

## 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 MONDAY THE 31<sup>ST</sup> OF OCTOBER 2016 AT 6:30 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 CAN BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.*

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGENCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:**  
Minutes of October 11, 2016
- 6. PUBLIC WORKSHOP**  
Airport Overlay Zone-Vision
- 7. DISCUSSION**  
Fence Ordinance
- 8. OPEN COMMENTS/REQUESTS**
- 9. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/S/

Lisa R Miller  
Planning & Zoning Administrator

cc: Mayor & City Council  
Belen Public Library  
Belen Recreation Center

Belen Chamber of Commerce  
News Bulletin  
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  
[www.belen-nm.gov](http://www.belen-nm.gov)

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

**CITY OF BELEN**  
**PLANNING & ZONING COMMISSION MEETING**  
**MINUTES**  
**OCTOBER 11, 2016**

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:34 p.m.

**PRESENT:** Chairman Steve Etheridge  
Vice Chair Pete Armstrong  
Commissioner Claudine Montano  
Commissioner Debbie Thompson

**ABSENT:** Commissioner Gordon Reeves

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

**PLEDGE OF ALLEGENCE**

Chairman Steve Etheridge led the Pledge.

**APPROVAL OF AGENDA:**

Vice Chair Pete Armstrong moved to approve the Agenda.

Commissioner Debbie Thompson seconded the Motion.

Motion Carried.

**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of September 26, 2016 were reviewed.

Commissioner Debbie Thompson moved to approve the minutes as corrected.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

## **DISCUSSION**

### **A. AIRPORT OVERLAY ZONE-VISION REVIEW**

Steven Tomita informed the Commission that the list that was provided to them, in their packets, shows the categories that have been developed within the one mile area and asked if there was anything they would like to add to this.

Vice Chair Pete Armstrong said that Commercial and high density housing/ apartments needs to be added.

Steven Tomita said that he did not feel that the low density housing should be included but the medium density should also be included. He reminded the Commission that this is the vision for the one mile radius and not what is already in existence. It is what they would like to see for the development of the area around the airport.

Lisa asked the Commission what type of commercial activities they would like to see on the list.

Commissioner Debbie Thompson said high intensity Commercial.

### **B. FINAL REVIEW OF SIGN ORDINANCE CHANGES PROPOSED.**

Steven Tomita asked Lisa if she had found anything on the discrepancies that they had found between what the Mayor is proposing and the P & Z had in their proposal because nothing coincides.

Lisa Miller said that she had not and the one that was just handed to them was the one that the Mayor sent to us. The one in the packet is the one that the P & Z Commission had worked on.

Steven Tomita said that something was done and not changed. Its like we have three different working documents.

Vice Chair Pete Armstrong asked if these documents had gone before the Council and been approved or are they just suggested changes.

Steven Tomita said that they had not.

Vice Chair Pete Armstrong said that he feels that there should be another paragraph in 17.58.020 concerning enforcement. It needs to have something in here where it states that the Code Enforcement Officer will enforce all these codes. This way it is applicable to all the sign codes.

Steven Tomita said it is under permits required. He asked Lisa who enforces the zoning ordinance.

Lisa Miller said that the Zoning Enforcement Officer does.

Steven Tomita said that he has a concern on where the code enforcement officer enforces the codes and where the zoning enforcement officer enforces. There needs to be a distinction.

Lisa Miller said that there is a section in the Zoning Ordinance that pertains to this under Administration and Enforcement.

Steven Tomita said that the whole Code book is not distinctive on who is enforcing what. At some point it needs to be defined but at this time the City is not in the position to add more employees. At some point in time it needs to be separated into code enforcement and zoning enforcement. Two separate entities, one covering the zoning issues and the other covering the rest. The zoning ordinance is just a small part of the total codes.

Vice Chair Pete Armstrong said that the time to address this is now and not later. The framework would be there.

Chairman Steve Ethridge asked where he would draw the line on these responsibilities. Who would be doing what.

Vice Chair Pete Armstrong said that he understands that it needs to be addressed at some point in time but now is as good as ever. If we are worried about man power or budgets we are never going to get there. The only way to drive manpower and budgets is to have codes that say we need to be doing these things. He thinks there is a planning side and an enforcement side. Each will have their own responsibilities.

