such as retailing, financial, and personal services.

(Ord. No. 2015-14, 11-16-2015)

17.32.020 - Accessory uses.

All accessory uses in this zone shall be the same as those listed in the R-2 zone district.

(Ord. No. 2015-14, 11-16-2015)

17.32.030 - Supplementary regulations.

- A. **Area.** Any lot under a residential use shall have a minimum ground area of seven thousand (7,000) square feet and a minimum width of seventy (70) feet.
- B. **Setback.** Any lot under a residential use shall have the same setback requirements as those prescribed in the R-2 zone district. Any lot in commercial use shall have a front setback of six (6) feet.
- C. **Height.** No building or structure shall exceed forty-five (45) feet except as otherwise provided in this title.
- D. **Off-Street Parking.** Provided in chapter 17.56 of this title.

(Ord. No. 2015-14, 11-16-2015)

Chapter 17.33 - C-2 MIXED USE**Sections:****17.33.010 - Intent.**

The purpose of this zone is to permit a mixture of housing, office, retail, entertainment, medical, and civic uses.

- Encourage a greater intensity of development in order to attract the people and commerce necessary to create a vibrant and diverse urban center.
- Encourage a blending of residential, civic, commercial and office uses in close proximity to each other with active commercial and retail uses along arterial and collector street frontages, and encouraging residential uses above the ground floor or behind a commercial building that fronts the street.
- Encourage a mixture of service and employment uses so that residents will have the opportunity to work as well as shop and play within walking distance from their homes.
- Encourage planning, design and detailing that reflects the needs of pedestrians, establishes multi-modal circulation opportunities, and creates memorable civic spaces.
- Encourage the use of multi-modal transportation systems and reduce the amount of impervious surface.

(Ord. No. 2015-14, 11-16-2015)

17.33.020 - Accessory uses.

- A. **Buildings or structures customarily incidental to uses allowed in this zone district.**
- B. **Home occupations are permitted only to the extent authorized by the city of Belen's zoning ordinance.**
- C. **Fences or walls not exceeding six (6) feet in height may occur within the rear or side yard setbacks of a residential lot and not exceed four (4) feet in height for a non-solid fence or three (3) feet for a solid fence within the front yard setback of a lot, unless buffering is required.**
- D. **Accessory structures are not allowed in front or side yards facing a public street and shall not exceed two hundred (200) square feet in floor area.**

- E. Trash containers and trash compactors shall be at least fifteen (15) feet from the property line when adjacent land planned or zoned for a single-family residential.
- Trash containers and trash compactors shall be screened from a public right-of-way by decorative wall or enclosure and shall be not less than two (2) feet above the height of the trash container or compactor.
- F. Flag poles twenty-five (25) feet from any property line, with a maximum height of thirty-five (35) feet. Pole heights greater than thirty-five (35) feet may be approved by a conditional use permit.

Additional permitted and accessory uses are listed on the revised table of allowable land use (see section 17.48.010).

(Ord. No. 2015-14, 11-16-2015)

17.33.030 - Supplementary regulations.

- A. **Setback.** Minimum setbacks as measured from property line or right-of-way.
1. Mixed use front: zero (0) feet;
 2. Mixed use rear: fifteen (15) feet;
 3. Mixed use side: zero (0) feet.
- B. **Height.** No building or structure shall exceed sixty-five (65) feet except as otherwise provided for in the city of Belen's zoning ordinance.
- C. **Off-Street Parking.** Shall be required as set forth in chapter 17.56 of this title, except for:
- Street frontage for pedestrian connections and circulation. On site with multiple buildings, parking is allowed in front of or between buildings that are interior to the site.
 - Application requests for a reduction in the number of required off-street parking spaces as the result of shared parking will be considered.
 - Shopping centers shall provide a minimum of four (4) parking spaces per one thousand (1,000) square feet of floor area.
- D. **Loading.** Loading shall be integrated within the site plan and wherever possible integrated within the building's architecture. Innovative loading solutions are to be encouraged.

(Ord. No. 2015-14, 11-16-2015)

17.33.040 - Development regulations.

- A. **Consideration for Approval.**
1. Plans should comply with the intent and requirements of a mix of land uses set forth herein and not be used for a single land use.
 2. Plans must include residential and nonresidential uses within or in close proximity to the district with shared access and adequate pedestrian linkages.
 3. The total area of the proposed development must be a minimum of two (2) acres, but may be smaller with an approved conditional use permit.

4. Plan may also include civic or community building, public utility and/or public spaces within the
B. Development Review Process.
 1. An applicant wishing to develop property zoned C-2 must submit a master plan and design and development guidelines for the mixed use development for a preliminary review.
 2. Following preliminary review, the application will be subject to the review and approval of the planning and zoning commission.
 3. Upon approval, the master plan and accompanying documents will be used as the official guide for future development within the district.
 4. Site development within the district will require the submission of a site development permit application. The site development permit application will be evaluated based on compliance with the approved master plan and guidelines.
- C. Landscaping. Landscaping shall provide visual relief of the zoning district, with safe, comfortable and attractive spaces for pedestrians. Landscaping will be evaluated as part of the submittal process. Landscaping requirement for buffering shall be as established in the M-1 Zone.
- D. Lighting. Lighting shall comply with the Night Sky Protection Act and be shielded and placed to direct the light away from adjacent properties.

