

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 14TH OF NOVEMBER 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 ALLEGEANCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:**
Minutes of October 31, 2016
- 6. DISCUSSION WITH POSSIBLE ACTION**
- 7. Fence Ordinance**
- 8. DISCUSSION**
Airport Overlay Zone-Land Use
- 9. OPEN COMMENTS/REQUESTS**
- 10. 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

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 31, 2016

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:30 p.m.

PRESENT: Chairman Steve Etheridge
Commissioner Gordon Reeves
Commissioner Claudine Montano
Commissioner Debbie Thompson

ABSENT: Vice Chair Pete Armstrong

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

OTHER: Tony Coen
Karrem Alston

PLEDGE OF ALLEGENCE

Chairman Steve Etheridge led the Pledge.

APPROVAL OF AGENDA:

Commissioner Debbie Thompson moved to approve the Agenda.

Commissioner Gordon Reeves seconded the Motion.

Motion Carried.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of October 10, 2016 were reviewed.

Commissioner Gordon Reeves moved to approve the minutes as corrected.

Commissioner Debbie Thompson seconded the motion.

Motion carried.

PUBLIC WORKSHOP

Airport Overlay Zone-Vision

Steven Tomita gave a brief overview for the attending public. The City of Belen has entered into a joint agreement with the USAF on the use of the second runway for maneuvers. This opens the airport for more opportunities for that area. With this happening the City needs to develop an overlay zone for the airport. A concern is the property owners at the end of the runway zones where they are in direct line of an aircraft taking off and the possibility of that aircraft having an emergency and slamming right into to a home or business that might be located there.

Tony Coen said that was a concern of his also because there is a corner of one of his properties that is in that area.

Steven Tomita said that the airport area itself has designated pattern the Air Force does not have a set pattern.

Chairman Steve Ethridge said that the hardest part of the process of doing this is to imagine what we want for that area in the next 20 years. It is going to be nice when this happens. He asked if Mr. Coen had any particular concerns.

Tony Coen said his concerns are the possibility of an aircraft accident. The sound is also a concern.

Steven Tomita said there is that possibility. They will not be getting the real big aircraft but you can get a 130, and that is not a small plane. If we start getting warehousing and things like that it could happen. This is the reason for the overlay zone. The first step that has been taken is the area of influence, which was one mile, then we came up with the visioning. The Commission has listed what they thought and a public workshop was held but no one attended so we decided to have a second workshop. The next step is to look at the land use. Then we will be coming up with development standards. He asked the public for feedback and asked what they thought can happen in the next 20 years within one mile of the airport.

Tony Coen said he sees an industrial park, warehousing, offices, jet repairs, parks and open spaces, RV parks and communications towers. He would like to see a shooting range established away from the airport because there is shooting practice going on out in that area and with the military there it could be a problem. He would also like to see the off road vehicles restricted to at least a half a mile away from the airport. Paved roads would be nice also. You are also going to have to look at water rights, electrical power and infrastructure.

Commissioner Gordon Reeves suggested that there be no fencing in the front until you have reached the front setback, then you can have the six foot fence around the rest of the yard. You can have an something like an adobe walls for accents or courtyards in the front but not higher than the 36" height.

Steven Tomita said that they also need to define what kind of fencing can be used.

Commissioner Gordon Reeves said adobe, pro panel, concrete, wrought iron, and post & rail.

Commissioner Debbie Thompson said picket fence, wood slats.

Chairman Steve Ethridge said hedges, block.

Steven Tomita said that if it is solid it needs to be a color that is in harmony with the structure/home.

Commissioner Debbie Thompson said that she feels chain link should also be added but for the back fence.

Steven Tomita said that chain link is more for the agricultural areas and not in city residential lots, which are a lot smaller.

Chairman Steve Ethridge said wouldn't it be easier to say what you don't want to see. That way it would be a lot shorter.

The ones suggested for not being allowed were, railroad ties, pallets, corrugated steel and no razor wire on the top.

Steven Tomita said that gates should also be in harmony with the fence and the structure/home. Colors of the fence should be in harmony with the structure/home also.

Chairman Steve Ethridge asked about fence lighting.

Steven Tomita said that the lighting needs to adhere to the night sky regulations, be low profile and not shine into the neighbor's home.

Chairman Steven Tomita said they should be not more than 18" above the fence.

OPEN COMMENTS/REQUESTS

Steven Tomita commented on the F & E building being sold and remodeled so that it can be occupied. They will be trying to preserve the old signage that has revealed itself under the stucco. They will also be restoring the old freight elevator. They will be searching for a nice restaurant to move in. The Blue Star Insurance will be moving in there when they can. Things are now happening on Main Street. Lisa has sent notices out on the vacant structures on Main Street notifying them that they have to keep it maintained and in good repair. Jim Rende will take a few of the buildings and draw up a rendering of what they could look like at a minimum cost to the owners. In the spring the Main Street green program through the Main Street Group.

This will be to encourage people to place potted plants in front of their building. The Los Chavez Café is moving into the old Lota Berger building on HWY 314.

Commissioner Debbie Thompson said that they will be leaving the one open that is on Aragon and Main for takeout orders. They are also in the process of trying to get a beer and wine license.

