

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 25TH OF APRIL 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 April 11, 2016
- 6. DISCUSSION/REVIEW**
Architectural Design Ordinance
Zoning Ordinance Review
- 7. OPEN COMMENTS/REQUESTS**
- 8. 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
JAY RUYBALID
CITY MANAGER



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

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

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

PRESENT: Chairman Tom Greer
Commissioner Debbie Thompson
Commissioner Claudine Montano
Commissioner Gordon Reeves

ABSENT: Vice Chair Steve Ethridge

CITY STAFF: Lisa R Miller, P & Z Administrator
Steven Tomita, Planning & Economic Development Director

PLEDGE OF ALLEGEANCE

Commissioner Gordon Reeves led the Pledge.

APPROVAL OF AGENDA:

Commissioner Claudine Montano moved to approve the Agenda.

Commissioner Gordon Reeves seconded the Motion.

Motion Carried.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of March 28, 2016 were reviewed.

Commissioner Gordon Reeves moved to approve the minutes as corrected.

Commissioner Debbie Thompson seconded the motion.

Motion carried.

DISCUSSION/REVIEW

Architectural Design Ordinance

Steven Tomita informed the Commission that they were provided with two samples of Architectural Design Standards that was done for two different communities. The one from Traviano, Casa Grande AZ was written by him and used as an example for the Queen Creek AZ design standards. One was more specific than the other. He wanted them to see this and decide what direction they want to go.

Lisa Miller said they were to two documents that were provided at the March 28th meeting and what they had requested at that meeting is what she provided in the packets they received for this meeting. She also provided an example guide that was done by Syracruz. There was also one from Aurora CO.

Steven Tomita said the one from Queen Creek, Syracruz and Aurora all are geared towards to calling out features and not specific styles, which leans towards communities pulling back on the more specific due to a legal issue.

Chairman Tom Greer said that he had recently been in downtown Phoenix and photographed several areas. These areas had very traditional style buildings along with modern buildings, but the modern buildings were done to blend into the surrounding area. It was interesting to see how this was done. The façade is the area they used to blend in with the surrounding area.

Steven Tomita said that the discussion needs to lean towards where the City wants to go. They could write the ordinance where we can say things in a way that it would celebrate the historic architectures of Belen and not discourage diversity.

Chairman Tom Greer said that the façade is where we can improve the existing buildings in Belen. He does not feel that any new businesses are building in the downtown main street area. Until you have an attractive area to bring new businesses in we need to help the existing buildings with their buildings to make them more attractive so that they will attract some new businesses.

Steven Tomita said that if a new business were to come in and want to build we have no design standards that they would need to go by. We need to have something in place so that they would not just build anything. This includes housing. Sometimes the homes come first and then the businesses move in. We need to have guidelines in place.

Commissioner Gordon Reeves said that there is a lot more to this and it is going to take time.

Steven Tomita said that they could concentrate on building features which would go faster. He proposed that they take and look at Syracruz and Queen Creek and start working on the Commercial area first. Some commercial areas will be easier to do than others. DOT is a factor

along Main St and Reinken Ave. They are hard to work with because they go by federal standards.

Chairman Tom Greer asked why they had to go by federal standards when it is a state highway.

Steven Tomita said that the Federal Government funds the maintenance of the state highways. We do have a contact with DOT to see what is permitted.

Commissioner Gordon Reeves said that we are limited with the existing buildings because the building itself is right at the sidewalk and there is no space to add anything on the façade of the building.

Commissioner Debbie Thompson said that we need to encourage the building owners to improve what they have. It will be hard on an existing building to force the owners to change it. She likes the idea of adding features to the façade that do not cost a lot but will change the look of the building.

Steven Tomita said there will be a downtown tour being put together by the Main Street Group. A letter is being sent to all owners of vacant structures along Main St and Becker Ave asking to tour the building, then having a workshop to discuss what could be done to them to try to get them occupied. Jim Rendy is going to be doing a rendering of the area to show how it can look. The City itself cannot do any modifications because we do not have the funds to but we can be used as a resource for funding on buildings.

The Commission decided to work with the Queen Creek and the Syracruz design standards and develop a design standard for Belen. They will review the two and at the next meeting start on the standards for Belen.

OPEN COMMENTS/REQUESTS

Steven Tomita informed the Commission that the Boundary maps are being placed in a pdf file format and sent to our attorney for review, then the Council will review them. This has come up with the sewer line being built to the Los Chavez School. The City is working with several commercial firms to get them in the area. New Mexico Economic Development is coming down for a meeting with a manufacturer along with Nino and a few others to talk about locating here. There is more and more interest in this area and the surrounding areas. We are still trying to get a copy of the sound level report and the maps so that we can continue on the airport overlay area. He has been working with the film industry and are getting more scouts coming down to tour our area for filming. He is trying to bring in a series to Belen. At this time there is one looking. This will bring in tourism because the sets will be here for filming and for the time period that they are not filming.

Commission Claudine Montano said the Doodle Bug tours went well. The people who were doing the tours knew everything about the Doodle Bug. They came all the way from Iowa.

Steven Tomita said that the Bowling Alley is going up for sale. There are some people who are interested in it now. The interested people would like to open it up again.

ADJOURNMENT

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

Commissioner Claudine Montano seconded the motion

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:35 pm.

Chairman Tom Greer

ATTEST:

Steven Tomita, Planning & Economic Development Director



Queen Creek

Design Standards





Queen Creek

Design Standards



CITY OF
QUEEN CREEK
A City of the State of Arizona

TOWN OF QUEEN CREEK DESIGN STANDARDS

DS.0 Design Standards

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DS.1 Introduction

A. *Purpose.* The purpose of the Town of Queen Creek Design Standards is to provide the development community with a consistent set of standards to guide the physical development and the visual quality of the community to be reviewed and approved with the site plan and preliminary plat process. These criteria are not to restrict imagination, innovation, or variety, but rather to assist in focusing design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the town, preserve property values, and promote the public health, safety and general welfare, and the following:

1. To reflect, maintain, and enhance the friendly small town rural characteristics of Queen Creek and its surroundings;
2. To create a distinctive, high quality environment;
3. To encourage the design of sustainable development;
4. To encourage traditional neighborhoods and residential developments that vary in density, lot sizes, housing type, architectural style, and provide open space;
5. To provide design direction to all the projects in the Town; and,
6. To foster a sense of place and pride in visiting, working and living in the Town of Queen Creek.

B. *Applicability.*

1. These design standards are intended to enhance and maintain the quality of Queen Creek's community by providing guidance for the design of new single-family residences, multi-family residences, commercial, and industrial zoning districts in the Town of Queen Creek. The Standards are composed of design guidelines. Design guidelines are policies intended to provide the basis for design review and approval and are subject to Interpretation by staff, the Planning Commission and Town Council. When a valid demonstration can be made for deviating from a design guideline in order to achieve a better overall design, such requests are encouraged and will be given consideration in accordance with this document.
2. All site plan, subdivision and design review processing and approval procedures covered by this document shall be governed by the Town of Queen Creek Zoning Ordinance and or Subdivision Regulations.

C. *Interpretation.*

1. Guidelines which employ the word "should" are intended to be applied as stated. However, an alternative measure may be considered upon the approval of the Planning Administrator if it meets or exceeds the purpose of the guidelines.
2. Guidelines using the words "shall" or "must" are mandatory and must be included in the project's design aspect. However, an alternative measure may be considered upon the application for Administrative relief as referred to in Article 2 of the Zoning Ordinance.
3. Guidelines using the word "encouraged" or "discouraged" or "promote" are desirable but not mandatory.
4. Refer to the Town of Queen Creek Zoning Ordinance for quantitative parking, landscaping, fence, wall, and lighting requirements.

D. *How to use this document.*

1. This document includes photographs for the purpose of illustration and simplification. The images used to illustrate the compliance or non-compliance with the standards should be reviewed in context to the specific guidelines with which the image is associated and not necessarily with all the guidelines of this document. To the extent that there is any inconsistency between the text of this Ordinance and any such photograph the text shall control

DS.2 Architectural Styles

- A. *Purpose.* In order to preserve the small-town characteristics of Queen Creek, the following architectural styles shall serve as a guide. Architectural interpretation is encouraged. Evaluation of the appearance of a project shall be based on the quality of design, consistency with adopted architectural styles and its relationship to surroundings. The defining characteristics that are associated with each style provide a guide as to the appropriate height, massing, roof form, materials, windows, and details. In order for new designs to portray the same character as traditional architecture, it is important to maintain the integrity by following the defining characteristic of a specific style and not incorporating inconsistent element. Contemporary or modern interpretations of the architectural styles may be allowed.
- B. *Applicability.* These architectural styles are applicable to any new developments in the Town of Queen Creek. *Modern interpretations of architectural styles shall be permitted.*
- C. *Descriptions and Renderings.* The Town of Queen Creek has two major architectural characters: "Agricultural/Small Town" in the historic farm areas and "Desert Foothills" in the areas at the base of the San Tan Mountains (typically south of Hunt Highway).

1. *Agricultural/Small Town.* Architectural character is inspired by the agrarian buildings and sheds of the East Valley, the historic turn of the century neighborhoods of Downtown Phoenix and Tucson (Encanto, F.Q. Story, Roosevelt). The Small Town part of this character is composed of small scale buildings, with simple massing and hand crafted details. The designs are often modified to be appropriate to the desert climate with deep recessed windows, shade awnings, and limited use of wood. The agricultural parts of this character are composed of rustic buildings with simple shed forms, and historic use of shed roofs, wooden timber structures, and board formed concrete walls. In both parts, buildings are typically gathered around a formal open space like a town square or organized into compounds, separated or surrounded by open space.



2. *Desert Foothills.* Architecture character is inspired by the desert architecture of the foothills of the San Tan Mountains. This character is dominated by the natural desert landscape. Its colors, materials, massing and forms take their cue from the landscape of the Sonoran Desert. This character typically is a mix of old world Spanish, Tuscan and arid region architecture with contemporary and mid-century modern architecture. Buildings are often isolated in the landscape surrounded by natural, undisturbed desert. Building forms often follow the terrain or step down hillsides with accents being provided in important civic or social settings.



DS.3 General Design Concepts

A. *Introduction.* The following general concepts shall be incorporated into all new development along with the corresponding design guidelines found in DS.3 - DS.5. These concepts are key components to enhance the visual interest, community character, and pedestrian activity.

B. *Shade.*

1. Developments should provide shaded areas for their use and benefits.



2. Developments shall provide landscaping along arterial and collector streets for the comfort of pedestrian and bicycle users and street scene.

C. *Connecting Places.*

1. Site design shall include sidewalk, trail, or path connections within and adjacent to the development, when applicable.

2. The provision of secure bike storage through lockers, cages, or storage areas is encouraged to promote alternative transportation.

D. *Water and Turf Features.*

1. Turf shall be utilized within active open space and is discouraged in areas of passive open space.



2. Development should reduce potable water use for building sewage conveyance by 50% through the use of water-conserving fixtures (water closets, urinals) or non-potable water (captured rainwater, recycled greywater, and on-site or municipally treated wastewater).

E. *Gathering Places.*

1. Pocket parks, areas between developments, and transitional areas should provide shade, potted plants, water features, artwork, or seating.

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F. Public art.

1. When required, art shall be placed in a location that is accessible at the pedestrian level.



2. Art should incorporate the surrounding area and reflect the values of the Town.

G. Entering and Inviting Features.

1. Site-level development. Site development should consider distinguishing features and coordinated thematic elements to enhance project entry visibility from street right-of-way.
2. Building-level development. Building development should consider pedestrian-scale features that draw visual interest to main building entrances.

H. Pedestrian Connectivity.

1. Walkways shall connect to any trails or paths adjacent to the site to maintain connectivity in the Town.



2. All developments should be accessible by walking, bicycle, or vehicular travel through the use of sidewalks, bicycle lanes, and streets.

I. Pedestrian and Bicycle Wayfinding.

1. Wayfinding signs shall not be placed within the pedestrian or bicyclist area that would cause an obstruction
2. Wayfinding signs should be a clear and concise functioning system that provides directional support for pedestrian and or bicycle users.



DS.4 Single-Family Residential Standards

- A. *Purpose.* The purpose of this Section is to guide architectural integrity in order to assure that these neighborhoods are sustainable and continue to make a positive contribution to the community in the years to come. Neighborhoods

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designed according to these principles increase in value as they mature, rather than requiring ongoing public reinvestment that is often needed in poorly designed neighborhoods where there is little pride of ownership and lack of property maintenance. The purposes of these provisions are:

1. To supplement the zoning regulations applied to site built, modular and manufactured homes with additional standards and procedures which will promote a satisfactory living environment for residents of single family homes, and encourage a mix of homes and other types of housing within the Town;
2. To permit greater diversity in the types of housing communities; and,
3. To ensure that all new single family dwellings are compatible with other forms of housing.
4. To create attractive, enduring and sustainable neighborhoods.

B. *Applicability.*

1. These Standards apply to all new single-family structures on individual lots, including new subdivisions, custom homes and master planned communities. These Standards do not apply to subdivisions or master planned communities with approved development agreements, the conditions of which would preclude the ability to fully comply with these guidelines. These Standards are provided for the use of homeowners, builders, contractors, designers, Town staff and Town decision makers.
2. Small-scale development may propose alternative design standards to the Planning Administrator. Alternative design standards may include design character and features from previously approved developments adjacent to proposed small-scale development.

C. *Residential Design Review Application/Approval Process.*

1. Prior to submitting an application for Design Review approval the applicant shall attend a Pre-Application Meeting with a representative of the Development Services Department.
2. Applications for Design Review shall be filed with the Development Services Department on form(s) provided and shall include all of the information identified in the application form(s), Design Regulations, and any other data that may be required by the Planning Administrator that is needed for review of the application.
3. Applications shall be signed by the property owner(s) or an authorized agent of the property owner(s) and all applicable fees shall be paid when applications are submitted.
4. The Planning Administrator shall review the application submittal for compliance with all applicable guidelines within this ordinance. The approval of said application shall be in accordance with Article 3, Section 3.3.C and 3.3.D.2 of the Town Zoning Ordinance.
5. In the event of a denial, no development activities shall be authorized until a new application for Design Review approval has been submitted and approved.
6. The approval date of the Design Review approval shall be the date on which the application was approved by the Planning Commission. Design Review approvals are tied to other development approvals (i.e. Building Permit, Standard Plan Building Permit Review), which will be identified in the notification of Design Review approval.
7. *Amendments to previously approved Design Review Applications.* Up to two (2) additional production home plans may be approved by the Planning Administrator if the proposed plans are in substantial conformance with the initial submittal. No more than two (2) additional plans shall be approved per calendar year.

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D. Design Guidelines.

1. **Neighborhood Character.** Each neighborhood type (Rural/Estate, Suburban and Urban) has a unique character based on the existing landscape, topography, lot size and development pattern. Guidelines are provided to communicate the three primary types of neighborhood character found in Queen Creek. The balance between manmade and landscape elements will also help to reinforce each type of character.

a. In Rural and Estate Neighborhoods (A-1, R1-190, R1-145, R1-108, R1-54, R1-43), the balance between the buildings and landscaping should substantially favor the landscaping. In general, open space and vegetation dominate; architectural and man-made elements are apparent, but secondary. Rural uses, such as horses and view fencing, hedgerows along property boundaries and generous setbacks from the street will visually contribute to the rural and estate character.



b. In Suburban Neighborhoods (R1-35, R1-18, R-15, R1-12), the man-made and open space elements of the community should be balanced. Internal open space and external transitioning shall be maximized to provide the necessary balance with the man-made elements. Setbacks for and between buildings and along public ways become more pronounced. Solid fencing or walls should be partially limited, with the area adjacent to the

community open space in a partial-view style of fencing.

c. In Urban Neighborhoods (R1-9, R1-7, R1-5, and R1-4), architecture and the man-made elements are the predominant features and thus must be carefully crafted to avoid becoming generic and stale in form. Setbacks for and between buildings are reduced proportionately to the size of the lots. Front yards may be reduced and street presence becomes more prominent for porches and architectural elements if the garage/auto area is proportionately recessed from the street. Privacy is generally obtained in the interior spaces of small walled courtyards or fenced yards. Sufficient open space shall be provided between or within developments for effective contrast and balance to the buildings and the land.