(Ord. No. 2015-14, 11-16-2015)



Queen Creek Zoning Ordinance



Original adoption: January 6, 1999. Updated April 19, 2017. Ordinance 1998-024-17 through 736-17.

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

- 2) Time of determination of the fee;
- 3) Time of payment of the fee;
- 4) Form of payment of the fee;
- 5) Restrictions on use of the fees collected;
- 6) Time limit on expenditure of fees;
- 7) Placement of fees in the Open Space Acquisition Trust Fund;
- 8) Maintenance of financial records;
- 9) Allocation of interest on trust fund accounts; and,
- 10) Refund procedures.

G. Open Space Requirements. As a part of any application for development approval such as rezoning, site plan, and subdivision and in conjunction with the required landscape plans in Section 5.3, the applicant shall submit an Open Space Provision and Maintenance Plan meeting the requirement of subsections A through C herein.

5.5 Lighting

A. Purpose. These provisions are intended to control the use of outdoor artificial illuminating devices emitting rays into the night sky which have a detrimental effect on the rural atmosphere, astronomical observations, and which create glare. It is the intention of this Ordinance to encourage good lighting practices such that lighting systems are designed to conserve energy and money, to minimize glare, to protect the use and enjoyment of surrounding property, and to increasing nighttime safety, utility, security, and productivity. The provisions of this Section are authorized by Section 49-1106, A.R.S., which provides that the provisions of Section 49-1101 through Section 49-1106, A.R.S., are cumulative and supplemental and shall not apply within any county, city or town which by ordinance or resolution has adopted provisions restricting light pollution which are equal to or more stringent than the provisions of this Section.

B. Conformance with Applicable Codes.

1. All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this section and the building code of the Town of Queen Creek.
2. Where any provisions of the Arizona Revised Statutes, or any Federal law, or any companion Ordinance conflicts with the requirements of this outdoor light control provision, the most restrictive shall govern.
3. The provisions of this section are not intended to prevent the use of any material or method of installation not specifically prescribed by this Ordinance. In considering any variance from the provisions of this Ordinance, the Board of Adjustment shall take into consideration any state of the art technology which is consistent with the intent of the Ordinance as new lighting technology develops which is useful in reducing light above the horizontal plane.

C. Shielding and Filtration.

1. All non-exempt outdoor lighting fixtures shall be limited to the types of fixtures specified in Table 5.5-1 of this Ordinance and shall have shielding and filtration as required by Table 5.5-1 of this Ordinance.
2. Light source locations shall be chosen to minimize the hazards of glare. The ratio of spacing to mounting height shall not exceed a four to one (4:1) ratio.
3. Poles and standards. All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated to minimize glare from the light source.

D. Illumination. In order to minimize glare and hazardous conditions, illumination levels shall not exceed the levels set forth in Table 5.5-2 for any use permitted by this Ordinance. The maximum illumination shall be measured at grade at the property line of the site in accordance with subsection J of this Section.

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Table 5.5-1 Shielding Requirement

Location / Description	Lumens	Footcandle
Residential Zoning Districts		
Building Exterior	50	5.0
Front, side, or rear yard (at property line)	10	1.0
Non-residential zoning districts		
Adjoining another non-residential zoning district along major arterial	20	2.0
Adjoining residential zoning district along major arterial	10	1.0
Adjoining another non-residential zoning district along minor arterial or collector street	6	0.6
Adjoining another non-residential zoning district along local street	4	0.4
Adjoining another non-residential zoning district along property line	10	0.9
Adjoining residential zoning district along property line	2	0.2
Outdoor Events		
Adjoining non-residential zoning district	1,000	100
Adjoining or within one-thousand feet (1,000') of residential zoning district	100	10

Notes:

- [1] This is the preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations.
- [2] Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaires.
- [3] Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects.
- [4] For the purposes of this Code, quartz lamps shall not be considered an incandescent light source.
- [5] Warm white and natural lamps are preferred to minimize detrimental effects.

- [6] Metal halide fixture lamp types shall be filtered. "Filtered" means any outdoor light fixture which has a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement).

Table 5.5-2 Illumination Standards

Lighting Source	Controlled	Shielded
Low Pressure Sodium [1]	Partially	None
High Pressure Sodium	Fully	None
Metal Halide	Fully [2, 6]	Yes
Fluorescent	Partially [3, 5]	Yes
Quartz [4]	Partially	None
Incandescent, Greater than 150W	Partially	None
Incandescent, 150W or Less	No	None
Fossil Fuel	No	None
Glass Tubes filled with Neon, Argon, Krypton	No	None

E. Control of Glare.

1. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.
2. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height not exceeding the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed twenty-five feet (25').
3. **Exceptions.**
 - a. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or less and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution or mounting height except that if any spot or flood

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luminaire rated 900 lumens or less is aimed, directed or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be re-directed or its light output controlled as necessary to eliminate such conditions.