Chairman Steve Ethridge said that he would like to see the dead trees that are along Main Street replaced. Also trees put in places that are empty and in need of something to make it look pleasing.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Gordon Reeves moved to adjourn.

Commissioner Debbie Thompson seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 8:06 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Planning & Economic Development Director

Add to

Omit

1 Chapter 17.12 - A-R AGRICULTURAL/ RESIDENTIAL

2 Sections:

3 [Chapter 17.12.010 – Intent](#)

4 [Chapter 17.12.020 – Accessory uses](#)

5 [Chapter 17.030 – Supplementary regulations](#)

6

7 17.12.010 - Intent.

8 The purpose of this zone is to provide for agricultural and related activities, and low density
9 residential uses that are conducive to a rural atmosphere and do not attract large numbers of
10 people. Residential density shall not exceed one single-family dwelling unit per acre.

11 (Ord. 370 § 7(A), 1975)

12 17.12.020 - Accessory uses.

13 A. Buildings or structures customarily incident to uses allowed in this zone district.

14 B. Stands for the display and sale of agricultural products.

15 C. Storage of a boat, camper, trailer, or other recreational vehicle as long as such boat,
16 camper, trailer, or vehicle is not used as a dwelling or additional living quarters and is not
17 connected to utilities. The boat, camper, trailer, or vehicle must be stored on private
18 property.

19 D. Home occupations are permitted only to the extent authorized by the definitions in this title.

20 E. ~~Fences or walls not exceeding six feet in height in those areas within the rear or side~~
21 ~~setbacks of a lot, and not exceeding four feet in height for a non-solid fence in those areas~~
22 ~~within the front setback of a lot and not exceeding three feet in height for a wall or solid~~
23 ~~fence in those areas within the front setback of a lot.~~ Fences. Provided in [Chapter](#)
24 [17.54.070](#) of this title.

25 (Ord. 382 § 2 (part), 1979; Ord. 370 § 7(B), 1975)

26 17.12.030 - Supplementary regulations.

27 A. Height. No building or structure shall exceed thirty-five (35) feet except as otherwise
28 provided in this title.

29 B. Setback.

30 1. Front, twenty (20) feet;

31 2. Rear, fifteen (15) feet:

32 a. Accessory buildings may be located anywhere within the rear setback area
33 provided that the accessory building is less than two hundred (200) square feet in
34 floor area and there is a separation of no less than ten feet between the accessory
35 building and any other building on the lot or adjacent lots. Such building shall
36 comply with [Chapter 15.32](#) Drainage Regulations of the municipal code and
37 maintain any and all public utility easements,

38 b. An accessory building used as a garage for off-street parking with access to an
39 alley shall maintain a setback of at least five feet from the alley;

Add to

Omit

- 40 3. Side, five feet on each side.
- 41 C. Off-Street Parking. Provided in [Chapter 17.56](#) of this title.
- 42 D. Off-Street Loading. Provided in [Chapter 17.56](#) of this title.
- 43 (Ord. 2007-13 § 2 (part); Ord. 97-18 § 2 (part), 1997; Ord. 370 § 7(C), 1975)

44

45 **Chapter 17.16 - R-1 SINGLE-FAMILY RESIDENTIAL**

46 **Sections:**

47 [Chapter 17.16.010 – Intent](#)

48 [Chapter 17.16.020 – Accessory uses](#)

49 [Chapter 17.16.030 – Supplementary regulations](#)

50

51 **17.16.010 - Intent.**

52 The purpose of this zone is to allow conventional, on-site constructed, single-family dwelling
53 units, and those uses which are both compatible with and convenient to the residents of such a
54 neighborhood. Density shall be limited to one dwelling unit per lot. Land uses such as churches,
55 schools, and parks are allowed.

56 (Ord. 370 § 8(A), 1975)

57 **17.16.020 - Accessory uses.**

- 58 A. Buildings or structures customarily incident to uses in this zone district.
- 59 B. Storage of a boat, camper, trailer, or other recreational vehicle as long as such boat,
60 camper, trailer, or vehicle is not used as a dwelling or additional living quarters and is not
61 connected to utilities. The boat, camper, trailer or vehicle must be stored in a rear or side
62 yard.
- 63 C. Home occupations are permitted only to the extent authorized by the definitions in this title.
- 64 D. ~~Fences or walls not exceeding six feet in height in those areas within the rear or side~~
65 ~~setbacks of a lot, and not exceeding four feet in height for a non-solid fence in those areas~~
66 ~~within the front setback of a lot and not exceeding three feet in height for a wall or solid~~
67 ~~fence in those areas within the front setback of a lot.~~ Fences. Provided in [Chapter](#)
68 [17.54.070](#) of this title.

69 (Ord. 382 § 2 (part), 1979; Ord. 370 § 8(B), 1975)

70 **17.16.030 - Supplementary regulations.**

- 71 A. Area. Each lot shall have a minimum ground area of six thousand (6,000) square feet and a
72 minimum width of sixty (60) feet.
- 73 B. Setback.
- 74 1. Front, twenty (20) feet;
- 75 2. Rear, fifteen (15) feet:
- 76 a. Accessory buildings may be located anywhere within the rear setback area
77 provided that the accessory building is less than two hundred (200) square feet in

Add to
Omit

78 floor area and there is a separation of no less than ten feet between the accessory
79 building and any other building on the lot or adjacent lots. Such building shall
80 comply with [Chapter 15.32](#) Drainage Regulations of the municipal code and
81 maintain any and all public utility easements,

82 b. An accessory building used as a garage for off-street parking with access to an
83 alley shall maintain a setback of at least five feet from the alley;

84 3. Side, five feet on each side.