2. **Streetscape.** It is the street that defines the character of the neighborhood. Therefore guidelines have been created to introduce sufficient variety to create interest without becoming excessive to the point of creating a chaotic street scene. It is also important to create a clear transition from the public space of the street to the private space of the home. Clearly identifying paths for people to move through this sequence creates space that enhances community while maintaining privacy. The following streetscape guidelines shall apply:

a. A customized entrance should be provided at the entry street intersecting the arterial or major collector which should include

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architectural features such as, water feature, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details or a boulevard median.

b. Production home builders are required to provide landscaping in all planted areas within the front yards of single-family detached home lots prior to a certificate of occupancy.

c. For model home complexes, production home builders are required to:

- 1) Offer at least three (3) significantly different front yard landscape options per plan, one of which shall be a low-water usage xeriscape option.
- 2) The use of drought-tolerant trees, shrubs and groundcovers is required.
- 3) The predominant use of grass is prohibited. Limit turf areas (including artificial turf) to a maximum of 30 percent of the total lot. Where turf is provided, the grass area should be large enough to be useable and watered efficiently.
- 4) Model home complex parking lots shall contain trees and landscaping consistent with the landscape design of the lots that contain the model homes. Landscaping should be used to screen and soften the parking areas and long expanses of privacy walls.

d. Repetitious elevations shall be avoided. The same elevations shall not be utilized across from or adjacent to each other. A sufficient number of plans to create variety and diversity shall be provided. All tract home subdivisions shall have a minimum of four (4) floor plans with three (3) unique elevations per floor plan. Unique elevations shall be structurally different with different roof types facing the street as described in subsection DS.4.C.2.e below.

e. Monotonous, uniform roof forms shall be avoided. Roof forms shall be varied by incorporating different building heights and / or ridgeline orientation.



f. The front elevation shall feature a pedestrian scaled entry which is clearly visible when standing at the front property line. Pedestrian scaled entry may include gates, arbors, portal, and similar features with courtyard forward plans.

g. Color in new subdivision development:

- 1) The primary exterior body colors should be neutral earthy colors. No bright, bold or primary colors shall be used for primary body colors. The trim and accent colors should complement the primary body color.
- 2) A minimum of seven (7) distinct combinations of colors and roof materials shall be provided to further promote visual interest. There shall not be a predominant singular color. Less color combinations may be considered in smaller subdivisions.



h. Open gable roofs emphasizing the lack of detail should be avoided. The home shall have a pitched roof with a slope of not less than 3:12 pitch. The

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exception to the roof pitch requirements is for Santa Fe/Pueblo or other flat roof dominant architectural styles. The roof overhang shall not be less than one (1) foot measured from the vertical side of the dwelling unit. When carports, garages, porches or similar structures are attached as an integral part of the dwelling unit, the Planning Administrator may waive the eave requirement.



- i. Development should provide visual interest through the use of accent materials (such as stone or brick veneer) such that the application replicates the authentic means of construction (for example, all visible sides of an architectural element are covered as if the entire element was constructed of masonry). When continuing the material around a corner from a front to side elevation, it should be terminated by an architectural element such as an offset, column, intersecting wall or fence.
- j. All on-lot fencing facing a public street should be designed to match the standard plan's materials and primary color or that of the subdivision theme wall.
- k. Driveways for three-car or larger forward-facing garages shall incorporate alternative paving design elements stamped concrete, concrete engraving, intricately sawed or grooved patterns, concrete pavers, and colored concrete to soften the appearance of large impervious surfaces.
- l. Alley loaded garages are encouraged, especially for small lot subdivisions.

3. *Building Design.*

- a. All residential buildings shall have a permanent foundation and a garage to store a minimum of two (2) vehicles. Interior dimensions of a garage shall be a minimum of twenty (20) feet wide by twenty (20) feet deep.
- b. The dwelling unit shall have a garage with roofing and siding complimentary to the primary structure.
- c. The dwelling shall be covered by an exterior material of a color, material, and appearance that is compatible with those of existing single-family dwellings including, but not limited to, the following:
 - 1) Residential cementation lap siding; brick, stone or masonry veneer;
 - 2) Frame or block stucco siding; skip trowel preferred;
 - 3) Other siding materials which are determined by the Planning Administrator to be compatible with the above-referenced materials;
 - 4) The building materials of a project shall be durable, require low maintenance, and be of a substantial quality. Organic wood products for decorative architectural elements and / or siding should be discouraged; and,
 - 5) Flat or corrugated sheet metal shall not be used for exterior siding material.

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- d. All street side elevations of a structure shall provide visual interest by incorporating overhanging eaves, recessed windows, or other building details.



- e. The building materials of a project shall be durable and require low maintenance.
- f. Windows should be balanced, equally-spaced and equally-proportioned in the building mass. All windows on a home shall comply with at least one of the two requirements below:
- 1) Windows shall be recessed a minimum of 2" from the face of the adjacent wall plane; or,
 - 2) Windows shall have style-appropriate trim detail at the sill, head, and jambs. Windows with no recess or no trim are not allowed.
- g. Window treatments shall have an Architectural theme that is carried through on all sides of the structure.
- h. An all-weather, hard surfaced, covered outdoor rear patio area of not less than five (5) percent of the home square footage for any single-family detached home on a lot eighteen thousand (18,000) square feet or less. The rear patio shall not be less than six (6) feet in depth and shall be designed to be integrated with the architecture of the home, including the primary structure material, colors and roof design, and be appropriately related to open areas of the lot for the purpose of providing suitable outdoor

living space to supplement the limited interior spaces.

- i. Canopies and awnings should be attached to any home and patios can be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such shall be considered as part of the home and a permit required, issued by the Planning Administrator, before such enclosure can be used for living purposes.
- j. Windows and doors should be in proportion to one another, and aligned on each elevation to bring a sense of order.



- k. A durable, low-maintenance roof consisting of non-reflective materials customarily used for residential construction shall be provided, and if following a traditional architectural style, in accordance with the defining characteristic as shown in Section DS.2 of this document.
- l. *Garage Frontage and Location.*
- 1) Front loaded garages shall be recessed a minimum of five feet (5') from the front plane of the living area to provide interest and relief from the street.
 - 2) Significantly recessed garages, detached garages, and side entry garages are encouraged.
 - 3) A minimum of three (3) distinctly different garage door designs shall be provided as a standard feature for all plans of production homes.

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- 4) In the R1-5 and R1-7 zoning districts, the garages should be varied in order to reduce repetition and prevent monotony. Variations may include orientation, change in garage plane, and / or alternative architectural and material treatments.
- 5) The garage shall match the architectural style, roof type, and material palette of the primary structure.
- 6) Vehicular access to rear yards with sufficient space to store cars, small boats and recreational vehicles should be provided wherever possible. Storage areas shall be completely screened through the use of masonry fence walls, solid gates and landscaping.
- 7) RV garages and oversize garage doors should be set back at least ten (10) feet from the primary structure.

m. *Garage Dominance.* Homes and buildings in Queen Creek should have a timeless look to their architecture, and should not be dominated by large garage doors on the front of the home or building. Garages have become a desirable element of modern homes and are used for both parking and storage. Because garages often are accessed by a single door sixteen feet (16') wide or wider, their appearance can easily dominate the entire façade of a home especially on smaller, narrower homes or buildings. While a home or building need not go to extraordinary measures to hide a garage door, the use of the following techniques are recommended to minimize their appearance.

- 1) The front elevation shall prominently feature an entrance for persons rather than automobiles through superior design. Garage doors shall be de-emphasized and not be the most prominent architectural feature of the house.

- 2) Front facing garages shall be recessed by a minimum of five feet (5') from the front plane of the home in order to provide interest and relief for the streetscape.
- 3) Provide engaging architecture on the rest of home (covered porch, large recessed picture window with brick sill or tile surround, stone or brick veneer).
- 4) Avoid ornate detailing (such as a Mission parapet) on the garage mass. Remove decorative detail (brick or stone wainscot) from the garage mass and add it on the livable mass of the home.



- 5) Provide one and a half or two story massing so that the garage is a smaller part of the overall front façade of the home.
- 6) When style appropriate provide balcony or deck on the second level to provide interest over the garage.

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- 7) **Avoid large gables over the garage. Use hip roofs, shed roofs or flat roofs instead to minimize the garage massing.**
- 8) **Turn the garage ninety degrees to the street and make the front façade appear as a livable portion of the home.**



- 9) **When possible accentuate it with massing (tower), color, lighting and architectural detail.**
- 10) **Provide coach house details to the garage door so that it appears to be wooden or style appropriately divided into smaller elements. Avoid a single large blank element.**
- 11) **Provide a pergola (trellis, lattice, or arbor) above the garage door to vary the shade and shadowing on the door.**



- 12) **Deeply recess the door twelve to twenty-four inches (12" - 24") with an appropriate sized beam or structural element to hold up the home or roof over the large opening in historic building techniques.**
- 13) **Use two single car garage doors rather than one two-car garage door to create smaller massing.**
- 14) **Use pavers or decorative paving to break up or reduce the visual impact and glare from a typical concrete driveway.**
- 15) **Make the door color match or darker than the body color of the home so that it recedes visually. Do not use accent colors on the garage door.**

4. *Open Space.*

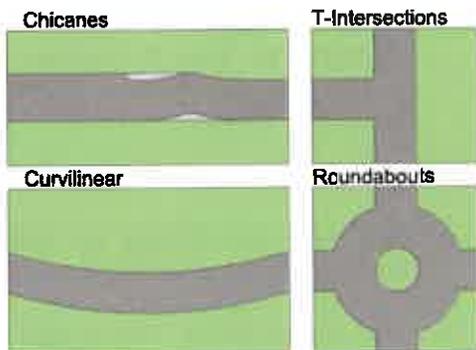
- a. **Turf shall be utilized for active open space within a neighborhood.**
- b. **The use of turf is discouraged in areas of passive open space and along streets.**
- c. **Refer to Section 5.5 of the Zoning Ordinance for Open Space Requirements.**
- d. **Tot Lots or playground equipment shall be centrally located for ease of accessibility for the neighborhood and be covered by shade structures or mature landscaping.**

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5. Access and Circulation.

- a. T-type intersections are encouraged on local streets.
- b. Pedestrian connectivity should not be impeded if cul-de-sac streets are utilized
- c. Local streets shall be curvilinear if exceeding over one-thousand (1,000) feet in length or shall utilize traffic calming measures such as chicanes, chokers, and roundabouts.



- d. Flag lots in residential subdivisions may be permitted so long as sufficient fire safety access is provided, subject to review and approval by the Planning Administrator.

E. Manufactured / Modular Homes.

1. Any manufactured or modular home on an individual lot shall conform to the same building setback standards, side and rear yard requirements, standards for enclosures, access, vehicle parking, and square footage standards and

requirements to which a conventional single-family residential dwelling on the same lot would be subject.

2. The dwelling shall be attached to a permanent foundation system in compliance the International Conference of Building Officials "Guidelines for Manufactured Housing Installation," as may be amended, and the following requirements:
 - a. All wheels, hitches, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the dwelling unit;
 - b. The foundation shall be excavated and shall have continuous skirting or backfill leaving no uncovered open areas excepting vents and crawl spaces. The foundation shall be exposed no more than twelve (12) inches above grade;
 - c. For homes which are narrower than sixteen (16) feet in width, the unit shall be oriented on the lot so that its long axis is parallel to the street.

DS.5 Multi-Family Residential Standards

- A. **Purpose.** The purpose of these standards is to provide design guidelines to improve the appearance of design and functionality of multi-family development, to recognize the importance of design in the economic success of the urban areas of the Town, and to ensure the adequate protection of the surrounding area. These guidelines define the character of the areas which serve as transitional land in close proximity to shopping, employment, and residential.
- B. **Applicability.** Within an R-2, R-3, R-4, and permissible non-residential zoning district(s), the following standards shall apply to multi-family dwelling units:
- C. **Design Guidelines.**
 1. **Site Layout.**

TOWN OF QUEEN CREEK DESIGN STANDARDS

- a. Multi-family buildings shall be separated by a minimum of fifteen (15) feet.
- b. The site design shall incorporate natural amenities and features into the development plan such as prominent view corridors, washes and significant vegetation to enhance the character of the development.
- c. The transition between multi-family residential and existing single family residential areas shall be enhanced to achieve maximum compatibility through screening and buffer setbacks (see Section 5.3).



d. *Entry and Character.*

- 1) Wherever applicable, a combination of ornamental landscaping, landscaped medians, water features, architectural monuments, signs, decorative walls and paving should be incorporated into the themed entry and shall reflect the overall architectural identity and character of the development,
- 2) The primary entry into the development shall be distinguished with hardscape materials such as paver, street prints, and / or color blocks.

2. *Streetscape.*

- 1) For safe and comfortable pedestrian environments, amenities such as ramadas, benches, tot lots, and water features should be provided within the development.

- 2) For pedestrian and bicycle friendly environment, amenities, such as trails, bike lanes, and sidewalks, should be provided to encourage walking and bicycling.
- 3) Wherever applicable a combination of one or more of the following: landscaping, berming and screen walls should be used to screen views of parked cars adjacent to the streetscape.

3. *Building Design.*

a. *Materials and Colors.*

- 1) The color palette and materials shall be appropriate to the context.
- 2) Flat or corrugated sheet metal shall not be used for exterior siding material.
- 3) The building materials of a project shall be durable and require low maintenance

b. *Building Massing.*

- 1) The use of projecting private balconies, building wall recesses, building pop-outs, varied wall planes, arched dormers, decorative window treatment, brick or stone veneers, and other architectural elements is encouraged so as to provide visual interest.
- 2) The visual impact of large monolithic structures should be minimized by creating a cluster of small buildings.
- 3) The use of landscaping as a design element is encouraged to reduce building mass.
- 4) Multiple architectural features shall be integrated into the building to provide visual interest and variation.

TOWN OF QUEEN CREEK DESIGN STANDARDS



c. *Windows.*

- 1) Windows should be balanced, equally-spaced and equally-proportioned in the building mass
- 2) Windows shall employ design details as appropriate to the architecture style.
- 3) Unifying architectural elements shall be used to carry a window pattern across a façade.
- 4) Window and door type, material, shape and proportion shall complete the architectural style of the building.

d. *Roof Line.*

- 1) Avoid massive straight rooflines with flat appearances.
- 2) Minimize the bulk and massive appearance of large structures through the use of sloping varied rooflines, consisting of varying roof heights using variations in the height, directions, and shapes of the roofline to visually break up a large structure.
- 3) Incorporate varied building heights at the street.

4. *Open Space.*

- a. The multifamily development should include active recreation amenities for

residents such as pools, tennis courts or playgrounds and gathering spaces.



- b. Active open space should be located in centralized locations which is accessible by the entire community.
- c. A minimum of four hundred (400) square feet of usable common open space shall be provided for each multi-family dwelling unit for active recreational needs of residents. Usable open space excludes parking areas, required landscape areas, land within a floodway, water bodies, and land with greater than fifteen percent (15%) slope. Open space provided, pursuant to this requirement, shall be accessible to all residents of the development and shall measure at least thirty feet (30') across at its narrowest dimension.



- d. The Planning Administrator may waive up to fifty percent (50%) of the open

TOWN OF QUEEN CREEK DESIGN STANDARDS

space requirement if the development satisfies one of the following criteria:

- 1) All units are located within one thousand feet (1,000') of a public park as measured along a public sidewalk, trail or bikeway; and,
- 2) The development includes, on-site, a portion of the Town's trail system; or,
- 3) Another situation subject to review and approval by the Planning Administrator.

5. *Access and Circulation.*

- a. The development shall provide pedestrian access within the development and to adjacent non-residential areas by incorporating wall and landscape penetrations into the pedestrian circulation.
- b. The development shall provide a continuous walkway internally and shall separate the walkway from vehicular traffic movements except where drive aisle crossing are necessary.
- c. The on-site pedestrian circulation system shall link the various site amenities, such as play area, club house, pools, adjacent streets, trails, and bus stops.
- d. Pedestrian walkway shall be distinguished from the vehicle driveway using different hardscape materials or by providing a landscape buffer.

6. *Parking Canopies.*

- a. The color of any metal parking canopies shall fit with the color palette of the development.
- b. Parking canopies should have a fascia around the perimeter to provide some visual dimension to the metal parking canopy.