Chairman Steve Ethridge asked what the Commission should be doing to determine this. Where would you draw the line.

Vice Chair Pete said that it should be up to the HR Department and not the Commission.

Steven Tomita said that it would be the Commissions responsibility to determine what part of the Codes and Ordinances that the Zoning Enforcement Officer would enforce. The way it is now the zoning enforcement officer is responsible for the Zoning Ordinance. That is the only place that it is called out. The Sign Ordinance is in the Zoning Ordinance and it would take a lot of work for the Zoning Enforcement Officer to enforce it. The best is to leave things the way they are now.

Commissioner Debbie Thompson said that she thinks that they should leave it alone.

Steven Tomita said there is one other option. There were a couple Councilman that did not like the fact the they were inundated then with Zoning Ordinance changes. We could move forward with the update to the Comprehensive Plan then go back and review the Zoning Ordinance to make sure that it is compliance with the Comprehensive Plan. We have a choice to back off of the Zoning Ordinance until the Comprehensive Plan is complete and then come back to the Zoning Ordinance. He feels that the Zoning Enforcement Officer should be enforcing the Zoning Ordinance and nothing else. This is why the Code Enforcement Officer has been moved over to the police department. We can just do an amendment to change a couple of things but not the extensive changes that we had worked on already. He would like to switch the C-1 and C-2 and a

few other little things until after the completion of the Comprehensive Plan and then revisit the Zoning Ordinance.

Chairman Steve Ethridge said that he attended the Council public workshop for the sign ordinance. He didn't receive any information until that time. If at all possible he would like to read over things like that so that he may be better informed of what is going on being that this is in the Zoning Ordinance.

Lisa Miller said that the workshop had not happened yet when the P & Z Packets were distributed.

Steven Tomita said that the Mayor was focused on freeway signs so that is where most of the changes are and placing the Campaign Sign section back in. Under Section 17.58.060 A needs to be removed. He likes the small sandwich signs and the signs that hang over the sidewalk. If you have any more comments please get them to Lisa so that they can be incorporated into the suggested changes. He said that he would sit down with Lisa to go over the Zoning Ordinance changes that the Commission has suggested and make our recommendations to the Council.

#### **OPEN COMMENTS/REQUESTS**

Steven Tomita informed the Commission that the Chamber of Commerce had a luncheon at the Business Center with approximately 60 people showing up. BNSF will be having a meeting at the Business Center on the 13<sup>th</sup> of October. Wayne Abraham, of the New Mexico Small Business Development Center for the UNM VC campus, is working with one of the students that has an office in his home, to get him into the Business Center. This gentleman need proper internet connection, which we are working on.

Chairman Steve Ethridge asked what was done to people who have a number of dismantled inoperable vehicles in their yard or a bunch of parts laying all over.

Steven Tomita said it is not allowed and there is a section in the Ordinances that address this.

Commissioner Debbie Thompson said to go to Santa Fe MVD main office and tell them that there rules are ridiculous for people to get rid of their junk cars. You have a lot of people that abandon vehicles on property and the MVD have rules that are ridiculous on what you have to do to get rid of them. It takes 90 days to legally get rid of a car.

Steven Tomita said that she was right. He had a car parked in front of his house that was not running, that belonged to a next door neighbor. It took 90 days before the police could remove it.

#### **ADJOURNMENT**

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

Commissioner Debbie Thompson seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 8:01 pm.

\_\_\_\_\_  
Chairman Steve Ethridge

**ATTEST:** \_\_\_\_\_  
Steven Tomita, Planning & Economic Development Director

# ARTICLE 5 – SITE IMPROVEMENT STANDARDS

## 5.0 Site Improvement Standards

Section	Content	Page
5.1	Adequate Public Facilities	1
5.2	Fencing and Walls	1
5.3	Landscaping Standards	4
5.4	Open Space	12
5.5	Lighting	15
5.6	Parking and Loading Standards	19