85 C. Height. No building or structure shall exceed thirty-five (35) feet except as otherwise
86 provided in this title.

87 D. Off-Street Parking. Provided in [Chapter 17.56](#) of this title.

88 (Ord. 2007-13 § 2 (part); Ord. 2001-04 § 3; Ord. 1997-22 (part), 1997; Ord. 97-18 § 2 (part),
89 1997; Ord. 370 § 8(C), 1975)

90

91 **Chapter 17.24 - R-2 MULTIFAMILY RESIDENTIAL**

92 **Sections:**

93 [17.24.010 – Intent](#)

94 [17.24.020 – Accessory uses](#)

95 [17.24.030 – Supplementary regulations](#)

96 [17.24.040 – Fees](#)

97

98 **17.24.010 - Intent.**

99 The purpose of this zone is to allow for a medium density residential district excluding uses
100 which are not compatible with and convenient to the residents of such a district. Offices and
101 certain nonresidential uses which are of particular convenience to the residents of this zone are
102 allowed. Apartments, condominiums, and boarding houses are allowed in this zone.

103 (Ord. 370 § 10(A), 1975)

104 **17.24.020 - Accessory uses.**

105 A. Buildings or structures customarily incident to uses in this zone district.

106 B. Home occupations are permitted only to the extent authorized by the definitions in this title.

107 C. ~~Fences or walls not exceeding six feet in height in those areas within the rear or side~~
108 ~~setbacks of a lot, and not exceeding four feet in height for a non-solid fence in those areas~~
109 ~~within the front setback of a lot and not exceeding three feet in height for a wall or solid~~
110 ~~fence in those areas within the front setback of a lot.~~ Fences. Provided in [Chapter](#)
111 [17.54.070](#) of the title.

112 (Ord. 382 § 2 (part), 1979; Ord. 370 § 10(B), 1975)

113 **17.24.030 - Supplementary regulations.**

114 A. Area. Each lot shall have a minimum ground area of seven thousand (7,000) square feet
115 and a minimum width of seventy (70) feet.

116 B. Floor area ratio, 1.0.

Add to

Omit

- 117 C. Setback.
- 118 1. Front, twenty (20) feet;
- 119 2. Rear, fifteen (15) feet:
- 120 a. Accessory buildings may be located anywhere within the rear setback area
- 121 provided that the accessory building is less than two hundred (200) square feet in
- 122 floor area and there is a separation of no less than ten feet between the accessory
- 123 building and any other building on the lot or adjacent lots. Such building shall
- 124 comply with [Chapter 15.32](#) Drainage Regulations of the municipal code and
- 125 maintain any and all public utility easements,
- 126 b. An accessory building used as a garage for off-street parking with access to an
- 127 alley shall maintain a setback of at least five feet from the alley;
- 128 3. Side, five feet on each side.
- 129 D. Height. No building or structure shall exceed forty-five (45) feet except as otherwise
- 130 provided in this title.
- 131 E. Off-Street Parking. Provided in [Chapter 17.56](#) of this title.
- 132 F. Off-Street Loading. Provided in [Chapter 17.56](#) of this title.
- 133 G. Paved off-street parking is required for structures containing three or more dwelling units,
- 134 and shall be constructed using standard curbing and pavement design specifications
- 135 subject to review and approval by the city engineer.
- 136 H. Landscaping is required on all multifamily residential lots to the extent that it enhances the
- 137 appearance of the development, alleviates drainage problems, and blends with the
- 138 surrounding area. Existing trees should be preserved to the extent possible. A minimum of
- 139 ten percent of total square footage of the lot area shall be devoted to landscaping.
- 140 Landscaping will consist of a combination of grass, shrubs, gravel and trees, developer will
- 141 provide irrigation system if necessary.
- 142 I. Area lighting shall be provided in the development for safety and security purposes. All
- 143 street lights shall be designed and placed in accordance with the subdivision design
- 144 standards of the city of Belen.
- 145 J. In the event a development is being proposed next to an irrigation ditch, the developer shall
- 146 construct a six foot tall chain link fence or a fence of similar construction along the property
- 147 line which borders said irrigation ditch. Irrigation ditch shall be defined as a lateral or canal
- 148 and shall not be meant to include a bar ditch or small ditch for individual use.
- 149 K. A storm drainage management plan is required for all multifamily residential developments.
- 150 It shall be in compliance with city drainage regulations and shall be subject to review and
- 151 approval by the city engineer.
- 152 L. Trash bins shall be provided in the amount the sanitation department feels necessary, and
- 153 shall be three sided with block or wood, and shall be six feet in height. The placement of
- 154 trash bin shall be approved by sanitation department for proper pickup.
- 155 (Ord. 2007-13 § 2 (part); Ord. 97-18 § 2 (part), 1997; Ord. 1996-23 (part); Ord. 370 § 10(C),
- 156 1975)