- c. Any lighting used with a metal parking canopy shall include fully-shielded light fixtures.

7. *Utility and Mechanical Equipment.*

- a. Mechanical equipment, electrical meter and service components, and similar utility devices whether ground level, wall mounted, or roof mounted, shall be screened and designed to appear as an integral part of the building.

DS.6 Non-Residential Standards

A. *Purpose.* The purpose of these guidelines is:

1. To ensure successful integration of the safe, well-designed and attractive non-residential development into the community;
2. To protect the character of existing nearby neighborhoods;
3. To promote compatibility between non-residential development and adjacent residential uses;
4. To enhance the quality of nonresidential development in the Town;
5. Encourage long-term business success; and,
6. Ensure walkability within the project and connections to adjacent developments.

B. *Applicability.* These guidelines are applicable to all new nonresidential development in the Town, alteration to the exterior façade of the existing building and reconstruction of the existing structures.

C. *Design Guidelines.*

1. *Site Layout.* Architecture and the man-made element is the predominant feature and thus must be carefully designed to create a small town appearance and to be pedestrian friendly. In the Town Center area, street presence is should be emphasized

TOWN OF QUEEN CREEK DESIGN STANDARDS

with the buildings located at the street and vehicular parking is on-street or in joint use parking lots located to the side or rear of the buildings.

- a. All building elevations which face a public street or are adjacent to residential uses or residential zoning districts shall not use metal or corrugated metal as a primary material.
- b. All buildings shall incorporate a variety of massing and building heights, and stepping roof lines.
- c. Commercial projects adjacent to existing and proposed residential uses should consider setbacks, heights, and scale.



- d. Buildings on pads should be located close to arterials streets to create a strong sense of place.
- e. Drive-through uses should not be adjacent to residential uses. Speaker box, menu boards, pneumatic tube systems, automatic or manual car washes shall be located away from such uses to mitigate sound and light emissions.
- f. An incorporation of shade trees, trellis structures, and canopies should be used in large projects over five (5) acres throughout all pedestrian walkways.
- g. A reduction of the "heat island" effect should be mitigated by increasing shaded areas throughout parking lots.



- h. Office, technical and corporate employment facilities should be scaled (built in proportion relative to size and lot coverage) to the surrounding area.
- i. For a mixed-use that includes areas of Employment A land uses, a campus-type employment site should be provided.
- j. *Entry Character.*

- 1) The main vehicular entrance should be aligned with the anchor tenant of the site.
- 2) Alternative paving, mature landscaping, or public art should be incorporated as a focal point for the site.



- k. *Relationship of Building and Site to Adjoining Area.*

- 1) Adjacent building of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.

TOWN OF QUEEN CREEK DESIGN STANDARDS

- 2) Landscape transition to adjoining properties shall be provided.
- 3) Harmony in texture, lines and masses is required. Monotony shall be avoided.

2. Streetscape.

- a. **Street Furniture.** Street furniture such as benches, waste containers, bicycle racks, and bollards should be design and style appropriate to ensure compatibility with the architecture of surrounding buildings and the general area.



- b. **Lighting Requirements.** Provide safe vehicular, bicycle, and pedestrian travel within the development through utilization of bollards, main entry lighting, and parking lot lighting when applicable.

c. Pedestrian Amenities/Public Space.

- 1) Pedestrian and customer entrances shall provide shade and protection from the weather by utilizing arcades, awnings, or colonnades.



- 2) All main entrances shall be accessible by walkway and walkways should connect throughout the site.

- 3) Areas between buildings and breezeways should provide potted plants, water features, artwork, or seating.
- 4) Site design should include an element of architectural features that incorporate a gathering area.
- 5) Site design should incorporate pedestrian and bicycle accessibility to all adjacent streets by providing sidewalks, bicycle lanes, or trails.
- 6) Best efforts shall be made to mitigate any vehicular and pedestrian interference through site layout and clearly identified lanes and paths.
- 7) Bicycle parking should be provided in close proximity to the main entrance and shall not impede pedestrian travel by providing extended curbing or landscaping.
- 8) All pedestrian walkways shall provide functional shade when adjacent to buildings through arcades, eaves, or tree planting.



- d. **Building Design.** Materials in Town Center are encouraged to be predominantly brick versus stucco. All buildings shall be constructed of reinforced masonry, concrete, wood, or metal frame. The use of metal buildings, such as, but not limited to corrugated steel, are prohibited. Use of ornamental metal as an architectural design feature may be permitted.

TOWN OF QUEEN CREEK DESIGN STANDARDS

e. Building colors shall follow the following guidelines:

- 1) Large areas of white or black color shall be avoided.
- 2) The color palette chosen for new structures should be compatible with the colors of adjacent structures. An exception is where the colors of adjacent structures strongly diverge from these guidelines.
- 3) Wherever possible, the number of colors appearing on the structure's exterior shall be minimized. Small commercial structures should use not more than three (3) colors.



- 4) Bold primary colors shall only be used to accent elements, such as door and window frames and architectural details. Bold colors shall not be used as bands, stripes, wainscots or parapet caps.
- 5) Architectural detailing should be painted to complement the facade and tie in with adjacent structures.

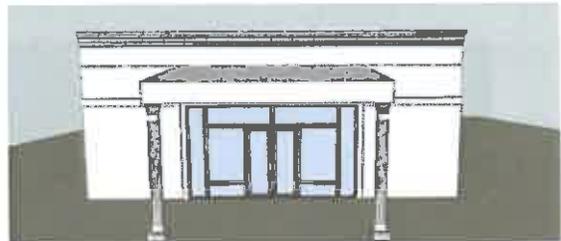
f. **Building Massing.** Building mass of adjacent buildings shall not vary more than fifteen percent (15%). Building mass is the volumetric shape of a structure including sides, and roofs, and the size of the base, or footprint.

g. **Windows.**

- 1) Windows and door shall include visually prominent framing and other character elements. Materials, colors, shape and proportions shall complement the architectural style of the building.
- 2) Commercial developments in excess of 50,000 square feet shall provide twenty-five percent (25%) of the entry façade in windows. Industrial developments shall provide fifteen percent (15%) of the entry façade in windows.
- 3) Windows shall employ design details appropriate to the architecture such as arched windows, shutters, awnings and canopies to break the scale of the façade into smaller components.

h. **Building Façades.**

- 1) All streetside elevations of a structure and elevations where pedestrian access is provided shall provide visual interest and design themes. Sides of buildings that extend more than thirty (30) feet in length shall provide a pitch roof element, windows, porch or other design feature to break up the long, continuous and otherwise uninterrupted blank wall. Flat roof buildings shall have an articulated base course and cornice, or similar architectural treatment for all sides visibly exposed.



- 2) The base course shall align with either kick plate or sill level of the first story. The cornice shall terminate or cap the top of a building wall, may project horizontally from the vertical wall plane, and may be

TOWN OF QUEEN CREEK DESIGN STANDARDS

ornamented with moldings, brackets, vigas, tile or other details.

- 3) Scuppers and/or downspouts are not allowed on any elevation of a building that faces a street or pedestrian arrival.

i. *Roof Types and Materials.*

- 1) Roof materials shall be consistent with the architectural styles set forth in Section DS.2 of this document. Gable roofs no flatter than a 9/12 pitch shall be used to the extent possible in the Town Center area. Where hipped roofs are used, the pitch shall be no flatter than a 6/12 ratio.
- 2) Both gable and hipped roofs shall provide overhang eaves on all sides that extend a minimum of one foot beyond the building wall.
- 3) Flat roofs may be used with the Pueblo architectural design. Mansard roofs are prohibited.
- 4) Architectural elements that add visual interest to roofs, such as dormers, belvederes, masonry or brick chimneys, cupolas, clock towers and other similar elements are encouraged.

j. *Building Entrances.*

- 1) All main entrances to buildings shall be the focal point of design. Architectural elements should include: lintels, pediments, pilasters, columns, porches, railings, balustrades.



3. *Open Space.*

- a. Where possible, private open space and common open space should be designed to create a sense of place and should be used as opportunities to allow for gathering areas.



- b. For open space requirements, refer to Section 5.5 of the Zoning Ordinance.

4. *Access and Circulation.*

- a. The number of ingress and egress points shall be minimized through the use of shared driveways with adjoining uses when applicable.
- b. Traffic calming measures, such as chicanes, traffic circles, or alternative paving, should be considered to promote safe pedestrian and bicycle access.



TOWN OF QUEEN CREEK DESIGN STANDARDS

- c. Drive-through uses with high volumes should design the site with adequate stacking measures.
- d. Corrals for shopping carts should match the architectural and material palette of the primary building, landscape palette, and be located adjacent to landscape islands.

5. *Utilities and Mechanical Equipment.*

- a. Mechanical equipment, electrical meter and service components, and similar utility devices whether ground level, wall mounted, or roof mounted, shall be screened and designed to appear as an integral part of the building.

6. *Signage.*

- a. Every structure and commercial complex shall be designed with a precise concept for signage. Provisions for sign placement, sign scale in relationship with building, and sign readability shall be considered in developing the signage concept. All signage shall be compatible with the building architecture and site design relative to color, material and placement.
- b. Monument-base signs are the preferred alternative for business identification whenever possible. Where several tenants occupy the same site, individual wall mount signs are appropriate in combination with a monument sign identifying the development and address.
- c. The use of backlit individually cut letter signs is strongly encouraged. Wall painted signs and murals are prohibited, except when utilized for public art purposes.
- d. Each development site shall be appropriately signed to give directions to loading and receiving areas, visitor parking and other special areas.
- e. Refer to Article 8 of the Town of Queen Creek Zoning Ordinance for area, size, and location regulations.

7. *Screening / Storage / Loading Areas / Trash Enclosures.*

- a. Outdoor storage and trash enclosures shall complement the architectural and material palette of the primary building.
- b. Loading areas and trash enclosures should be located away from single-family residential uses, main thoroughfares, and site entrances when possible.



- c. Trash enclosure locations should be easily accessible by the tenants.
- d. Roll-up doors shall be recessed at least twelve (12) inches into the building and shall match in color.

8. *Public Art.*

- a. Public art should celebrate any distinct characteristics found in the surrounding area around the site.



TOWN OF QUEEN CREEK DESIGN STANDARDS

- b. Pieces shall be placed in public view and accessible to a pedestrian.
- c. Art should not impede or block pedestrian travel within the site.

D. *Additional Requirements for All Commercial Uses.*

1. Buildings detached from the main commercial development within the same commercial center (pad buildings) shall be designed in a complimentary architectural style, and incorporate the same materials, colors and landscaping as the host development.
2. The use of standardized "corporate" architectural styles associated with chain type restaurants, convenience store and / or automobile service stations are prohibited. Applicants should be encouraged to incorporate local elements to compliment the "corporate" style.
3. Placement of structures should consider the existing built context, the location of incompatible land uses, the location of major traffic generators as well as an analysis of a site's characteristics, particular influences and design goals embodied by the Town.
4. Structures shall be designed in a manner that will complement the adjacent structures. Sites shall be developed in a coordinated manner to provide order and diversity and avoid a jumbled, confused development.
5. Whenever possible, new structures should be clustered. This creates plazas or gathering spaces and prevents long "barrack-like" rows of structures. When clustering is impractical, a visual link between separate structures should be established. This link can be accomplished through the use of an arcade system, trellis or other open structure.
6. Locate structures and on-site circulation systems to minimize pedestrian/vehicle conflicts and not create new ones where possible. Link structures to the public

sidewalk where possible with textured paving, landscaping, and trellises.



7. Recognize the importance of spaces between structures as "outdoor rooms" that are the public realm. Outdoor spaces should have clear, recognizable shapes that reflect careful planning and are not simply "after thought" areas between structures.
8. Loading facilities shall not be located at the front of the structure where it is difficult to adequately screen them from public view.

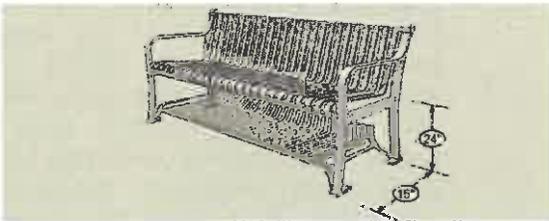
E. *Additional Requirements for All Town Center Uses.*

1. All buildings shall have their principal entrance opening to a street, square, plaza, or sidewalk. Pedestrian access from the public sidewalk, street right-of-way or driveway to the principal structure shall be provided through an improved surface.
2. The first floors of all buildings shall be designed to encourage and to complement pedestrian-scale activity by the use of windows and doors arranged so that the uses are visible from and / or accessible to the street on not less than fifty percent (50%) of the length of the first floor street frontage. Not less than fifty percent (50%) of the length and twenty-five percent (25%) of the surface of the building entry façade of the primary structure(s) shall be in public entrances or windows (including retail display windows). Where windows are used, they shall be transparent. Solid walls shall not exceed twenty (20) feet in length.

TOWN OF QUEEN CREEK DESIGN STANDARDS



3. In order to stimulate pedestrian activity, the first floor (street level) of any new building abutting a major arterial roadway, minor arterial roadway or major collector roadway shall devote not less than fifty percent (50%) of the net first floor area to retail uses. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access which should be provided. This standard shall not apply to any lot with a street frontage of less than twenty-four (24) feet.
4. Doors shall be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. The recess depth shall not be less than the entry width.
5. Not less than one (1) linear foot of seating shall be provided for each thirty (30) square feet of open space. Seating shall be not less than twenty-four (24) inches high and fifteen (15) inches deep. At least two (2) of the following amenities shall be provided in an open space area: ornamental fountain, water feature, sculpture, arbor, trellis, planted bed, drinking fountain, clock pedestal, awning, or canopy.



6. Canopies, awnings, and similar appurtenances should be constructed at

the entrance to any building subject to the following criteria: (1) such appurtenance shall be constructed of rigid or flexible material designed to complement the streetscape, and (2) any such appurtenance may extend from the building up to one-half (2) of the width of the sidewalk area in front of the building or nine (9) feet, whichever is less, subject to any encroachment permit which may be required by the Arizona Department of Transportation, Maricopa County, or the Town. In no case shall any such facility extend beyond the curb line of any public facility, nor shall it interfere with the growth or maintenance of street trees. A minimum overhead clearance of eight (8) feet from the sidewalk shall be maintained.

7. No surface parking shall be permitted in front of a principal structure. Parking shall be located to the rear of the principal structure or structures, except to the extent that side parking is allowed as provided herein. Parking areas shall not occupy more than twenty-five percent (25%) of the width of the lot at any point extending one-hundred feet (100') from the frontage line.
8. Off-street surface parking shall be screened from the view of public streets in accordance with the parking lot screening requirements in Parking Standards.





SYRACUSE
EST. CITY 1935

A stylized illustration of a city skyline in a light green color. It features several buildings of different heights and shapes, including a prominent building with a circular window on the left and a building with a gabled roof on the right. The buildings are set against a dark green background.