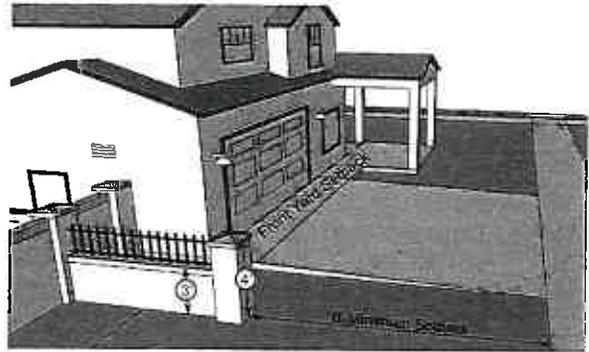
### 5.1 Adequate Public Facilities

- A. *Adoption by Reference.* The "Town of Queen Creek Adequate Public Facilities" requirements, a current copy of which is on file with the Development Services Department and which may be modified from time to time, are hereby adopted by reference as if set out at length in this Ordinance.

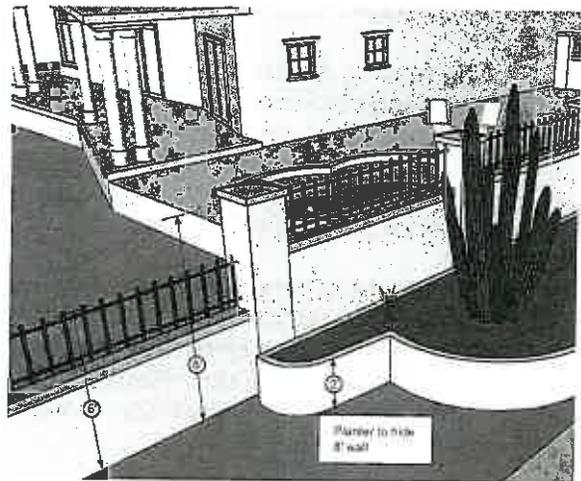
### 5.2 Fencing and Walls

A. *General Standards.*

1. Fencing and screening shall be permitted as provided in this Section.
2. Fence materials shall be durable and consistent with abutting fences.
3. The height and location requirements of this section may be modified as part of a subdivision, planned area development, special use, or conditional use approval. For fences on retaining walls, see definition of a retaining wall.
4. Fences in the required front yard setback shall not exceed thirty-six inches (36") in height. Such fences may be increased to forty-eight inches (48") maximum height if the fencing material extending above the thirty-six inch (36") height is an open material such as wrought iron or vinyl rail. Parcels that are zoned R1-43 and larger may construct fences up to six feet (6') in height, where the solid portion of the fence, if any, does not exceed thirty-six inches (36") and does not encroach any closer than eight feet (8') from the front property line or create any visibility conflicts that may be determined by the Town.



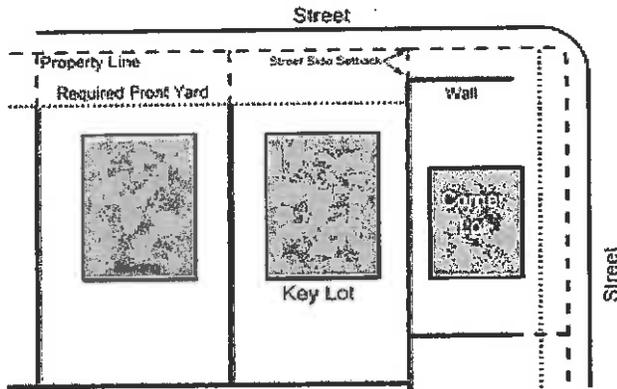
5. A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished grade adjacent to the fence, nor more than eight feet (8') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') height on the low side shall use berming, landscaping, fence offset(s) or similar enhancements to mask height differences, and in no case shall the fence height exceed eight feet (8'). Where the fence height exceeds six feet (6') on the lower side, a view fence shall be required for the portion above six feet (6') in height (i.e. 6' solid – 2' view).



6. Any fence above six feet (6') in height shall be designed by an Arizona registered structural engineer and approved by the Town.
7. On that part of the lot other than the required front yard setback area, fences may be erected up to six feet (6') in height.