157 **17.24.040 - Fees.**

- 158 A. For consideration of a variance application, one hundred fifty dollars (\$150.00);

Add to

Omit

- 159 B. For consideration of a conditional use permit, one hundred fifty dollars (\$150.00);
- 160 C. For consideration of zone changes and amendments to this chapter, two hundred fifty
161 dollars (\$250.00);
- 162 D. For consideration of an appeal to the city council under the provisions of this chapter, one
163 hundred dollars (\$100.00);
- 164 E. For consideration of mobile/ manufactured homes on a permanent foundation, an
165 installation permit fee of two hundred fifty dollars (\$250.00).
- 166 F. For consideration of mobile-home park rental spaces for mobile homes, recreational
167 vehicles and camping trailers, an installation permit fee of twenty-five dollars (\$25.00).
- 168 (Ord. 2002-12; Ord. 2002-09)

169

170 **Chapter 17.27 - R-4 MEDIUM RESIDENTIAL**

171 **Sections:**

172 [17.27.010 – Intent](#)

173 [17.27.020 – Accessory uses](#)

174 [17.27.030 – Supplementary regulations](#)

175

176 **17.27.010 - Intent.**

177 The purpose of this zone is to allow for a variety of single-family detached and single-family
178 attached (duplex units) lot sizes. This zone allows for a traditional compact residential
179 neighborhood and those uses that are both compatible with and convenient to the residents of
180 such a district. Offices and certain nonresidential uses which are of particular convenience to
181 the residents of this zone are allowed.

182 (Ord. 2006-09 (part))

183 **17.27.020 - Accessory uses.**

- 184 A. Buildings or structures customarily incidental to uses allowed in this zone district.
- 185 B. Home occupations are permitted only to the extent authorized by the city of Belen's zoning
186 ordinance.
- 187 C. ~~Fences or walls not exceeding six feet in height may occur within the rear or side yard~~
188 ~~setbacks of the lot and not exceed four feet in height for a non-solid fence or three feet for a~~
189 ~~solid fence within the front yard setback of a lot.~~ Fences. Provided in **Chapter 17.54.070** of
190 **this title.**

191 (Ord. 2006-09 (part))

192 **17.27.030 - Supplementary regulations.**

193 A. Area. Each lot shall have a minimum ground area of four thousand (4,000) square feet and
194 a minimum width of forty (40) feet.

195 B. Floor area ratio: 1.0.

196 C. Setback.

Add to

Omit

- 197 1. Front: ten feet;
- 198 2. Rear: fifteen (15) feet;
- 199 3. Side: five feet;
- 200 4. Garage: twenty (20) feet for front facing;
- 201 5. Garage: ten feet for side turned;
- 202 6. Alley: five feet for garage.
- 203 D. Height. No building or structure shall exceed forty-five (45) feet except as otherwise
- 204 provided in this title.
- 205 E. Off-Street Parking. Provided in [Chapter 17.56](#) of this title.
- 206 F. Off-Street Loading. Provided in [Chapter 17.56](#) of this title.
- 207 G. Paved off-street parking is required for structures containing three or more dwelling units,
- 208 and shall be constructed using standard curbing and pavement design specifications
- 209 subject to review and approval by the city engineer.
- 210 H. Landscaping is required on all multifamily residential lots to the extent that it enhances the
- 211 appearance of the development, alleviates drainage problems, and blends with the
- 212 surrounding area. Existing trees should be preserved to the extent possible. A minimum of
- 213 ten percent of total square footage of the lot area shall be devoted to landscaping.
- 214 Landscaping will consist of a combination of grass, shrubs, grave and trees, developer will
- 215 provide irrigation system if necessary.
- 216 I. Area lighting shall be provided in the development for safety and security purposes. All
- 217 street lights shall be designed and placed in accordance with the subdivision design
- 218 standards of the city of Belen.
- 219 J. In the event a development is being proposed next to an irrigation ditch, the developer shall
- 220 construct a six foot tall chain link fence or a fence of similar construction along the property
- 221 line which borders said irrigation ditch. Irrigation ditch shall not be meant to include a bar
- 222 ditch or small ditch for individual use.
- 223 K. A storm drainage management plan is required for all multifamily residential developments.
- 224 It shall be in compliance with city drainage regulations and shall be subject to review and
- 225 approval by the city engineer.
- 226 L. Trash bins shall be provided in the amount the sanitation department feels necessary, and
- 227 shall be three sided with block or wood, and shall be six feet in height. The placement of
- 228 trash bin shall be approved by sanitation department for proper pickup.
- 229 (Ord. 2006-09 (part))

230
231 **17.32 C-1 GENERAL COMMERCIAL**

232
233 **Sections:**

234 [~~17.32.010—Intent~~](#)

235 [~~17.32.020—Accessory uses~~](#)

236 [~~17.32.030—Supplementary regulations~~](#)

237

238 [~~17.32.010—Intent.~~](#)