DESIGN STANDARDS EXAMPLE GUIDE

Commercial, Professional Office, and Public Facility Developments

Design Standards Example Guide

Purpose

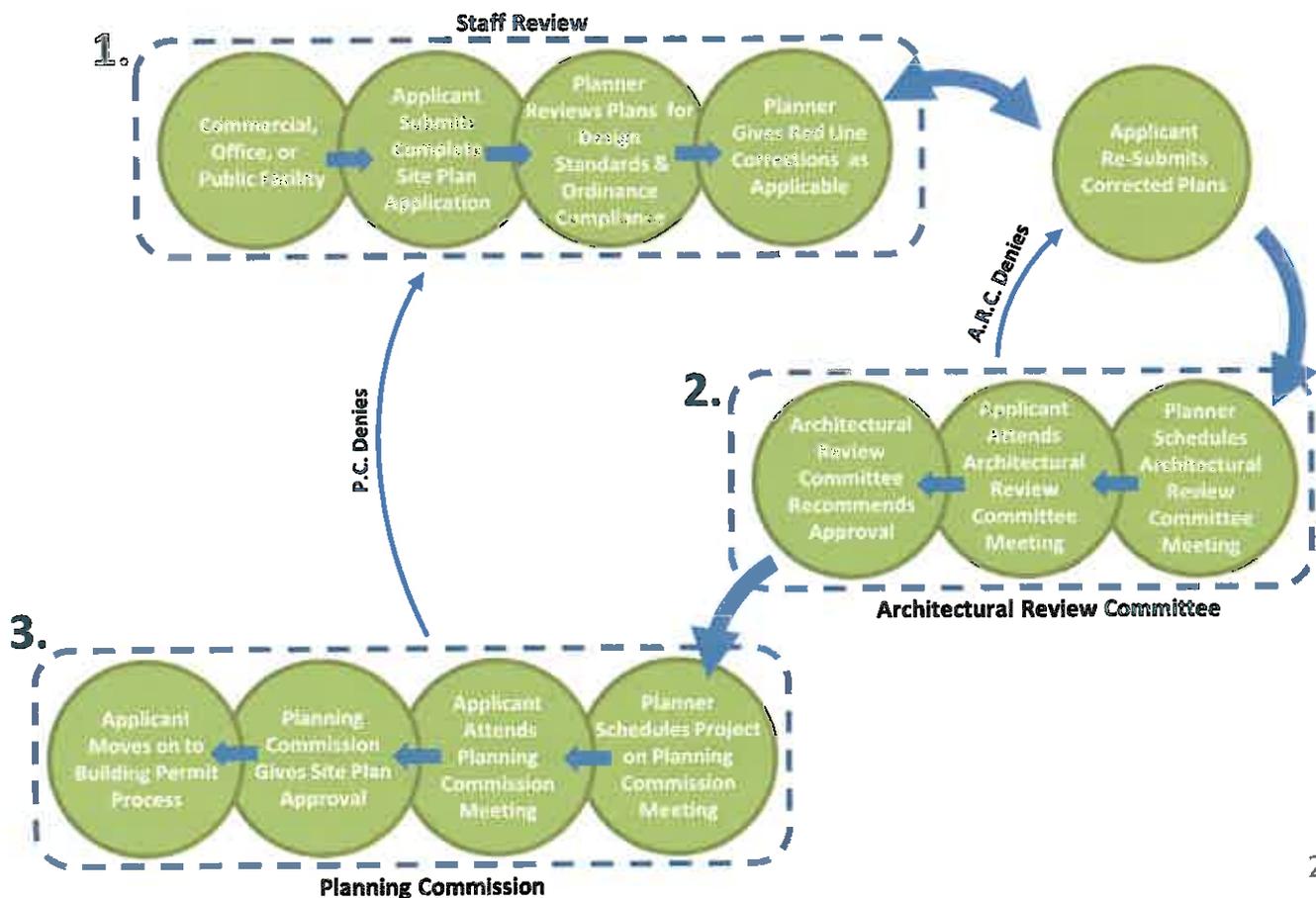
This Guide offers examples to clarify and explain the architectural design standards found in Title 10, Chapter 28 of the Syracuse City Land Use Ordinance. It serves to graphically represent the design standards and are used as a reference tool in order to better illustrate the application of the standards. The purpose of the standards are to improve the quality, compatibility of development, and permanence in design found in Syracuse City. A copy of this manual is available at the Community Development Department located at 1979 W 1900 S Syracuse UT, 84075.

Applicability

The Design standards referenced in this manual are required in addition to other standards set forth in the Syracuse City Land Use Ordinance. They are applicable with regard to building and site design. The implementation of these standards ensures that the goals and values of the community are reflected in each commercial, professional office, and public facility.

Process

Please refer to the following flow chart for guidance as to the City's process for site plan approval.



Design Standards Example Guide

Building Design

(A) Context: New buildings must be designed to include common features and materials that are used on existing Syracuse buildings. These features create a sense of place and character for the City. However, avoid copying too closely and use imaginative design. Please review the following examples of features and materials commonly used.

List of Contextual Features and Materials:

- Towers – Hipped or Cross Gabled Roofs
- Segmental Style Arched Entries & Windows
- Circular Accent Windows
- Gabled (Pitched) Roof
- Red Brick/Block
- Ledge Stone Style Stone
- “Bell” Style Light Fixtures
- Awnings/ Pergolas
- Parapets (False Fronts)
- Metal Channel Roofing



"The Rush" Fun Center - 1806 South 2000 West



Syracuse Library - 1875 South 2000 West

Design Standards Example Guide

Building Design

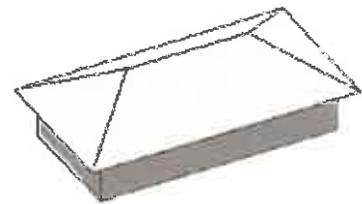
(A) Context: (Continued)



Warrens - 1778 S 1000 W



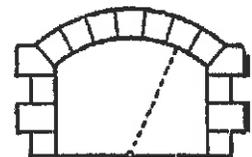
Example of Ledgestone Pattern



Example of Hipped Roof



Carl's Jr. - 2118 W. Antelope Dr.



Example of Segmental Arch



Example of "Bell" Light Fixture

Design Standards Example Guide

10.28.110 Building Design

(B) Entrances: All building entrances are required to be clearly articulated to indicate a transition from the exterior to the interior of the building. Every main entrance is required to have a special emphasis when compared to the other portions of the building.



Design Standards Example Guide

10.28.110 Building Design

(C) Façade Articulation: Buildings designed with completely flat façades and monotone color schemes are not permitted. All buildings are required to have horizontal and vertical façade variations such as pop-outs, bays, recesses, arches, banding, columns, or similar features. Such features are required at least every 30 feet along all exterior wall planes.

Front Elevation



Plan View



Walmart - 2228 W Antelope Dr.

Design Standards Example Guide

10.28.110 Building Design

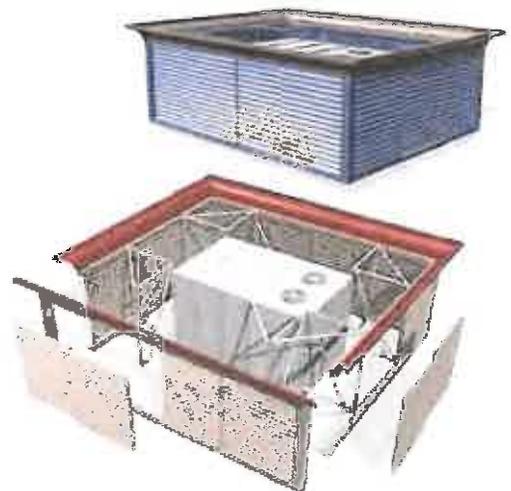
(D) Height and Roofline: Varied roofline elevations are required in order to add architectural interest and avoid the appearance or sense of long, monotonous roofline expanses. A variation such as a parapet or tower is required every 50 feet of roofline. Also, mechanical equipment mounted on the roof must be screened and the back of parapets must match the color and materials of the building.



Good Example - 1588 South 2000 West



Avoid Monotonous Rooflines



Proper Mechanical Screening

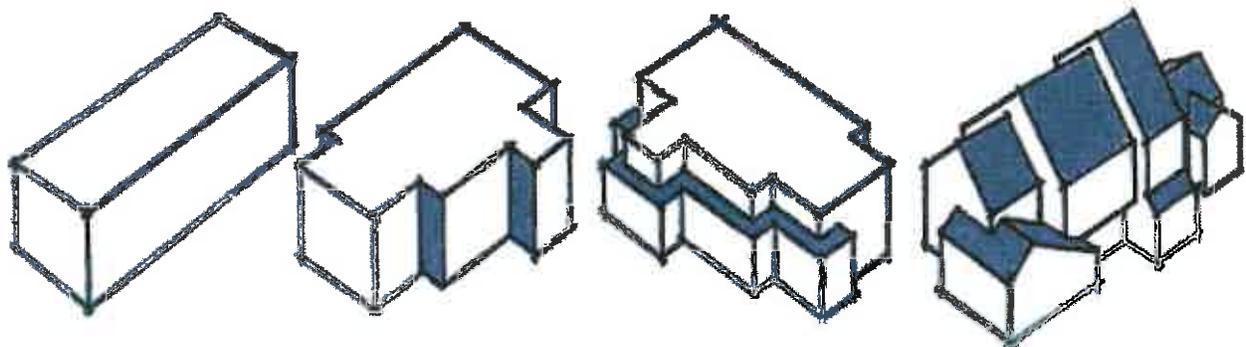
Design Standards Example Guide

10.28.110 Building Design

(E) Massing: Proper massing reduces the impact of the massive bulk created by large buildings that may not otherwise relate in scale to surrounding development. Vertical articulation, horizontal articulation, and multi-planned roof or awnings must be used in designs to mitigate the impact on surrounding development and the overall landscape. The examples below are near the same density of units per acre and building height, but the top example's massing reduces the impact and bulk of the building more effectively than the bottom example.



Good Example – 910 W. 1920 S.



Undesirable
Massing

Vertical
Articulation

Horizontal
Articulation

Multi-Planned Roof
Reduces Bulk

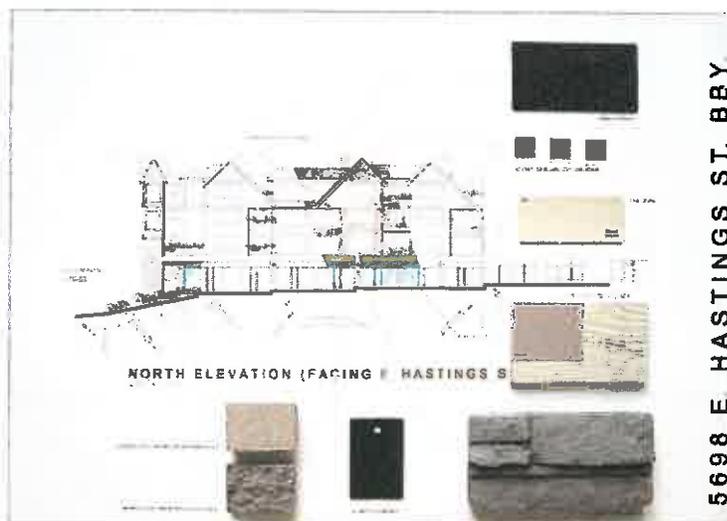
Design Standards Example Guide

10.28.110 Building Design

(F) Materials: Quality long-lasting materials are required for all buildings in order to contribute to the value of the community over the long term. A minimum of three colors per elevation required. Colors have to be sensitive to existing development in the vicinity. 65% of the surface materials are required to include brick, stone, metal panels, or cement-fiber siding. Stucco, vinyl, or block may be used as an accent only. A sample board containing physical samples is required.



Syracuse Library - 1875 South 2000 West



Example of Materials Sample Board



Above: unfinished concrete block is not permitted as a surface material.

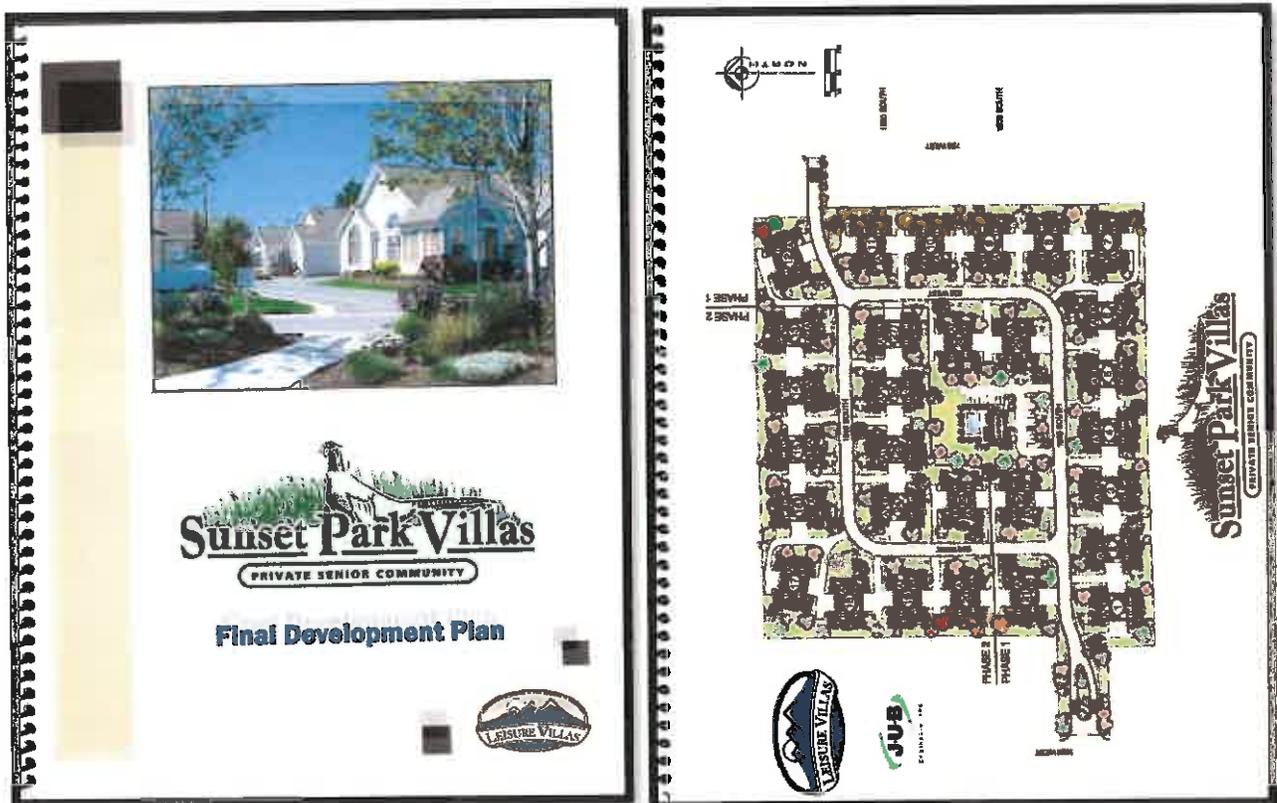
Left: A sample board containing physical samples is required. Photos alone are not sufficient.

Design Standards Example Guide

10.28.110 Building Design

(G) Development Design Pattern Book: The developer is required to provide a development design pattern book for developments including more than one structure. A design pattern book should include:

1. Written descriptions with graphics explaining how the development complements the unique characteristics of the property.
2. Written descriptions with graphic illustrations/photos explaining the theme and physical form of the architectural design.
3. Written descriptions with graphic illustrations/photos describing the proposed open spaces, pedestrian pathways, and other amenities



Example Design Pattern Book

Design Standards Example Guide

10.28.110 Building Design

(H) Pedestrians: All buildings will be designed with an integral focus on encouraging pedestrian activity and social interaction. Additionally, buildings that contain more than one story or that are above 20 feet in height are required to provide a clearly articulated and more detailed base that relates to pedestrians.



Sugarhouse Utah Smiths

10.28.110 Building Design

(I) Signs: Signs located on any building façade are required to be compatible with the building's overall design. As an integral design element, signs are required to be compatible with the style of the buildings in terms of location, scale, color, and lettering.

1. The locations for signs on a building's façade will be planned for as part of the building's overall design.

2. Signs located on façades should integrate similar or complimentary materials as the building.



Complimentary Sign Materials

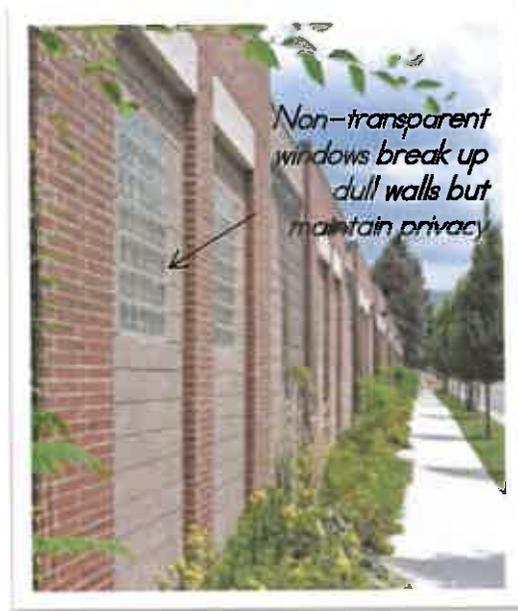


Sign Locations Not Incorporated Into Architecture

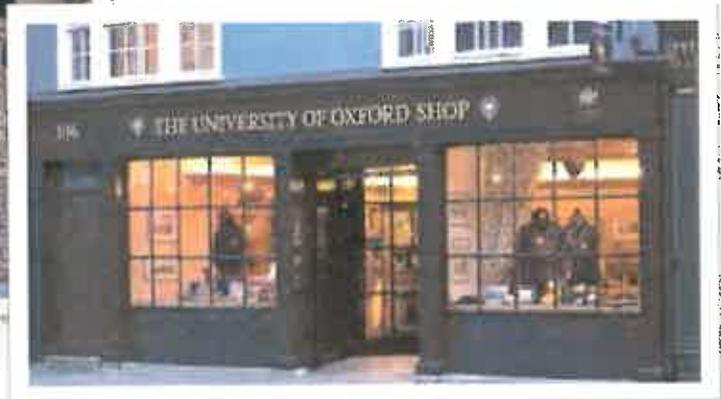
Design Standards Example Guide

10.28.110 Building Design

(J) Windows: Windows are key to the overall design of a building and the relationship between the exterior and interior. The majority of windows are required to relate to the scale of a person.