## ARTICLE 5 – SITE IMPROVEMENT STANDARDS

8. Connecting side yard fences are to be set back a minimum distance of one-quarter ( $\frac{1}{4}$ ) of the required front yard setback from the front face plane of the residential structure.
9. When a corner lot abuts a key lot, the fence or freestanding wall over three feet, six inches (3' 6") but not more than six feet (6') in height on the corner lot shall be set back from the street side property line not less than one-half ( $\frac{1}{2}$ ) the depth of the required front yard.



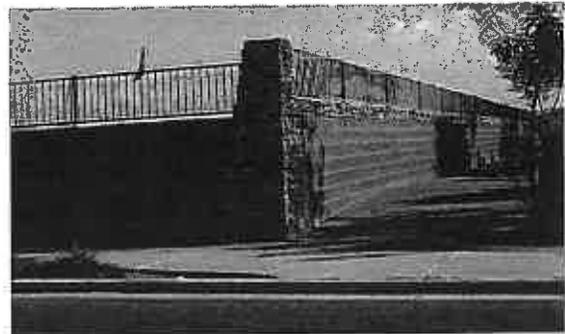
10. The fencing details shall show the proposed method of construction and anchoring of the fence, posts, and gate.
11. The fencing details shall clearly show the proposed distance between the fence and the abutting property lines and the distance to the sight line of a street right-of-way intersection. Adequate sight distance shall be maintained.
12. The height of fences shall be determined by measurement from the ground level at all points upon which the fence is located. An increase in height shall be allowed when spacing for drainage under the fence is needed.
13. The use of barbed wire, wire mesh or chain link shall not be used in any zoning district.
14. Storage areas, solid waste dumpsters, and large items for solid waste pick-up shall be confined in an enclosed area and shall be of solid construction, six feet (6') high with locking gates providing access.

### B. Rural Zoning Districts A-1, AT, R1-190, R1-154, R1-108, R1-54, R1-43.

1. All fencing along the perimeter of a subdivision not adjacent to an arterial or collector street shall be full view fencing of an open style material.



2. All fencing along arterial and collector streets shall be either full view fencing or partial view fencing (4' solid – 2' view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member.

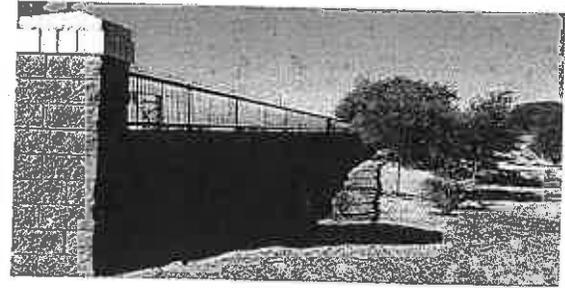


3. Construction of solid fences no taller than six feet (6') shall be limited to the buildable area of the lot within the building envelope. However, view fencing no taller than six feet (6') (3' solid – 3' view) may be allowed along property boundaries interior to the subdivision in accordance with the provisions of this section.

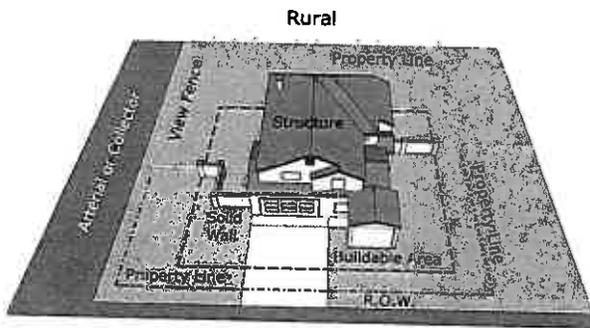
# ARTICLE 5 - SITE IMPROVEMENT STANDARDS



4. All solid and view fences within the building envelope shall be decoratively treated on the public side to match the architectural style and design of the neighborhood.



3. All fences shall be decoratively treated on the public side to match the architectural style and design of the neighborhood.