Add to
Omit

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

241 ~~(Ord. 370 § 12(A), 1975)~~

242 ~~**17.32.020 – Accessory uses.**~~

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

244 ~~(Ord. 382 § 2 (part), 1979; Ord. 370 § 12(B), 1975)~~

245 ~~**17.32.030 – Supplementary regulations.**~~

246 ~~A. Area. Any lot under a residential use shall have a minimum ground area of seven thousand~~
247 ~~(7,000) square feet and a minimum width of seventy (70) feet.~~

248 ~~B. Setback. Any lot under a residential use shall have the same setback requirements as~~
249 ~~those prescribed in the R-2 zone district. Any lot in commercial use shall have a front~~
250 ~~setback of six feet.~~

251 ~~C. Height. No building or structure shall exceed forty-five (45) feet except as otherwise~~
252 ~~provided in this title.~~

253 ~~D. Off-Street Parking. Provided in Chapter 17.56 of this title.~~

254 ~~(Ord. 1996-23 (part); Ord. 370 § 12(C), 1975)~~

255 **17.32.010 – Intent**

256 **17.32.020 – Accessory uses**

257 **17.32.030 – Supplementary regulations**

258

259 **17.33.010 - Intent.**

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

262 (Ord. 2006-09 (part))

263 • Encourage a greater intensity of development in order to attract the people and
264 commerce necessary to create a vibrant and diverse urban center.

265 • Encourage a blending of residential, civic, commercial and office uses in close
266 proximity to each other with active commercial and retail uses along arterial and
267 collector street frontages, and encouraging residential uses above the ground floor
268 or behind a commercial building that fronts the street.

269 • Encourage a mixture of service and employment uses so that residents will have the
270 opportunity to work as well as shop and play within walking distance from their
271 homes.

272 • Encourage planning, design and detailing that reflects the needs of pedestrians,
273 establishes multi-modal circulation opportunities, and creates memorable civic
274 spaces.

275 • Encourage the use of multi-modal transportation systems and reduce the amount of
276 impervious surface.

Add to
Omit

277

278 **17.33.020 - Accessory uses.**

- 279 A. Buildings or structures customarily incidental to uses allowed in this zone district.
- 280 B. Home occupations are permitted only to the extent authorized by the city of Belen's zoning
281 ordinance.
- 282 C. Fences or walls not exceeding six feet in height may occur within the rear or side yard
283 setbacks of a residential lot and not exceed four feet in height for a non-solid fence or three
284 feet for a solid fence within the front yard setback of a lot, unless buffering is required.
- 285 D. Accessory structures are not allowed in front or side yards facing a public street and shall
286 not exceed two hundred (200) square feet in floor area.
- 287 E. Trash containers and trash compactors shall be at least 15 feet from the property line when
288 adjacent to land planned or zoned for a single-family residential.
- 289 • Trash containers and trash compactors shall be screened from a public right-of-way by
290 decorative wall or enclosure and shall be not less than two feet above the height of the
291 trash container or compactor
- 292 F. Flag Poles – 25 feet from any property line, with a maximum height of 35 feet. Pole heights
293 greater than 35 feet may be approved by a conditional use permit.
- 294 G. Crematory – must be 750 feet from residential area and community parks.

295 Additional permitted and accessory uses are listed on the revised table of allowable land use
296 (see [Section 17.48.010](#)).
297 (Ord. 2006-09 (part))

298 **17.33.030 - Supplementary regulations.**

- 299 A. Setback. Minimum setbacks as measured from property line or right-of-way.
- 300 1. Mixed use front: zero feet;
- 301 2. Mixed use rear: fifteen (15) feet;
- 302 3. Mixed use side: zero feet.
- 303 B. Height. No building or structure shall exceed sixty-five (65) feet except as otherwise
304 provided for in the city of Belen's zoning ordinance.
- 305 C. Off-Street Parking
- 306 Shall be Required as set forth in [Chapter 17.56](#) of this title, except for:
- 307 • street frontage for pedestrian connections and circulation. On site with multiple
308 buildings, parking is allowed in front of or between buildings that are interior to the
309 site.
- 310 • Application requests for a reduction in the number of required off-street parking
311 spaces as the result of shared parking will be considered
- 312 • Shopping centers shall provide a minimum of four parking spaces per one
313 thousand (1,000) square feet of floor area.

Add to
Omit

314 D. Loading. Loading shall be integrated within the site plan and wherever possible integrated
315 within the building's architecture. Innovative loading solutions are to be encouraged.

316 (Ord. 2006-09 (part))

317

318 **17.33.040 – DEVELOPMENT REGULATIONS**

319 **A) Consideration for approval**

320 1) Plans should comply with the intent and requirements of a mix of land uses set forth
321 herein and not be used for a single land use.

322 2) Plans must include residential and non-residential uses within or in close proximity to the
323 district with shared access and adequate pedestrian linkages.

324 3) The total area of the proposed development must be a minimum of two acres, but may
325 be smaller with an approved conditional use permit.

326 4) Plan may also include civic or community building, public utility and/or public spaces
327 within the district.

328 **B) Development review process**

329 1) An applicant wishing to develop property zoned C-2 must submit a master plan and
330 design and development guidelines for the mixed use development for a preliminary
331 review .

332 2) Following preliminary review, the application will be subject to the review and approval of
333 the Planning and Zoning Commission.

334 3) Upon approval, the master plan and accompanying documents will be used as the
335 official guide for future development within the district.