Mirrored glass not as welcoming



Transparent windows draw customers in

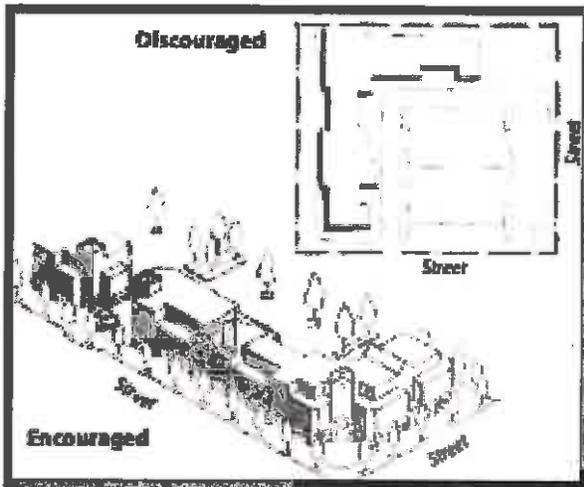
Design Standards Example Guide

10.28.120 Site Design

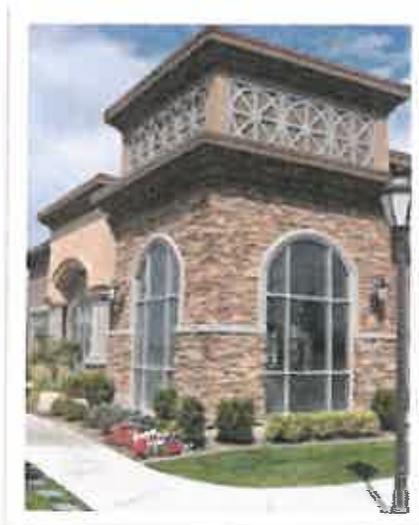
(A) Building Placement: Building placement is integral to the site design and the overall effect any development has on surrounding properties. Building placement is required to comply with the following:

1. All buildings must be oriented with the main or similar façade facing a principal street to which it has frontage.

2. Buildings located on corner lots are required to orient main façades to each street and give equal treatment to each.



3. Buildings located on corner lots should include a prominent architectural feature of greater height than the rest of the roof, or emphasis at the corner where the two public streets meet.

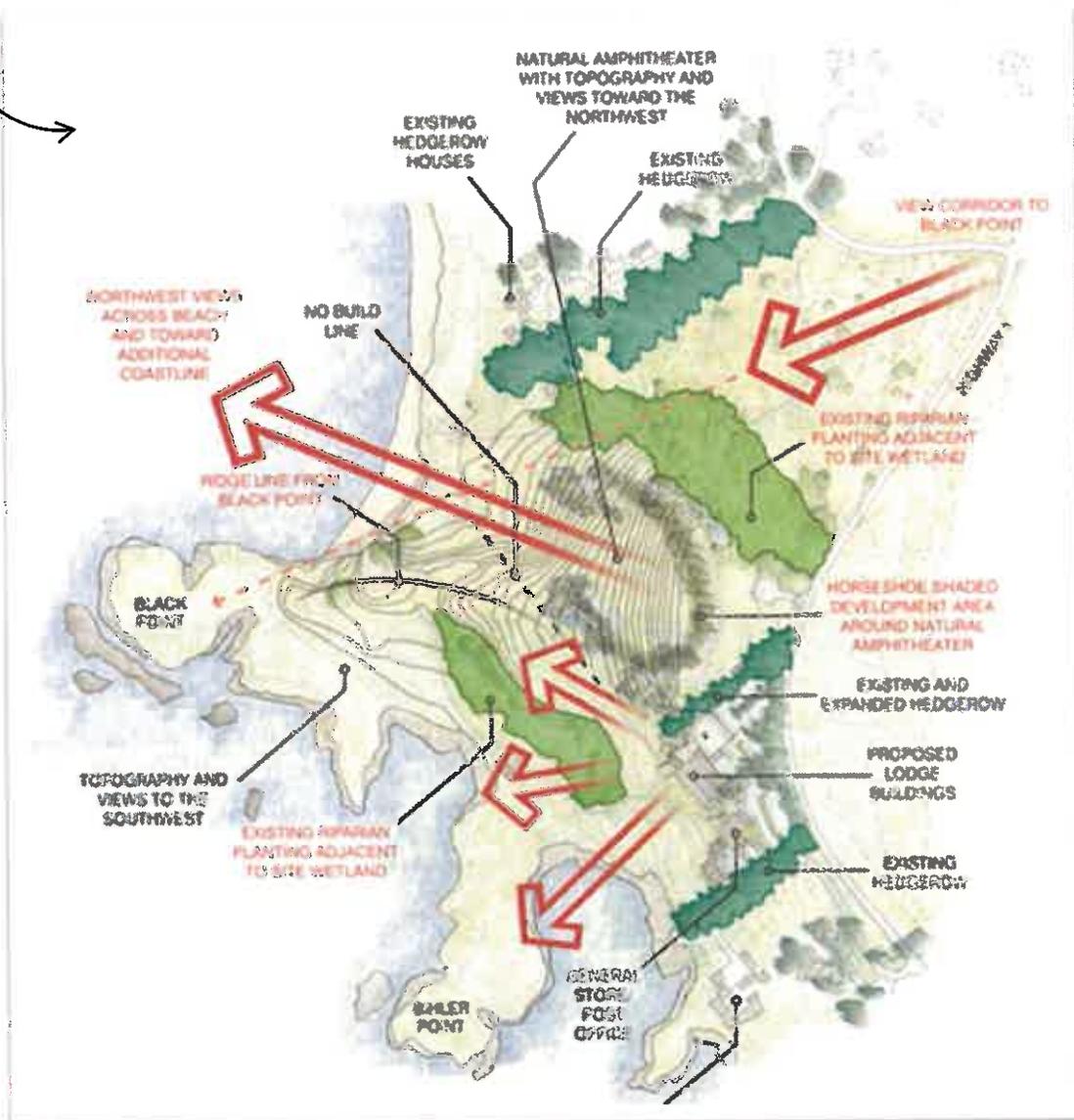


Design Standards Example Guide

10.28.120 Site Design

(B) Context: New developments are required to match or compliment surrounding developments and landscapes in order to create a site which relates to its surroundings and adds positively to the overall environment in the site area. Hire a licensed Civil Engineer for site planning and design.

- *Natural features*
- *Wetlands*
- *Historic Structures*



Site Analysis Example

Design Standards Example Guide

10.28.120 Site Design

(D) Landscaping: Landscaping is required as a tool to enhance and beautify the site, and the building's architecture and design. Street trees and landscape increase property values.

1. A detailed landscape plan designed by a licensed landscape architect is required.
2. Street trees should be planted every 30 feet along the public right of way.
3. Native plant species should be used with water efficient irrigation systems.
4. Outdoor amenities such as patios, plazas, water features and outdoor seating areas are encouraged.
5. Existing trees and landscape features should be preserved and incorporated into landscape plans.
6. Landscaping around the base of the building is recommended.



Native Plants



Street Tress

licensed professional



Landscape the base of buildings and near entrances



Outdoor Patios & Seating Areas

Design Standards Example Guide

10.28.120 Site Design

(E) Lighting: Carefully planned lighting schemes can create safe environments for pedestrians and motorists. Lighting is an integral design element which adds to the overall site plan and building design.



Down Facing "Bell" Fixtures different but matching



Coordinated light fixtures on signage and building adds character



Fixtures complement building architecture



Pedestrian scale fixtures increases safety



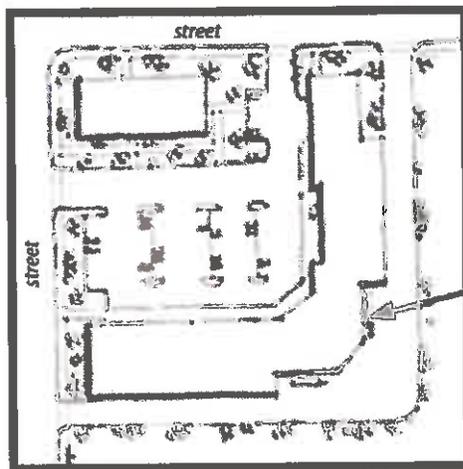
Down facing fixtures minimize light pollution

Design Standards Example Guide

10.28.120 Site Design

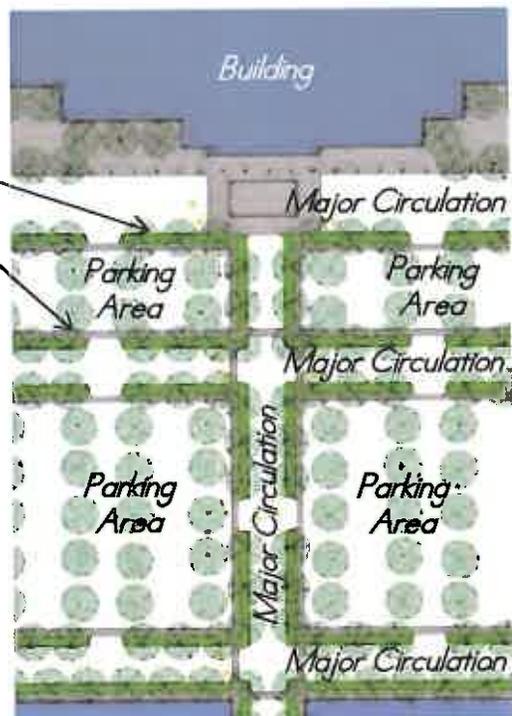
(F) **Traffic:** Developments which generate significant increases in traffic will include an analysis of the proposed development's impact on the current and future transportation system, and methods to control traffic. A licensed Civil Engineer can help ensure functional design.

- Major internal circulation roadways must be separated from parking areas using curb and gutter, landscaping, pedestrian walkways; or lighting

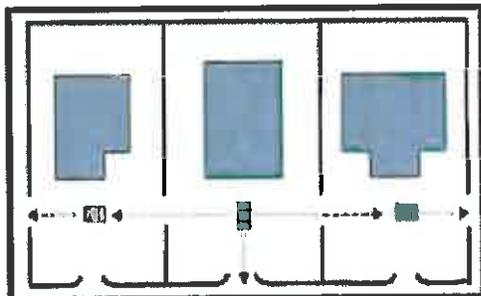


Landscaping
Sidewalk

Loading and service areas should be located away from street edge and public circulation patterns.



Cross-access for automobiles and pedestrians is required



Automobile Cross-Access



Pedestrian Cross-Access

Design Standards Example Guide

10.28.120 Site Design

(G) Active Transportation: Site layout and design must address the needs of pedestrians, bicycles, and other forms of transportation. Access and safety on the site should be ensured for all users.



Bike Rack/Bench



Wheelchair Access



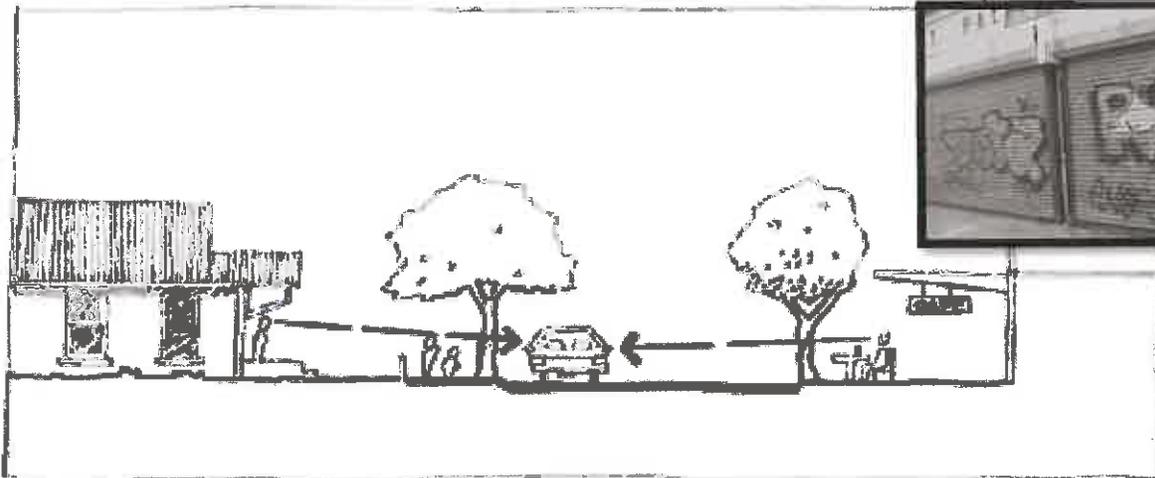
Strollers

Design Standards Example Guide

10.28.120 Site Design

(H) Security: Security of the site is required to be addressed in site design. The developer is required to submit documents that demonstrate the security measures of the site design in relation to private, semi-public and public areas, by utilizing natural surveillance, access control and proper maintenance.

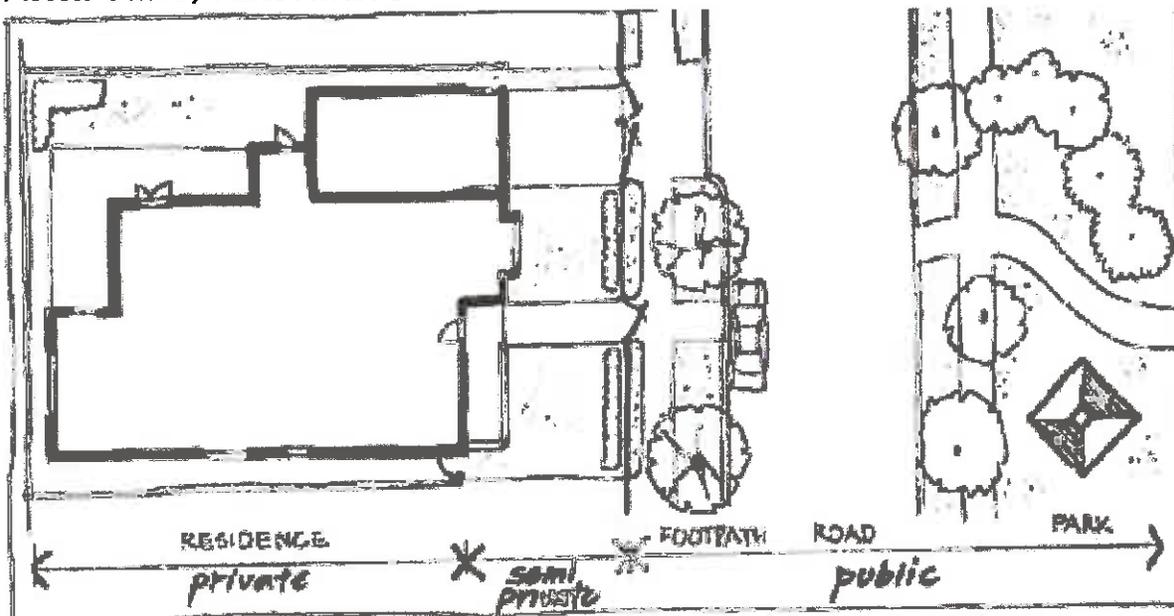
Natural Surveillance:



Proper Maintenance:

. A number of observers have clear sight lines to the streetscape allowing for natural surveillance

Access Control/ Public Private Delineation



. Clearly marking the distinction between private, semi-private and public space allows for territorial reinforcement

Design Standards Example Guide

Resources

Architectural Review Committee Design Standards: Syracuse City Ordinance Title 10 Chapter 28

Allowed Street Trees: Syracuse City Ordinance Title 10 Chapter 30 Section 7

Land Use Ordinances: Syracuse City Ordinance Title 10 Chapter 6

Parking Requirements: Syracuse City Ordinance Title 10 Chapter 8

Site Planning: Syracuse City Ordinance Title 10 Chapter 4 Section 90

Crime Prevention Through Environmental Design (CEPTED):

<http://www.cadca.org/files/CEPTED%20Handbook%20overview.pdf>

Native Landscape Plants:

<http://theutahhouse.org/files/uploads/Utah%20House%20Plant%20List%20v2%204p.pdf>



Building Design and Architectural Standards

Sections 146-1300 thru 1304; Aurora Municipal Code
(Includes up to Ordinance 2012-26, Effective 11-1-12)

City of Aurora

Planning Department
15151 E. Alameda Pkwy
2nd Floor
Aurora, CO 80012
Phone: 303-739-7250
Fax: 303-739-7268
Email: planning@auroragov.org

This document is available on our web site.