- C. *Suburban Zoning Districts R1-35, R1-18, R1-15, R1-12, and Urban Zoning Districts R1-9, R1-8, R1-7, R1-6, R-4, R-3, R-2, and TC.*

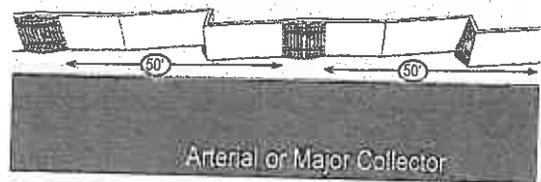
1. Fences adjacent to streets may be solid regardless of the landscape tract width separating the lots from the street and no taller than six feet (6') in height.



2. Fences adjacent to a community open space system or trail shall be partial view fencing (4' solid - 2' view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member. Openings in the perimeter wall

- D. *Non-Residential Zoning Districts.*

1. All perimeter fences adjacent to an arterial or major collector shall be decorative and undulating. A decorative variation shall be provided every fifty feet (50').

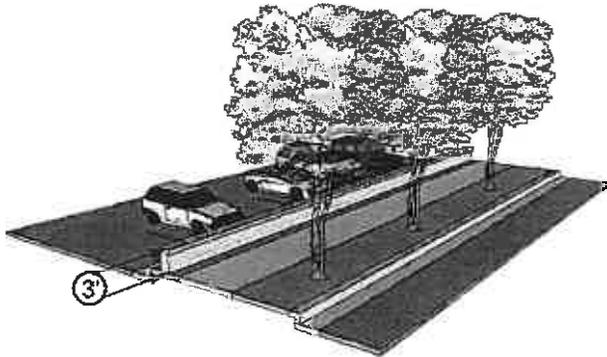


2. All perimeter fences shall be finished on all sides to match the commercial and / or industrial product architectural style and design.
3. A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished grade adjacent to the fence, nor more than eight feet (8') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, landscaping, fence

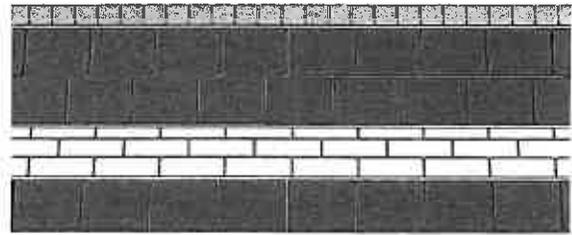
## ARTICLE 5 – SITE IMPROVEMENT STANDARDS

offset(s) or similar enhancements to mask height differences, and when adjacent to single or multi-family residential the fence height shall not exceed eight feet (8').

4. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three feet (3') in order to adequately screen the undercarriages of the parked vehicles.



5. The use of solid perimeter fences is not permitted, except where indicated.
6. Six inch (6") wide Interlocking Blocks: Six inch (6") wide concrete masonry blocks designed in accordance with the approved Town of Queen Creek design specification are permitted for internal lot line and privacy fences.
7. Six inch (6") wide Non-Interlocking Blocks: All perimeter subdivision fences adjacent to open space or arterial and collector rights-of-way shall be constructed of a 6" block provided the fence system is designed by an Arizona registered structural engineer and approved by the Town.
8. Eight inch (8") wide Non-Interlocking Blocks: 8" non-interlocking block is permitted in all areas of the subdivision provided it is designed and installed in accordance with the Town of Queen Creek design specification or an Arizona registered structural engineer.



9. *Solid Perimeter Fence Standards.* Solid fencing use along arterial and collector streets on the perimeter of residential projects addresses individual property concerns regarding noise, light, privacy, and safety. Because solid fence use affects the image, character, safety, and privacy of the community, design upgrades such as material choices and additional buffering to offset the reduction in project openness and reduce the impact of solid fencing is required.

10. Solid fence designs shall require use of a minimum of three (3) materials including stone, brick, block, or textured block including treated, split-face, single-score or patterned integrally colored block or similar enhancement and may include changes in color or texture.



11. Offsets or undulations of solid fencing with a minimum of two feet (2') change to create additional variety. The length of the offset shall be the lesser of three lot widths or a minimum length of fifty feet (50').

### 5.3 Landscaping Standards

- A. *Purpose.* The purpose of this Section is to implement the goals of the Queen Creek General Plan in regard to providing landscaping and buffering standards for landscaping that will capitalize on the Town

2. The amount of noise generated shall not disrupt the activities of adjacent land uses;
  3. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the village;
  4. The code enforcement officer shall not grant the use unless he finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- B. In cases where it is deemed necessary, the code enforcement officer may require the applicant to post a bond to ensure compliance with these conditions.