336 4) Site development within the district will require the submission of a site development
337 permit application. The site development permit application will be evaluated based on
338 compliance with the approved master plan and guidelines.

339 **B) Landscaping**

340 Landscaping shall provide visual relief of the zoning district, with safe, comfortable and
341 attractive spaces for pedestrians. Landscaping will be evaluated as part of the submittal
342 process. Landscaping requirement for buffering shall be as established in the M-1 Zone.

343

344 **C) Lighting**

345 Lighting shall comply with the Night Sky Protection Act and be shielded and placed to direct the
346 light away from adjacent properties.

347

348 **Chapter 17.33 - C-2 MIXED USE**

349 **Sections:**

350 [17.33.010 – Intent](#)

351 [17.33.020 – Accessory uses](#)

352 [17.33.030 – Supplementary regulations](#)

Add to

Omit

353

354 ~~17.33.010 – Intent.~~

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

357 ~~(Ord. 2006-09 (part))~~

358 ~~• Encourage a greater intensity of development in order to attract the people and~~
359 ~~commerce necessary to create a vibrant and diverse urban center.~~

360 ~~• Encourage a blending of residential, civic, commercial and office uses in close~~
361 ~~proximity to each other with active commercial and retail uses along arterial and~~
362 ~~collector street frontages, and encouraging residential uses above the ground floor~~
363 ~~or behind a commercial building that fronts the street.~~

364 ~~• Encourage a mixture of service and employment uses so that residents will have the~~
365 ~~opportunity to work as well as shop and play within walking distance from their~~
366 ~~homes.~~

367 ~~• Encourage planning, design and detailing that reflects the needs of pedestrians,~~
368 ~~establishes multi-modal circulation opportunities, and creates memorable civic~~
369 ~~spaces.~~

370 ~~• Encourage the use of multi-modal transportation systems and reduce the amount of~~
371 ~~impervious surface.~~

372

373 ~~17.33.020 – Accessory uses.~~

374 ~~A. Buildings or structures customarily incidental to uses allowed in this zone district.~~

375 ~~B. Home occupations are permitted only to the extent authorized by the city of Belen's zoning~~
376 ~~ordinance.~~

377 ~~C. Fences or walls not exceeding six feet in height may occur within the rear or side yard~~
378 ~~setbacks of a residential lot and not exceed four feet in height for a non-solid fence or three~~
379 ~~feet for a solid fence within the front yard setback of a lot, unless buffering is required.~~

380 ~~D. Accessory structures are not allowed in front or side yards facing a public street and shall~~
381 ~~not exceed two hundred (200) square feet in floor area.~~

382 ~~E. Trash containers and trash compactors shall be at least 15 feet from the property line when~~
383 ~~adjacent to land planned or zoned for a single-family residential.~~

384 ~~• Trash containers and trash compactors shall be screened from a public right-of-way by~~
385 ~~decorative wall or enclosure and shall be not less than two feet above the height of the~~
386 ~~trash container or compactor~~

387 ~~F. Flag Poles — 25 feet from any property line, with a maximum height of 35 feet. Pole heights~~
388 ~~greater than 35 feet may be approved by a conditional use permit.~~

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

391 ~~(Ord. 2006-09 (part))~~

Add to

Omit

392 ~~17.33.030—Supplementary regulations.~~

393 ~~A. Setback. Minimum setbacks as measured from property line or right of way.~~

394 ~~1. Mixed use front: zero feet;~~

395 ~~2. Mixed use rear: fifteen (15) feet;~~

396 ~~3. Mixed use side: zero feet.~~

397 ~~B. Height. No building or structure shall exceed sixty five (65) feet except as otherwise~~
398 ~~provided for in the city of Belen's zoning ordinance.~~

399 ~~C. Off-Street Parking~~

400 ~~Shall be Required as set forth in Chapter 17.56 of this title, except for:~~

401 ~~• street frontage for pedestrian connections and circulation. On site with multiple~~
402 ~~buildings, parking is allowed in front of or between buildings that are interior to the~~
403 ~~site.~~

404 ~~• Application requests for a reduction in the number of required off-street parking~~
405 ~~spaces as the result of shared parking will be considered~~

406 ~~• Shopping centers shall provide a minimum of four parking spaces per one~~
407 ~~thousand (1,000) square feet of floor area.~~

408 ~~D. Loading. Loading shall be integrated within the site plan and wherever possible integrated~~
409 ~~within the building's architecture. Innovative loading solutions are to be encouraged.~~

410 ~~(Ord. 2006-09 (part))~~

411

412 ~~17.33.040—DEVELOPMENT REGULATIONS~~

413 ~~A) Consideration for approval~~

414 ~~5) Plans should comply with the intent and requirements of a mix of land uses set forth~~
415 ~~herein and not be used for a single land use.~~

416 ~~6) Plans must include residential and non-residential uses within or in close proximity to the~~
417 ~~district with shared access and adequate pedestrian linkages.~~

418 ~~7) The total area of the proposed development must be a minimum of two acres, but may~~
419 ~~be smaller with an approved conditional use permit.~~

420 ~~8) Plan may also include civic or community building, public utility and/or public spaces~~
421 ~~within the district.~~