<https://www.auroragov.org/DoingBusiness/ZoningandCodes/BuildingandZoningCode/index.htm>

ARTICLE 13. BUILDING DESIGN AND ARCHITECTURAL STANDARDS**DIVISION 1. IN GENERAL****Sec. 146-1300. Screening of Rooftop Equipment.**

(A) *Screening Required.* All rooftop mechanical equipment and vents greater than eight inches in diameter must be screened. Screening may be done either with an extended parapet wall or a freestanding screen wall of a material, color, and design matching the building. Screens shall be at least as high as the equipment and vents they hide. If equipment is visible because screens do not meet this minimum height requirement, the director of planning may require construction modifications before the issuance of a certificate of occupancy.

(B) *Waivers.* The planning director may approve a waiver from the screening requirements in order to address the following conditions:

1. There are overriding life safety requirements established by other regulations including the Uniform Building Code;
2. If at final inspection effective screening can be achieved from the predominant public views of the building by means such as placement of the equipment or vents and use of a screening wall lower than the equipment or vent(s) it is screening;
3. The design of equipment provides screening that is equally or more effective than screening achieved by a screening wall.
4. The screen itself would be more visually obtrusive than the equipment or vent it is intended to screen.

(Ord. No. 2001-72, 12-3-2001)

Title 17 - ZONING

Chapters:

[Chapter 17.04 – GENERAL PROVISIONS AND DEFINITIONS](#)

[Chapter 17.06 – NIGHT SKY PROTECTION](#)

[Chapter 17.08 – ZONE DISTRICTS ESTABLISHED](#)

[Chapter 17.12 – A-R AGRICULTURAL/RESIDENTIAL](#)

[Chapter 17.16 – R-1 SINGLE FAMILY RESIDENTIAL](#)

[Chapter 17.20 – R-1A SINGLE FAMILY MIXED](#)

[Chapter 17.24 – R-2 MULTIFAMILY RESIDENTIAL](#)

[Chapter 17.25 – R-2A HIGH DENSITY RESIDENTIAL](#)

[Chapter 17.26 – R-3 SMALL LOT RESIDENTIAL](#)

[Chapter 17.27 – R-4 MEDIUM RESIDENTIAL](#)

[Chapter 17.28 – C-R COMMERCIAL/RESIDENTIAL](#)

[Chapter 17.30 – BECKER AVENUE ZONE](#)

[Chapter 17.32 – C-1 GENERAL COMMERCIAL](#)

[Chapter 17.33 – C-2 MIXED USE](#)

[Chapter 17.36 – MAIN STREET OVERLAY ZONE](#)

[Chapter 17.40 – M-C MANUFACTURING/COMMERCIAL](#)

[Chapter 17.41 – M-1 INDUSTRIAL AND BUSINESS PARK](#)

[Chapter 17.44 – SU-1 SPECIAL USE](#)

[Chapter 17.48 – ALLOWABLE LAND USES](#)

[Chapter 17.52 – NONCONFORMING USES AND STRUCTURES](#)

[Chapter 17.54 – LANDSCAPE REGULATIONS](#)

[Chapter 17.56 – OFF-STREET PARKING AND LOADING](#)

[Chapter 17.58 – SIGN REGULATIONS](#)

[Chapter 17.59 – WIRELESS TELECOMMUNICATIONS FACILITIES](#)

[Chapter 17.60 – ADMINISTRATION AND ENFORCEMENT](#)

Chapter 17.04 - GENERAL PROVISIONS AND DEFINITIONS

Sections:

[17.04.010 - Title](#)

[17.04.020 - Purpose](#)

[17.04.030 – Application](#)

[17.04.040 – Definitions](#)

17.04.010 - Title.

These regulations shall be known as the "comprehensive zoning ordinance" of the city of Belen, New Mexico, and shall be referred to herein as "this title."

(Ord. 370 § 1, 1975)

17.04.020 - Purpose.

The regulations and restrictions of this title are designed to lessen congestion in the streets and public ways; to secure safety from fire, flood, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions for transportation, water,

sewerage, schools, parks, and other requirements; to conserve the value of buildings and lands; and to encourage the most appropriate use of land throughout the city of Belen.

(Ord. 370 § 2, 1975)

17.04.030 - Application.

No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the city of Belen except as specifically, or by necessary implication, authorized by this title. Conditional uses are allowed only on permit granted by the Belen planning and zoning commission upon finding that the specified conditions exist. Any use not designated a permissive or conditional use in a zone district is specifically prohibited in that zone district, except as otherwise provided herein.

(Ord. 370 § 3, 1975)

17.04.040 - Definitions.

For the purpose of this title, certain terms, words, or phrases used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The words "shall" and "must" are mandatory, the word "may" is permissive.

"Accessory" means subordinate and incidental to a principal use or structure on the same lot.

"Accessory building" means a building that is subordinate and incidental to the principal building on the lot. An accessory building is typically a storage shed, workshop, or garage; but is not used as a dwelling unit. The floor area of any accessory building shall not be greater than the floor area of the principal building on the lot.

"Apartment" means ~~one or more structures containing two or more dwelling units each, located on one lot~~ a room or a group of related rooms, among similar sets in one building, designed for use as a dwelling.

"Blight" means a condition of property or the uses of property within the municipal limits of the city that are detrimental to the physical, social, and/or economic well-being of the community.

"City Block" means ~~any territory smaller than five acres in size~~ an area in a City surrounded by streets.

"Boarding or rooming house" means a dwelling unit containing up to and including five guest rooms where lodging is provided, with or without meals, for compensation.

"Buffer Landscaping" means areas of landscaping that serves as or is a part of a buffer zone.

"Buffer Wall" means a stone, concrete, or masonry wall that is located on or near the property line between non residential zoned and residential property, is a part of a buffer zone and is intended to provide a buffer from an adjacent property.

"Buffer Zone" means a strip of property located between two land uses, where property lines abut, and intended to provide a buffer from an adjacent property.

"Earth Berm" means an earthen mound, natural or manmade, that serves as a sound attenuation or a visual obstruction between two opposing land uses.

"Clinic" means a place where medical or dental care is furnished to persons on an out-patient basis by two or more doctors or dentists.

"Conditional use" means one of those uses enumerated as conditional uses in a given zone district. Such uses require individual approval and permit granted by the planning and zoning commission.

"Condominium" means multifamily ~~one or more structure containing two or more~~ dwelling units ~~each~~ that are sold to and held under individual ownership by the occupants, and which may or may not include ownership of the land upon which the dwelling units are situated. This includes townhouses, patiohouses, and other similar forms of individual ownership.

"Contiguous" means touching or separated only by an alley or street.

"District" means an area in which there is a specific land use designation.

"Drive-in restaurant" means an establishment where food or beverages are sold and may be consumed on the premises outside the structure primarily in automobiles.

"Duplex dwelling unit" means a dwelling having apartments with a separate entrance for two households.

"Dwelling unit" means one or more connected rooms and a single kitchen designed for and occupied by no more than one family for living and sleeping purposes.

"Family" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or legal adoption, no such family shall contain more than three unrelated persons.

"Floor area" means the total gross area of all floors of a building.

"Floor area ratio" means the relationship of the floor area to the lot area computed by dividing the floor area by the lot area.

"Grade" means the average of the finished ground level at the center of all walls of a building.

Height, Building. "Building height" means the vertical distance from the finished lot grade to the highest point of the coping of a flat roof; the deck line of a mansard roof; or the average height between the plate and ridge of a gable, hip, or gambrel roof. Exceptions to the height requirements in this title include: silos, chimneys, cooling towers, water towers or tanks, flagpoles, antennas, spires, belfries, and other accessory objects usually required to be placed above the roof level and not intended for human occupancy.

"Home occupation" means an occupation conducted in a dwelling unit, provided that:

1. No person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit for the home occupation shall be used in the conduct of the home occupation, nor more than six hundred (600) square feet of an accessory building.

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation.
4. There shall be no sales in connection with such home occupation that would disrupt the residential nature of the district.
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

"Lot" means any parcel of land platted and placed on record in accordance with laws and ordinances; a parcel described by metes and bounds and having frontage on a public right-of-way.

Lot, Area. "Lot area" means the aggregate lot area measured to property lines.

Lot, Corner. "Corner lot" means any lot located at the intersection of, and having frontage on, two or more streets.

"Lot depth" means the average distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot, Double Frontage. "Double frontage lot" means any lot with frontage on two parallel or approximately parallel streets.

"Lot width" means the average distance between the side lot lines measured parallel to the front lot line.

Lot Line, Front. "Front lot line" means the boundary of a lot bordering on a street. For the purpose of determining setback requirements on corner lot and double frontage lots, all sides bordering on a street shall be considered the front.

Lot Line, Rear. "Rear lot line" means the lot boundary line which is opposite and most distant from and not coterminous with the front lot line.

Lot Line, Side. "Side lot line" means any boundary line not a front line or a rear lot line.

"Mobilehome" means a transportable structure, exceeding either eight body feet in width or thirty-two (32) body feet in length, built on a chassis and designed to be used as a moveable dwelling with or without a permanent foundation when connected to required utilities. Any mobilehome not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be prohibited from installation or placement within the city of Belen.

"Mobilehome park" means a parcel of land on which space is leased for terms of twelve (12) months or less, or rented for occupancy for thirty (30) days or more by mobilehomes, and which contains permanent facilities for the use of mobilehome occupants.

"Modular unit" means a factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies which must conform to the local building code, and

does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated in a structure at the building site.

"multi-section manufactured home" mean a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty six by twenty-four feet and constructed in accordance to the National Manufactured Housing Construction and Safety Standards Act of 1974.

"Nonconforming uses, lots, structures" means any building, structure, or portion thereof, or use of any building or land which does not conform to the regulations of this title and which lawfully existed on the effective date of those regulations with which it does not conform.

"Overlay zone" means a zone district placed over other zones such that special zoning requirements are imposed in addition to those of the underlying zone. Development within the overlay zone must conform to the requirements of both zones or the more restrictive of the two zones.

"Permanent zone" means a zone district which is established by ordinance.

"Premises" means any lot or combination of contiguous lots held in single ownership, together with all development thereon.

"Recreational vehicle," "travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, and not permanently connected to utilities.

"Setback" means the required distance between every building or structure and any lot line on the lot on which it is located. Setbacks shall consist of an open space, unoccupied and unobstructed by any part of a building or structure, except as otherwise provided in this title. Structures exempt from setback regulations include walls, fences, signs, satellite dish antennas, and public utility poles and lines.

Setback, Front. "Front setback" means an open area extending across the full width of a lot, the depth of which is the shortest distance between the front lot line and a building or structure located on said lot.

Setback, Rear. "Rear setback" means an open area extending across the full width of a lot, the depth of which is the shortest distance between the rear lot line and a building or structure located on said lot.

Setback, Side. "Side setback" means an open area not included in any front or rear setbacks of a lot and measured in width by the shortest distance between a side lot line and a building or structure located on said lot.

"Spot zoning" means assigning a lot, a parcel, or several lots or parcels a zoning classification inconsistent with that of the zone district in which it is located, with the effect of conferring special benefits or privileges upon particular property owners, or bringing about a detriment to the general welfare of the surrounding neighborhood.

"Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobilehomes, walls, fences, billboards, and poster panels, but exclude sidewalks, driveways and uncovered patios.

"Temporary zone" means a zone assigned to all territories annexed to the city of Belen which shall be effective from the date the annexation is effective until the date the city of Belen establishes a permanent zone by ordinance.

"Travel trailer court or campground" means any lot, tract or parcel of land licensed and used or offered for use in whole or in part, for the parking of occupied travel trailers, pick-up campers, converted buses, recreational vehicles, tent trailers, tents or similar devices used for temporary portable housing and used solely for living and/or sleeping purposes.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

"Variance" means a relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship. As used in this title, a variance may be authorized only for area, height, dimension, distance, setback, off-street parking, and off-street loading requirements.

"Zero lot line development" means a development approach in which a building is sited on one or both of the side lot lines with an appropriate exemption from side setback requirements. The intent is to allow more flexibility in site design, and to increase the overall density of a small lot subdivision without sacrificing open space. Zero lot line developments may include single-family detached dwelling units with one wall of the building on a side property line, and multiple dwelling units with common walls placed along side property lines.

(Ord. 2007-14 § 1; Ord. 2007-13 § 1; Ord. 2006-07; Ord. 2001-04 § 4; Ord. 97-18 § 2 (part), 1997; Ord. 1990-4 § A; Ord. 1982-11 § 4; Ord. 370 § 4, 1975)

17.06 - NIGHT SKY PROTECTION

Sections:

17.06.010 Short Title

17.06.020 Purpose

17.06.030 Definitions

17.06.040 Shielding of Outdoor Light Fixtures

17.06.050 Nonconforming Light fixtures

17.06.060 Use of Mercury Vapor Lighting

17.06.070 Exemptions

17.06.080 Construction Industries Division Duties

17.06.090 Cost of Replacement/Recovery

17.06.100 Violation/Penalty

17.06.110 Enforcement

17.06.010 Short Title

This act [74-12-1 to 74-12-10 NMSA 1978] may be cited as the "Night Sky Protection Act".

17.06.020 Purpose

The purpose of the Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978] is to regulate outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.

17.06.030 Definitions

As used in the Night Sky Protection Act [74-12-0 to 74-12-10 NMSA 1978]:

"Outdoor lighting fixture" means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting.

"Shielded" means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

17.06.040 Shielding of outdoor light fixtures

All outdoor lighting fixtures installed after January 1, 2000 shall be shielded, except incandescent fixtures of one hundred fifty watts or less and other sources of seventy watts or less.

17.06.050 Nonconforming light fixtures

A. In addition to other exemptions provided in the Night Sky Protection Act [74-12-0 to 74-12-10 NMSA 1978], an outdoor lighting fixture not meeting these provisions shall be allowed, if the fixture is extinguished by an automatic shutoff device between the hours of 11:00 p.m. and sunrise.

B. No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except for a national or international tournament or to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, outdoor amphitheater, arena or similar facility.

17.06.060 Use of mercury vapor lighting fixtures

No new mercury vapor outdoor lighting fixtures shall be sold or installed after January 1, 2000.

17.06.070 Exemptions

A. The following are exempt from the requirement of the Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978]:

(1) Outdoor lighting fixtures on advertisement signs on interstates and federal primary highways.

(2) Outdoor lighting fixtures existing and legally installed prior to the effective date of the Night Sky Protection Act; however, when existing lighting fixtures become unrepairable, their replacement are subject to all the provisions of the Night Sky Protection Act.

(3) Navigational lighting systems at airport and other lighting necessary for aircraft safety.

(4) Outdoor lighting fixtures that are necessary for worker safety at farms, ranches, dairies, feedlots or industrial, mining or oil and gas facilities.

B. The provisions of the Night Sky Protection Act are cumulative and supplemental and shall not apply within any county or municipality that, by ordinance or resolution, has adopted provisions restricting light pollution that are equal to or more stringent than the provisions of the Night Sky Protection Act.