- b. Luminaires used for public roadway illumination may be installed at a maximum height of twenty-five feet (25') and may be positioned at that height up to the edge of any bordering property.
- c. All temporary emergency lighting needed by the Police, the Fire Departments or other emergency services as well as all vehicular luminaires shall be exempt from the requirements of this Ordinance.

F. Prohibitions.

1. *Mercury Vapor Fixtures and Lamps.* The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
 2. *Certain Other Fixtures and Lamps.* The installation of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor lighting fixture or lamp that does not comply with the shielding requirements of Table 5.5-1 and the illumination standards of Table 5.5-2 is prohibited.
 3. *Laser Source Light.* The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.
 4. *Searchlights.* The operation of searchlights for advertising purposes is prohibited between the hours of 11:00 p.m. and sunrise.
 5. *Recreational Facilities.* No outdoor recreational facility, public or private, shall be illuminated by non-conforming means after 11:00 p.m., unless otherwise permitted by the Town Council pursuant to a conditional use permit, except to conclude specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m. All recreational outdoor lighting shall comply with height restrictions as specified in the building codes. Outdoor lighting for open-air arenas primarily used for rodeo and roping activities, shall be permitted to a maximum height of thirty feet (30'), provided shielding and filtration requirements are met.
6. *Outdoor Building or Landscaping Illumination.* The unshielded outdoor illumination of any building, landscaping, signing or other purpose is prohibited, except with incandescent fixtures of 150 Watts or less, or low pressure sodium fixtures.
- ### G. Exceptions.
- The following types of light fixtures shall be exempt from the provisions of this Section:
1. *Non-Conforming Fixtures.* All outdoor light fixtures installed prior to January 1, 1985, those equipped with a permanent automatic shut-off device may remain unchanged, except that the subject light fixtures shall not be operated between the hours of 11:00 p.m. and sunrise.
 2. *Fossil Fuel Light.* Light which is produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
 3. *Low Intensity Fixtures.* Any outdoor lighting fixture which has a maximum candle power or less than one-thousand (1,000) candelas is exempt from these provisions, if equipped with an automatic device which shuts off the fixture between the hours of 11:00 p.m. and sunrise.
- ### H. Recreational Facilities.
- Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to football fields, soccer fields, baseball fields, softball fields, tennis courts, auto race-tracks, horse race-tracks or show

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arenas, consistent with the illumination standards specified in Table 5.5-2 herein, provided all of the following conditions are met:

1. All fixtures used for event lighting shall be fully shielded, or shall be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m.; except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
 3. The height of such lighting shall be a maximum of eighty feet (80').
- I. **Outdoor Display Lots.** Any light source permitted by this Ordinance may be used for lighting of outdoor display lots such as, but not limited to, automobile sales or rental, recreational vehicle sales or building material sales, provided all of the following conditions are met:
1. All fixtures used for display lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.
 2. Display lot lighting shall be turned off within thirty (30) minutes after the closing of the business. The full illumination of the lot may be permitted after 11:00 p.m., pursuant to a Temporary Use Permit (see Section 3.6). Any lighting used after shall be used as security lighting.
- J. **Residential Neighborhoods.** Adequate lighting for residential neighborhoods may be provided for all outdoor amenities areas used at night (i.e. parks, trails, fields, open space areas, sport courts, etc). Lighting sources shall be appropriately shielded from adjacent residential uses to minimize any negative impacts. The following additional standards shall apply:
- a. All outdoor amenity area lighting within 100 feet of a residential property line shall not exceed a maximum height of fifteen feet (15');
 - b. In all other amenity areas lighting shall not exceed a maximum height of twenty five feet (25');
 - c. All outdoor amenity area lighting shall be setback from all property lines by a minimum distance of fifteen feet (15');
 - d. **Submittal Requirements.** A Lighting Plan shall be submitted as part of the Site Plan or Preliminary Plat application which details the location and specifications of all proposed lighting. An ISO foot-candle diagram shall also be provided to indicate the level and extent of proposed lighting.
- K. **Measurement.**
1. **Metering Equipment.** Lighting levels are to be measured in foot-candles with a direct-reading, portable light meter. The meter typically has a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five percent (5%). It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of its use.
 2. **Method of Measurement.** The meter sensor shall be mounted not more than six inches (6") above ground level in a horizontal position. Readings are taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements are made after dark with the light sources in question on, then with the same sources off. The difference between the two (2) readings shall be compared to the maximum permitted illumination and property line at ground level. This procedure eliminates the effects of moonlight and other ambient light sources. Where light patterns overlap, their total intensity shall be the sum of their individual intensities.