422 ~~B) Development review process~~

423 ~~5) An applicant wishing to develop property zoned C-2 must submit a master plan and~~
424 ~~design and development guidelines for the mixed use development for a preliminary~~
425 ~~review.~~

426 ~~6) Following preliminary review, the application will be subject to the review and approval of~~
427 ~~the Planning and Zoning Commission.~~

428 ~~7) Upon approval, the master plan and accompanying documents will be used as the~~
429 ~~official guide for future development within the district.~~

Add to

Omit

430 ~~8) Site development within the district will require the submission of a site development~~
431 ~~permit application. The site development permit application will be evaluated based on~~
432 ~~compliance with the approved master plan and guidelines.~~

433 ~~B) Landscaping~~

434 ~~— Landscaping shall provide visual relief of the zoning district, with safe, comfortable and~~
435 ~~attractive spaces for pedestrians. Landscaping will be evaluated as part of the submittal~~
436 ~~process. Landscaping requirement for buffering shall be as established in the M-1 Zone.~~

437

438 ~~C) Lighting~~

439 ~~Lighting shall comply with the Night Sky Protection Act and be shielded and placed to direct the~~
440 ~~light away from adjacent properties.~~

441

442 **Sections:**

443 17.33.010 – Intent

444 17.33.020 – Accessory uses

445 17.33.030 – Supplementary regulations

446

447 **17.32.010 - Intent.**

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

450 (Ord. 370 § 12(A), 1975)

451 **17.32.020 - Accessory uses.**

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

453 (Ord. 382 § 2 (part), 1979; Ord. 370 § 12(B), 1975)

454 **17.32.030 - Supplementary regulations.**

455 A. Area. Any lot under a residential use shall have a minimum ground area of seven thousand
456 (7,000) square feet and a minimum width of seventy (70) feet.

457 B. Setback. Any lot under a residential use shall have the same setback requirements as
458 those prescribed in the R-2 zone district. Any lot in commercial use shall have a front
459 setback of six feet.

460 C. Height. No building or structure shall exceed forty-five (45) feet except as otherwise
461 provided in this title.

462 D. Off-Street Parking. Provided in Chapter 17.56 of this title.

463 (Ord. 1996-23 (part); Ord. 370 § 12(C), 1975)

464

465 **Chapter 17.54 – LANDSCAPE AND FENCE REGULATIONS**

466 **Sections:**

Add to
Omit

- 467 [17.54.010 – Intent of regulations](#)
- 468 [17.54.020 – Applicability](#)
- 469 [17.54.030 – Landscaping plan](#)
- 470 [17.54.040 – Landscaping requirements](#)
- 471 [17.54.050 – Maintenance standards](#)
- 472 [17.54.060 – Administrative review and fee](#) ~~Fences.~~
- 473
- 474 **17.54.070 – Administrative review and fee**
- 475
- 476

477 **17.54.010 - Intent of regulations.**

478 The intent of these regulations is to provide visually attractive landscaping for commercial
479 and industrial developments, to encourage the conservation of water through the use of
480 drought-tolerant plantings and xeriscaping principles, to provide shade in pedestrian and
481 parking areas, and to reduce the erosion of soils and contamination of surface waters caused by
482 stormwater runoff.

483 (Ord. 1998-28 § 1)

484 **17.54.020 - Applicability.**

485 These regulations shall apply to the following:

- 486 A. All new commercial and industrial development as defined and permitted in this title.
- 487 B. Expansion of existing commercial and industrial development in which the square
488 footage of land area, floor area, lot coverage or parking area is increased by fifty
489 percent or more.

490 (Ord. 1998-28 § 2)

491 **17.54.030 - Landscaping plan.**

492 All applicants for a building permit for construction of new commercial or industrial
493 development, or for expansion of existing commercial or industrial development applicable to
494 these regulations, shall submit a landscaping plan. **The Planning and Zoning Department shall**
495 **review and determine compliance.** ~~with a required administrative review fee to the City Planning~~
496 ~~and Zoning officer who shall determine compliance with these regulations.~~ The landscaping plan
497 shall include:

- 498 A. A site map drawn to scale showing topography in the form of finished contour lines and
499 areas proposed to be landscaped upon completion of the building construction project;
- 500 B. Common or botanical names of the plants to be used, indicating plant size, location
501 and spacing shown on the site map;
- 502 C. The location, type and size of any underground or overhead utility lines, **including but**
503 **not limited to lights, poles & signs,** on the site with reference to the landscaped areas;
- 504 D. Type and layout of the irrigation system, if required, for landscaped areas indicating
505 connections to the water supply source;
- 506 E. A stormwater drainage plan for the site shall be attached or referenced in accordance
507 with the city drainage regulations for commercial and industrial development.