17.06.080 Construction Industries Division duties

The Construction Industries Division of the Regulation and Licensing Department shall review the outdoor lighting provision in the Uniform Building Codes us in New Mexico and make recommendations for appropriate changes to comply with the provisions of the Night Sky Protection Act and shall permit and inspect, to the standards set forth in the Night Sky Protection Act, all construction of and on state-owned building that is subject to permit and inspections under the Construction Industries Licensing Act [60-13-1 NMSA 1978]

17.06.090 Costs of replacement/recovery

If public utilities are required pursuant to the provision of the Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978] or by local government ordinances to accelerate replacement of lighting fixtures, the cost of such replacement shall be included in rates approved by the Public Regulation Commission.

17.06.100 Violations/penalty.

Any person, firm or corporation violating the provisions of the Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978] shall be punished as follows:

- A. For a first offense, the offender may be issued a warning
- B. For a second offense or offense that continues for thirty (30) days from the date of the warning, twenty-five (\$25.00) dollars minus the replacement cost for each offending fixture.

17.06.110 Enforcement

In order to promote the purposes of the Night Sky Protection Act and to provide uniform minimum outdoor lighting standards throughout the state, the Construction Industries Division of the Regulation and Licensing Department shall enforce the Night Sky Protection Act as it pertains to public building and subject to permit and inspection under the Construction Industries Licensing Act and each political subdivision of the state shall fully enforce the provisions of the Night Sky Protection Act.

Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978]

Chapter 17.08 - ZONE DISTRICTS ESTABLISHED

Sections:

[Chapter 17.08.010 – Zone district boundaries](#)

[Chapter 17.08.020 – Zone district regulations](#)

17.08.010 - Zone district boundaries.

- A. In order to carry out the provisions of this title, the city of Belen is divided into zone districts, as named and described in the following sections. The regulations prescribed in this title shall apply within the corporate limits of the city of Belen.
- B. The boundaries of said zone districts are established as shown on the Belen zoning atlas which shall be made a part of this title as if fully described herein. The official Belen zoning atlas shall consist of maps at a scale of one inch equals two hundred (200) feet.
- C. When due to the scale, lack of detail or illegibility of the official Belen zoning atlas, there is any uncertainty, contradiction or conflict as to the intended location of any zone district boundaries shown thereon, interpretation concerning the exact location of zone district boundary lines shall be determined by the planning and zoning commission upon a written request.
- D. Abutting zone districts along frontage on a public right-of-way shall automatically extend to the center line upon vacation from public use of said right-of-way.

(Ord. 370 § 5, 1975)

17.08.020 - Zone district regulations.

For the purposes of this title, the following zone districts are established: A-R agricultural/residential; R-1 single-family residential; R-1A single-family mixed; R-2 multifamily residential; R-2A High Density Residential; R-3 Small Lot Residential; R-4 Medium Residential; C-R commercial/residential; B-A Becker Ave Zone; C-1 general commercial; C-2 Mixed Use ; M-C manufacturing/ commercial; M-1 industrial and business park; SU-1 special use zone. Uses permitted within each zone district shall be as indicated by the Table of Allowable Land Uses in this title. A use that is not permitted in a particular zone district shall not be considered an accessory use in that zone district. The general requirements of each zone district are as provided in the following sections. All Zone Districts shall comply with [Chapter 17.06 Night Sky Protection of the Municipal Code](#)

(Ord. 370 § 6, 1975)

Chapter 17.12 - A-R AGRICULTURAL/ RESIDENTIAL

Sections:

[Chapter 17.12.010 – Intent](#)

[Chapter 17.12.020 – Accessory uses](#)

[Chapter 17.030 – Supplementary regulations](#)

17.12.010 - Intent.

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

(Ord. 370 § 7(A), 1975)

17.12.020 - Accessory uses.

- A. Buildings or structures customarily incident to uses allowed in this zone district.
- B. Stands for the display and sale of agricultural products.
- C. Storage of a boat, camper, trailer, or other recreational vehicle as long as such boat, camper, trailer, or vehicle is not used as a dwelling or additional living quarters and is not connected to utilities. The boat, camper, trailer, or vehicle must be stored on private property.
- D. Home occupations are permitted only to the extent authorized by the definitions in this title.
- E. Fences or walls not exceeding six feet in height in those areas within the rear or side setbacks of a lot, and not exceeding four feet in height for a non-solid fence in those areas within the front setback of a lot and not exceeding three feet in height for a wall or solid fence in those areas within the front setback of a lot.

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

17.12.030 - Supplementary regulations.

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

1. Front, twenty (20) feet;
 2. Rear, fifteen (15) feet:
 - a. Accessory buildings may be located anywhere within the rear setback area provided that the accessory building is less than two hundred (200) square feet in floor area and there is a separation of no less than ten feet between the accessory building and any other building on the lot or adjacent lots. Such building shall comply with [Chapter 15.32](#) Drainage Regulations of the municipal code and maintain any and all public utility easements,
 - b. An accessory building used as a garage for off-street parking with access to an alley shall maintain a setback of at least five feet from the alley;
 3. Side, five feet on each side.
- C. Off-Street Parking. Provided in [Chapter 17.56](#) of this title.
- D. Off-Street Loading. Provided in [Chapter 17.56](#) of this title.
- (Ord. 2007-13 § 2 (part); Ord. 97-18 § 2 (part), 1997; Ord. 370 § 7(C), 1975)

Chapter 17.16 - R-1 SINGLE-FAMILY RESIDENTIAL

Sections:

[Chapter 17.16.010 – Intent](#)

[Chapter 17.16.020 – Accessory uses](#)

[Chapter 17.16.030 – Supplementary regulations](#)

17.16.010 - Intent.

The purpose of this zone is to allow conventional, on-site constructed, single-family dwelling units, including multi-section manufactured homes [3-21A NMSA 1978], and those uses which are both compatible with and convenient to the residents of such a neighborhood. Density shall be limited to one dwelling unit per lot. Land uses such as churches, schools, and parks are allowed.

(Ord. 370 § 8(A), 1975)

17.16.020 - Accessory uses.

- A. Buildings or structures customarily incident to uses in this zone district.
- B. Storage of a boat, camper, trailer, or other recreational vehicle as long as such boat, camper, trailer, or vehicle is not used as a dwelling or additional living quarters and is not connected to utilities. The boat, camper, trailer or vehicle must be stored in a rear or side yard.
- C. Home occupations are permitted only to the extent authorized by the definitions in this title.
- D. Fences or walls not exceeding six feet in height in those areas within the rear or side setbacks of a lot, and not exceeding four feet in height for a non-solid fence in those areas within the front setback of a lot and not exceeding three feet in height for a wall or solid fence in those areas within the front setback of a lot.

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

17.16.030 - Supplementary regulations.

- A. Area. Each lot shall have a minimum ground area of six thousand (6,000) square feet and a minimum width of sixty (60) feet.
- B. Setback.
 - 1. Front, twenty (20) feet;
 - 2. Rear, fifteen (15) feet:
 - a. Accessory buildings may be located anywhere within the rear setback area provided that the accessory building is less than two hundred (200) square feet in floor area and there is a separation of no less than ten feet between the accessory building and any other building on the lot or adjacent lots. Such building shall comply with [Chapter 15.32](#) Drainage Regulations of the municipal code and maintain any and all public utility easements,
 - b. An accessory building used as a garage for off-street parking with access to an alley shall maintain a setback of at least five feet from the alley;
 - 3. Side, five feet on each side.
- C. Height. No building or structure shall exceed thirty-five (35) feet except as otherwise provided in this title.
- D. Off-Street Parking. Provided in [Chapter 17.56](#) of this title.
(Ord. 2007-13 § 2 (part); Ord. 2001-04 § 3; Ord. 1997-22 (part), 1997; Ord. 97-18 § 2 (part), 1997; Ord. 370 § 8(C), 1975)

Chapter 17.20 - R-1A SINGLE-FAMILY MIXED

Sections:

[17.20.010 – Intent](#)

[17.20.020 – Accessory uses](#)

[17.20.030 – Supplementary regulations](#)

17.20.010 - Intent.

The purpose of this zone is to provide for a mixture of detached, single-family housing types. The dwelling units in this zone district may include mobilehomes, modular housing units, and conventionally constructed homes. Density shall be limited to one dwelling unit per lot. Normal accessory uses are allowed.

(Ord. 370 § 9(A), 1975)

17.20.020 - Accessory uses.

All accessory uses in this zone shall be the same as those listed in the R-1 zone district.

(Ord. 382 § 2 (part), 1979; Ord. 370 § 9(B), 1975)

17.20.030 - Supplementary regulations.

All supplementary regulations in this zone shall be the same as those listed in the R-1 zone district.

(Ord. 1997-22 (part), 1997: Ord. 370 § 9(C), 1975)

Chapter 17.24 - R-2 MULTIFAMILY RESIDENTIAL

Sections:

[17.24.010 – Intent](#)

[17.24.020 – Accessory uses](#)

[17.24.030 – Supplementary regulations](#)

[17.24.040 – Fees](#)

17.24.010 - Intent.

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

(Ord. 370 § 10(A), 1975)

17.24.020 - Accessory uses.

- A. Buildings or structures customarily incident to uses in this zone district.
- B. Home occupations are permitted only to the extent authorized by the definitions in this title.
- C. Fences or walls not exceeding six feet in height in those areas within the rear or side setbacks of a lot, and not exceeding four feet in height for a non-solid fence in those areas within the front setback of a lot and not exceeding three feet in height for a wall or solid fence in those areas within the front setback of a lot.

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

17.24.030 - Supplementary regulations.

- A. Area. Each lot shall have a minimum ground area of seven thousand (7,000) square feet and a minimum width of seventy (70) feet.
- B. Floor area ratio, 1.0.
- C. Setback.
 1. Front, twenty (20) feet;
 2. Rear, fifteen (15) feet:
 - a. Accessory buildings may be located anywhere within the rear setback area provided that the accessory building is less than two hundred (200) square feet in floor area and there is a separation of no less than ten feet between the accessory building and any other building on the lot or adjacent lots. Such building shall comply with [Chapter 15.32](#) Drainage Regulations of the municipal code and maintain any and all public utility easements,
 - b. An accessory building used as a garage for off-street parking with access to an alley shall maintain a setback of at least five feet from the alley;

3. Side, five feet on each side.
- D. Height. No building or structure shall exceed forty-five (45) feet except as otherwise provided in this title.
- E. Off-Street Parking. Provided in [Chapter 17.56](#) of this title.
- F. Off-Street Loading. Provided in [Chapter 17.56](#) of this title.
- G. Paved off-street parking is required for structures containing three or more dwelling units, and shall be constructed using standard curbing and pavement design specifications subject to review and approval by the city engineer.
- H. Landscaping is required on all multifamily residential lots to the extent that it enhances the appearance of the development, alleviates drainage problems, and blends with the surrounding area. Existing trees should be preserved to the extent possible. A minimum of ten percent of total square footage of the lot area shall be devoted to landscaping. Landscaping ~~shall~~ may consist of a combination of grass, shrubs, gravel and trees, developer will provide irrigation system if necessary. Xeriscaping is encouraged.
- I. Area lighting shall be provided in the development for safety and security purposes. All street lights shall be designed and placed in accordance with the subdivision design standards of the city of Belen.
- J. In the event a development is being proposed next to an irrigation ditch, the developer shall construct a six foot tall chain link fence or a fence of similar construction along the property line which borders said irrigation ditch. Irrigation ditch shall be defined as a lateral or canal and shall not be meant to include a bar ditch or small ditch for individual use.
- K. A storm drainage management plan is required for all multifamily residential developments. It shall be in compliance with ~~city-~~ the state drainage regulations and shall be subject to review and approval by the city engineer.
- L. Trash bins shall be provided in the amount the sanitation department feels necessary, and shall be three sided with block or wood, and shall be six feet in height. The placement of trash bin shall be approved by sanitation department for proper pickup.
- (Ord. 2007-13 § 2 (part); Ord. 97-18 § 2 (part), 1997; Ord. 1996-23 (part); Ord. 370 § 10(C), 1975)

17.24.040 - Fees.

Located in Appendix A of the Municipal Code.

- ~~A. For consideration of a variance application, one hundred fifty dollars (\$150.00);~~
- ~~B. For consideration of a conditional use permit, one hundred fifty dollars (\$150.00);~~
- ~~C. For consideration of zone changes and amendments to this chapter, two hundred fifty dollars (\$250.00);~~
- ~~D. For consideration of an appeal to the city council under the provisions of this chapter, one hundred dollars (\$100.00);~~
- ~~E. For consideration of mobile/ manufactured homes on a permanent foundation, an installation permit fee of two hundred fifty dollars (\$250.00);~~
- ~~F. For consideration of mobile home park rental spaces for mobile homes, recreational vehicles and camping trailers, an installation permit fee of twenty-five dollars (\$25.00);~~

(Ord. 2002-12; Ord. 2002-09)

Chapter 17.25 - R-2A HIGH DENSITY RESIDENTIAL

Sections:

17.25.010 – Intent

17.25.020 – Accessory uses

17.25.030 – Supplementary regulations

17.25.010 - Intent.

The purpose of this zone is to allow for a high density residential district. Offices and certain nonresidential uses which are of particular convenience to the residents of this zone are allowed. Single-family detached, single-family attached, apartments, condominiums, duplex dwelling units, and boarding houses are allowed in this zone.

(Ord. 2006-09 (part))

17.25.020 - 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 feet in height may occur within the rear or side yard setbacks of the lot and not exceed four feet in height for a non-solid fence or three feet for a solid fence within the front yard setback of a lot.

Additional permitted and accessory uses are listed on the table of allowable land use.

(Ord. 2006-09 (part))

17.25.030 - Supplementary regulations.

- A. Area. Each single-family lot shall have a minimum ground area of four thousand (4,000) square feet and a minimum width of forty (40) feet.
- B. Floor area ratio: 1.0.
- C. Setback.
 - 1. Front: ten feet;
 - 2. Rear: fifteen (15) feet;
 - 3. Side: five feet;
 - 4. Garage: twenty (20) feet for front facing;
 - 5. Garage: ten feet for side turned;
 - 6. Alley: five feet for garage.
- D. Height. No building or structure shall exceed forty-five (45) feet except as otherwise provided in this title.

- E. Off-Street Parking. Multifamily:
 Two spaces per two bedroom unit;
 One and one-half spaces per one bedroom unit;
 One space per studio/efficiency unit.
- F. Off-Street Loading. Provided in [Chapter 17.56](#) of this title.
- G. Paved off-street parking is required for structures containing three or more dwelling units, and shall be constructed using standard curbing and pavement design specifications subject to review and approval by the city engineer.
- H. Landscaping is required on all multifamily residential lots to the extent that it enhances the appearance of the development, alleviates drainage problems, and blends with the surrounding area. Existing trees should be preserved to the extent possible. A minimum of ten percent of total square footage of the lot area shall be devoted to landscaping.
 Landscaping may ~~will~~ consist of a combination of grass, shrubs, gravel and trees, developer will provide irrigation system if necessary. [Xeriscaping is encouraged.](#)
- I. Area lighting shall be provided in the development for safety and security purposes. All street lights shall be designed and placed in accordance with the subdivision design standards of the city of Belen.
- J. In the event a development is being proposed next to an irrigation ditch, the developer shall construct a six foot tall chain link fence or a fence of similar construction along the property line which borders said irrigation ditch. Irrigation ditch shall not be meant to include a bar ditch or small ditch for individual use.
- K. A storm drainage management plan is required for all multifamily residential developments. It shall be in compliance with [the state city](#) drainage regulations and shall be subject to review and approval by the city engineer.
- L. Trash bins shall be provided in the amount the sanitation department feels necessary, and shall be three sided with block or wood, and shall be six feet in height. The placement of trash bin shall be approved by sanitation department for proper pickup.
- (Ord. 2006-09 (part))

Chapter 17.26 - R-3 SMALL LOT RESIDENTIAL

Sections:

[17.26.010 – Intent](#)

[17.26.020 – Accessory uses](#)

[17.26.030 – Supplementary regulations](#)

17.26.010 - Intent.

The purpose of this zone is to allow for a medium density residential district with small lots for multiple or single-family detached dwelling units in order to provide affordable housing of conventional construction. Townhouses, [duplex dwelling units](#), condominiums, and zero lot line developments utilizing building lines or common walls along property lines are allowable in this zone. There shall be no more than one dwelling unit per lot and not more than four dwelling

units shall be in a building. Nonresidential uses should be minimal or excluded from this zone district.