*(Ord. 276 (part), 2001)*

#### **17.44.060 - Agricultural animal keeping.**

A. Ranching, farming and dairy farming are permitted in the AR and RR zones provided that the following maximum shall apply to agricultural animal keeping:

1. For each cow or horse, ten thousand square feet of open lot area; and
  2. For each sheep, pig or goat, four thousand square feet of open lot area.
- B. All livestock and poultry shall be kept in such a manner, which will not constitute a nuisance through violation of the following regulations:
1. No offensive noise, odor or dust shall be produced;
  2. Areas devoted to livestock and poultry, including accessory buildings and structures, shall be constructed and maintained to discourage concentration and breeding of insects or pests;
  3. All animals shall be confined within the owner's property boundaries.

*(Ord. 276 (part), 2001)*

#### **17.44.070 - Fencing.**

A. It is unlawful to build, construct or maintain within the village any fence of barbed wire, brush or branches of trees. The property owner shall remove any fence built of barbed wire, brush or branches of trees within thirty days following written notification by the zoning enforcement officer. If such fence is not removed within thirty days, the village shall remove such fence and the property owner shall be charged for the removal expense. Notwithstanding the fence restrictions in this subsection, barbed wire fences may be allowed in the AR and RR zones for purposes of animal containment and agricultural cropland protection.

- B. No fence more than thirty percent solid and no fence or planting more than three feet above street level shall be located within fifteen feet of the curblin at any street intersection.
- C. Except as provided in this section, fences less than four feet high may be located on any part of a lot.
- D. Except as provided in this section, fences less than seven feet high may be erected in any part of a lot that is as far back or further back from a street than the main building line, solid or otherwise.
- E. No fence or wall in the village, whether for retaining or screening purposes, or for both purposes combined, shall exceed seven feet in height. The height measurement will begin at the top of the wall's or fence's foundation
- F. All retaining walls that are four feet in height or greater shall apply for a building permit and be required to be properly designed and engineered by an architect or engineer registered in the state.

- G. Tennis courts and security fences for nonresidential uses may have chain link fences a maximum of twelve feet, provided they shall be located in side or rear yard and shall be seven feet from the property line.

*(Ord. 276 (part), 2001)*

**17.44.080 - Automobile dismantling yard.**

This use is permissive in the SU zoning district provided:

- A. All activities are conducted in a completely enclosed building or are enclosed by a solid wall or solid fence which shall be seven feet high;
- B. Inoperative automobile bodies or portions thereof may be stacked to a height that does not exceed the height of the required wall.

*(Ord. 276 (part), 2001)*

**17.44.090 - Drive-in theater.**

This use is permissive in the SU zoning district provided:

- A. The theater screen is five hundred feet from an arterial highway or aligned so that the screen may not be seen from the highway.
- B. All structures are fifty feet from any street where ingress and egress are permitted.

*(Ord. 276 (part), 2001)*

**17.44.100 - Mobile home parks.**

Mobile home parks are permissive in the SU zone district and must be submitted according to the following regulations:

- A. An applicant must submit a general development plan for the mobile home park showing approximate location of proposed buildings and mobile homes, lighting control, protective screening, landscaping, general design of parking both for residents and guests;
- B. The minimum area for mobile home parks shall be two acres;
- C. Maximum density shall be ten mobile homes per acre;
- D. No mobile home shall be located within twenty feet of any other mobile home. Any mobile home shall be at least twenty feet from the right-of-way or easement line of any street and at least ten feet from any property line of the mobile home park;
- E. All private roadways within the mobile home park shall be at least thirty feet wide and shall be paved;
- F. No mobile home park shall be occupied unless it is 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 to 60-14-18 NMSA 1978.) All mobile homes will be skirted within six months.

*(Ord. 276 (part), 2001)*

**17.44.110 - Shopping centers.**

Shopping centers are permissive in the SU zone district and a site plan must be submitted and reviewed that contains the following information:

- A.