Add to
Omit

508 (Ord. 1998-28 § 3)

509 **17.54.040 - Landscape requirements.**

510 All landscaping created pursuant to these regulations shall be planned, designed, and
511 installed in compliance with the following requirements:

- 512 A. A minimum of five percent of the total site area shall be landscaped in a manner that
513 will meet the intent of these regulations. Landscaping shall consist of, but not limited to,
514 trees (2 caliper (2" diameter) in the Downtown Master Plan area, 1 caliper (1" diameter)
515 for the remaining areas), shrubs (1 gal), ground-cover, or other low-growing plants, and
516 may include natural or manufactured materials such as rocks, walls, pavements for
517 walkways or patios, works of art, and outdoor furniture.
- 518 B. Drought-tolerant plantings are encouraged in all landscape designs. ~~Upon request~~ The
519 City Planning and Zoning ~~officer~~ Department will provide a list of drought-tolerant
520 plants. ~~for the area to be landscaped.~~
- 521 C. To the extent possible, healthy existing trees and shrubs should be preserved,
522 especially if drought-tolerant, and incorporated into the landscaped area.
- 523 D. Trees shall be planted as a landscape border along all abutting roadways and may be
524 planted as an interior landscape border within vehicle parking areas. Spacing of trees
525 in a landscape border shall be no greater than forty (40) feet apart.
- 526 E. Vegetation may be used to satisfy a screen requirement in accordance with this title to
527 visually separate the land use on the commercial or industrial development site from an
528 abutting residential land use.
- 529 F. Landscaping shall not create a physical or visual obstruction to vehicular traffic whether
530 on or off public rights-of-way.
- 531 G. Placement of new trees shall avoid locations where future tree growth might interfere
532 with utility lines or cause structural upheaval of pavements or buildings.
- 533 H. All landscape areas should make use of stormwater catchment and retention on site for
534 purposes of flood control, water pollution abatement, prevention of soil erosion, and
535 increased soil moisture for vegetation. On-site stormwater retention structures shall be
536 designed to ensure public health and safety, during and following storm events.

537 (Ord. 1998-28 § 4)

538 **17.54.050 - Maintenance standards.**

539 All landscaping installed in compliance with these regulations shall be installed and
540 maintained in compliance with these regulations. ~~as long as the commercial or industrial land~~
541 ~~use remains an active facility.~~ The following maintenance standards are required:

- 542 A. Any plant material in areas of required new landscaping that does not survive will be
543 replaced with an equivalent size and species of plant within three months.
- 544 B. Plants shall be pruned as necessary to control size or shape, but not to endanger its
545 health, in order to prevent visual and physical obstructions to pedestrians or vehicles.
- 546 C. Regular landscape maintenance should ensure water efficiency and include, but not be
547 limited to, pruning, mulching, weeding, litter and dead plant removal, fertilizing, insect
548 and disease control, and improvements or repair of nonvegetative materials.

Add to

Omit

549 D. Substantial modifications to landscaping will require review and approval of a revised
550 landscape plan by the city engineer. Minor modifications of the landscaping occurring
551 as a result of routine maintenance or replacement of vegetation because of damage or
552 disease are not subject to approval by the city engineer.

553 E. Irrigation systems will be maintained and replaced as necessary to minimize loss of
554 water due to leaks or inefficient use of water.

555 (Ord. 1998-28 § 5)

556

557 **17.54.060 – Fences**

558 A. Fences and screening shall be permitted as provided in this Section.

559 B. There shall be no fences or screening located within the front setback.

560 C. A fence constructed on a side or rear property line shall not exceed a height of six feet (6')
561 from highest finished grade adjacent to the fence.

562 D. Fencing materials shall consist of, but is not limited to, adobe, pro panel, concrete, wrought
563 iron, post & rail, wood slats, picket fencing, and brick .

564 E. If fences are solid, the fence shall be in a color that is in harmony with the structure/home
565 and be in harmony with the neighborhood.

566 F. The use of barbed wire, chain link, wire mesh are not allowed within the City unless in an
567 agricultural zone for the purpose of animal containment and agricultural cropland protection.

568 G. The use of railroad ties, pallets, corrugated steel and razor wire are not permitted within the
569 City.

570 H. Fence lighting shall adhere to night sky regulation, be low profile, no more than 18" above
571 fence line and not be in a position to interfere with abutting owners privacy.

572

573 **17.54.060 070- Administrative review and fee.**

574 These landscape & fencing regulations shall be enforced by the City Planning and Zoning
575 Department officer who is authorized to review and approve landscape plans. Applicants for
576 building permits to be granted by the city for commercial or industrial development shall confer
577 with the City Planning and Zoning Department officer regarding the landscape requirements
578 contained herein. An administrative fee of thirty dollars (\$30) ~~fifteen dollars (\$15.00)~~ shall be
579 paid to the City to cover the landscape plan review costs. For complex and extensive landscape
580 plans, the City Planning and Zoning Department officer may request an independent review of
581 such plan by the city engineer or other qualified individual. Specific costs associated with an
582 independent review of a landscape plan shall be paid to the City by the building permit

Add to

Omit

583 applicant. All reviews of landscape plans shall be completed within thirty (30) days of receipt
584 and documented with reasons given for approval or disapproval. Requests for variances or
585 waivers to the requirements of these regulations shall be submitted to the City Planning and
586 Zoning Department officer in writing. A variance or waiver may be granted or denied at the
587 discretion of the City Planning and Zoning Commission officer with reasons given in writing and
588 returned within thirty (30) days of receipt of the request for variance or waiver. Any decision
589 made by the City Planning and Zoning Department officer in carrying out the provisions of these
590 regulations may be appealed to the Belen City Council.

591 (Ord. 1998-28 § 6)

592