(Ord. 2001-04 § 1 (part))

17.26.020 - Accessory uses.

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

(Ord. 2001-04 § 1 (part))

17.26.030 - Supplementary regulations.

- A. Area. For single-family detached dwelling units, each lot shall have a minimum ground area of three thousand five hundred (3,500) square feet and a minimum width of thirty-five (35) feet. For multiple dwelling units such as townhouses, each lot shall have a minimum ground area of three thousand (3,000) square feet and a minimum width of twenty-five (25) feet.
- B. Floor area ratio: 1.0.
- C. Setback.
 - 1. Front: fifteen (15) feet;
 - 2. Rear: ten feet:
 - a. Accessory buildings may be located anywhere within the rear setback area provided that the accessory building is less than two hundred (200) square feet in floor area and there is a separation of no less than ten feet between the accessory building and any other building on the lot or adjacent lots. Such building shall comply with [Chapter 15.32](#) Drainage Regulations of the municipal code and maintain any and all public utility easements,
 - b. An accessory building used as a garage for off-street parking with access to an alley shall maintain a setback of at least five feet from the alley;
 - 3. There shall be no side setback with the following exceptions:
 - a. Ten-foot side setback on the street side of corner lots,
 - b. Ten-foot setback from the side lot line that separates the R-3 zone from another zone,
 - c. There shall be a separation of no less than ten feet between single-family detached dwelling units and no less than fifteen (15) feet between buildings of multiple dwelling units.
- D. Height. No building or structure shall exceed thirty-five (35) feet except as otherwise provided in this title.
- E. Off-Street Parking. Provided in [Chapter 17.56](#) of this title.
- F. Off-Street Loading. Provided in [Chapter 17.56](#) of this title.
- G. Townhouse developments shall not exceed four attached dwelling units per structure, each divided by common walls and each having a separate entrance at ground level.

(Ord. 2007-13 § 2 (part); Ord. 2001-04 § 1 (part))

Chapter 17.27 - R-4 MEDIUM RESIDENTIAL

Sections:

[17.27.010 – Intent](#)

[17.27.020 – Accessory uses](#)

[17.27.030 – Supplementary regulations](#)

17.27.010 - Intent.

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

(Ord. 2006-09 (part))

17.27.020 - 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 feet in height may occur within the rear or side yard setbacks of the lot and not exceed four feet in height for a non-solid fence or three feet for a solid fence within the front yard setback of a lot.

(Ord. 2006-09 (part))

17.27.030 - Supplementary regulations.

- A. Area. Each lot shall have a minimum ground area of four thousand (4,000) square feet and a minimum width of forty (40) feet.
- B. Floor area ratio: 1.0.
- C. Setback.
 - 1. Front: ten feet;
 - 2. Rear: fifteen (15) feet;
 - 3. Side: five feet;
 - 4. Garage: twenty (20) feet for front facing;
 - 5. Garage: ten feet for side turned;
 - 6. Alley: five feet for garage.
- D. Height. No building or structure shall exceed forty-five (45) feet except as otherwise provided in this title.
- E. Off-Street Parking. Provided in [Chapter 17.56](#) of this title.
- F. Off-Street Loading. Provided in [Chapter 17.56](#) of this title.

- G. Paved off-street parking is required for structures containing three or more dwelling units, and shall be constructed using standard curbing and pavement design specifications subject to review and approval by the city engineer.
- H. Landscaping is required on all multifamily residential lots to the extent that it enhances the appearance of the development, alleviates drainage problems, and blends with the surrounding area. Existing trees should be preserved to the extent possible. A minimum of ten percent of total square footage of the lot area shall be devoted to landscaping.
Landscaping may ~~will~~ consist of a combination of grass, shrubs, grave and trees, developer will provide irrigation system if necessary. Xeriscaping is encouraged.
- I. Area lighting shall be provided in the development for safety and security purposes. All street lights shall be designed and placed in accordance with the subdivision design standards of the city of Belen.
- J. In the event a development is being proposed next to an irrigation ditch, the developer shall construct a six foot tall chain link fence or a fence of similar construction along the property line which borders said irrigation ditch. Irrigation ditch shall not be meant to include a bar ditch or small ditch for individual use.
- K. A storm drainage management plan is required for all multifamily residential developments. It shall be in compliance with the State ~~city~~ drainage regulations and shall be subject to review and approval by the city engineer.
- L. Trash bins shall be provided in the amount the sanitation department feels necessary, and shall be three sided with block or wood, and shall be six feet in height. The placement of trash bin shall be approved by sanitation department for proper pickup.

(Ord. 2006-09 (part))

Chapter 17.28 - C-R COMMERCIAL/ RESIDENTIAL

Sections:

17.27.010 – Intent

17.27.020 – Accessory uses

17.25.030 – Supplementary regulations

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 of service to and compatible with ~~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. 370 § 11(A), 1975)

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. 382 § 2 (part), 1979; Ord. 370 § 11(B), 1975)

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 feet.

(Ord. 370 § 11(C), 1975)

Chapter 17.30 - ~~BECKER AVENUE ZONE~~ HEART OF BELEN OVERLAY ZONE

Sections:

17.30.010 – Intent

17.30.020 – General provisions

17.30.030 – Regulations

17.30.040 – Administrative procedures

17.30.010 - Intent.

The purpose of this zone is to promote the revitalization of the historic ~~Becker Avenue~~ Heart of Belen Area and to maintain a special character of mixed-use development for the properties along the streets. This zone is also intended to provide a pedestrian-friendly atmosphere and a gathering place for the community. To the extent possible, historical and cultural elements of the properties ~~along~~ within the Heart of Belen Overlay Zone shall be preserved and enhanced.

(Ord. 2005-08 § 1 (part))

17.30.020 - General provisions.

- A. The ~~Becker Avenue Zone~~ Heart of Belen Overlay Zone shall be delineated on the Belen Zone Atlas. All properties that have frontage along Becker Avenue, Dalies Ave., Reinken Ave. and Main St. from Main St. to First St. shall be included in the ~~Becker Avenue Zone~~ Heart of Belen Overlay Zone.
- B. The ~~Becker Avenue Zone~~ Heart of Belen Overlay Zone shall be administered as an additional zone district with special requirements. Any development within the ~~Becker Avenue Zone~~ Heart of Belen Overlay Zone shall be subject to the administrative procedures and regulations provided in this section.

(Ord. 2005-08 § 1 (part))

17.30.030 - Regulations.

- A. Building Height. No building or structure shall exceed forty-five (45) feet in height.
- B. Building Design. In order to preserve and enhance the special character within the Becker Avenue Zone, buildings shall be designed using the following guidelines:
 1. Painting or decorating buildings with bold patterns or large graphics, or using buildings as signs shall be reviewed by the Planning & Zoning Commission. ~~is prohibited.~~
 2. Thin skin "curtain wall" buildings including aluminum siding, metal panels, and mirrored or otherwise dominating glass, are prohibited.

3. In order to continue a visual pattern of historic architectural elements reflected through brick building construction, at least fifty (50) percent of the total façade on all new or reconstructed buildings fronting streets within the Heart of Belen Overlay Zone Becker Avenue shall be composed of brick.
 4. Exterior mounted mechanical and electrical equipment, including solar hardware and satellite dish antennas, shall be architecturally screened.
- C. Signs. All signs in the Becker Avenue Heart of Belen Overlay Zone shall conform to sign regulations provided in Chapter 17.58 of the Belen Municipal Code.
- D. Pedestrian Walkways. A minimum of twelve (12) feet measured from the curb line into abutting properties shall be reserved and developed for pedestrian activity. There shall be no obstruction within a pedestrian walkway, which would impede pedestrian circulation. The minimum width of pedestrian walkways shall be six feet, to allow for wheelchair access.
- E. Off-Street Parking. The off-street parking requirements defined in Chapter 17.56 of the Belen Municipal Code may be reduced by a maximum of fifty (50) percent of the total number of spaces pertaining to the list of land uses in Section 17.56.010. The reduction of spaces required for land uses in the Becker Avenue Zone Heart of Belen Overlay Zone shall be subject to the administrative procedures provided in this chapter.
- F. Street Trees. Within five feet of the curb line of the Heart of Belen Overlay Zone Becker Avenue, trees shall be planted approximately every thirty (30) linear feet of street frontage. General policies for street trees are as follows:
1. Whenever possible, street trees shall be placed between the curb and pedestrian walkways.
 2. Suitable street trees for the Heart of Belen Overlay Zone Becker Avenue are mostly hardwood, non-fruit-bearing, deciduous trees. Low water consumption and non allergenic trees are preferable.
 3. Adequate vertical clearance below street tree branches shall be maintained at no less than eight feet over pedestrian walkways and nine feet over streets.
- G. Area Lighting. The lighting of buildings and parking lots within the Heart of Belen Overlay Zone Becker Avenue Zone shall conform to the following guidelines:
1. The exterior lighting of any buildings, structures and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened such that it does not shine directly or reflect into any adjoining residential properties or streets.
 2. Fixtures used in exterior lighting shall be selected for functional and aesthetic value and shall not contain fluorescent lamps.
 3. Parking lot lighting shall provide for adequate security but must be shielded to prevent light from shining directly onto abutting residential lots.
- H. Drainage. In areas where a centralized stormwater collection system is not available, on-site stormwater retention shall be directed to the back portion of the lot.
- (Ord. 2005-08 § 1 (part))

17.30.040 - Administrative procedures.

- A. Site Plan Required. All development, redevelopment, and major improvements to property within the Heart of Belen Overlay Becker Avenue Zone shall be constructed in accordance

with a site plan which shall be reviewed and accepted by the zoning enforcement officer to establish compliance with the regulations provided herein. The site plan shall contain the following:

1. A plat or property map plan showing the location, dimensions, height, and setback of all buildings and structures on the development site;
2. Location and description of all signs, lighting, parking and loading areas, traffic access and circulation routes, and pedestrian areas;
3. Preliminary sketch drawings or elevations of proposed buildings;
4. A landscaping plan showing location and type of street trees and other proposed and existing vegetation of the development site.

B. Plan Review and Acceptance. In order to obtain acceptance for any proposed development within the Heart of Belen Overlay Becker Avenue Zone, the required site plan shall be submitted to the zoning enforcement officer who shall determine compliance with the provisions and intent of the Heart of Belen Overlay Becker Avenue Zone. A written decision of acceptance or non-acceptance shall be rendered by the zoning enforcement officer within thirty (30) days following receipt of the required site plan. Such written decision shall provide any special conditions of acceptance, or reasons for non-acceptance if applicable. Appeal of any decision of the zoning enforcement officer may be carried out through the provisions established by the appeal process in the comprehensive zoning ordinance of the city of Belen.

(Ord. 2005-08 § 1 (part))

17.32 C-1 GENERAL COMMERCIAL

Sections:

~~17.32.010 – Intent~~
~~17.32.020 – Accessory uses~~
~~17.32.030 – Supplementary regulations~~

~~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. 1733 § 12A(1)(b)~~

~~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. 382 § 2 (amended 1978 Ord. 370 § 2A(1)(b))~~

~~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 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 17.33 of this title.~~

~~(Ord. 2014-23 (part); Ord. 2014-27 (part); Ord. 2014-28)~~

17.32.010 – Intent

17.32.020 – Accessory uses

17.32.030 – Supplementary regulations

17.33.010 - Intent.

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

(Ord. 2006-09 (part))

- 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.

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 feet in height may occur within the rear or side yard setbacks of a residential lot and not exceed four feet in height for a non-solid fence or three 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 15 feet from the property line when adjacent to 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 feet above the height of the trash container or compactor

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

G. Crematory – must be 750 feet from residential area and community parks.

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

(Ord. 2006-09 (part))

17.33.030 - Supplementary regulations.

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

1. Mixed use front: zero feet;
2. Mixed use rear: fifteen (15) feet;
3. Mixed use side: zero 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 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. 2006-09 (part))

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 non-residential 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 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 district.

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.

B) 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.

C) Lighting

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

Chapter 17.33 - C-2 MIXED USE

Sections:

~~17.33.010 – Intent~~

~~17.33.020 – Administrative uses~~

~~17.33.030 – Supplementary regulations~~

~~**17.33.010 – Intent**~~

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

~~(Or) 2002-03 (amended)~~

- ~~• 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.

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 feet in height may occur within the rear or side yard setbacks of a residential lot and not exceed four feet in height for a non-solid fence or three 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 15 feet from the property line when adjacent to 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 feet above the height of the trash container or compactor.
- F. Flag Poles – 25 feet from any property line, with a maximum height of 35 feet. Pole heights greater than 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. 2014-02, Staff](#)

17.33.030 – Supplementary regulations.

- A. Setback. Minimum setbacks as measured from property line or right-of-way:
 1. Mixed use front: zero feet
 2. Mixed use rear: fifteen (15) feet
 3. Mixed use side: zero 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 17.32~~ 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 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.

~~17.33.040~~

17.33.040— DEVELOPMENT REGULATIONS

A) Consideration for approval

- 5) 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.
- 6) Plans must include residential and non-residential uses within or in close proximity to the district with shared access and adequate pedestrian linkages.
- 7) The total area of the proposed development must be a minimum of two acres, but may be smaller with an approved conditional use permit.
- 8) Plan may also include civic or community building, public utility and/or public spaces within the district.

B) Development review process

- 5) 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.
- 6) Following preliminary review, the application will be subject to the review and approval of the Planning and Zoning Commission.
- 7) Upon approval, the master plan and accompanying documents will be used as the official guide for future development within the district.
- 8) 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.

B) 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.

C) Lighting

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

Sections:

[17.33.010 – Intent](#)

[17.33.020 – Accessory uses](#)

[17.33.030 – Supplementary regulations](#)

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. 370 § 12(A), 1975)

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

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

Chapter 17.36 - MAIN STREET OVERLAY ZONE

Sections:

[17.36.010 – Intent](#)

[17.36.020 – General provisions](#)

[17.36.030 – Regulations](#)

[17.36.040 – Procedures](#)

17.36.010 - Intent.

The purpose of this zone is to promote and protect a special character and human scale of development along Main Street in the city of Belen. This zone is also intended to improve the safety and desirability of walking along Main Street.

(Ord. 2005-07 (part): Ord. 1990-4 § B (part))

17.36.020 - General provisions.

- A. This overlay zone shall apply to any lot within the city of Belen which is contiguous to Main Street, from the northerly boundary of the city to the Southerly boundary of the city.
- B. The Main Street Overlay Zone shall appear on the Belen Zone Atlas superimposed on other zones, and its regulations shall supplement those of the underlying zones.

(Ord. 2005-07 (part): Ord. 1990-4 § B(A))

17.36.030 - Regulations.

- A. **Setback.** A minimum setback of ten feet is required and shall be measured from any building on the premises to the lot line contiguous with Main Street. Varied setback on abutting lots is encouraged.
- B. **Building Height.** No building shall exceed forty-five (45) feet in height.
- C. **Building Design and Maintenance.** In order to minimize blight and to preserve the small town character within this overlay zone, buildings shall be designed and maintained using the following guidelines:
 - 1. Buildings shall be designed to appear more as an aggregation of smaller building blocks rather than a single large block or box.
 - 2. Exterior facade of buildings shall be constructed and maintained to exhibit earth tone materials. Brick, stone and/or painting to reflect brick and stone facade is encouraged. Painting or decorating buildings with bold patterns or large graphics, or using buildings as signs shall be reviewed by the Planning & Zoning Commission. ~~at the approval of the city~~
 - 3. Thin-skin curtain wall buildings, including aluminum siding, metal panels, and mirrored or otherwise dominating glass, are prohibited.
 - 4. Exterior mounted mechanical and electrical equipment, including solar hardware and satellite dish antennas, shall be architecturally screened.
- D. **Signs.** As per the Municipal Code dealing with sign regulations.
- E. **Pedestrian Walkways.** A minimum of ten feet from the curb line into the abutting properties shall be reserved and developed for pedestrian activity. There shall be no obstruction within a pedestrian walkway which would impeded pedestrian circulation.
- F. **Off-Street Parking.** ~~To the extent possible, required~~ off-street parking shall be located behind buildings with access to Main Street. When parking areas are visible from Main Street, they shall be screened from view by vegetation, planters, or other similar means.
- G. **Street Trees.** Within ten feet of the curb line of Main Street, trees shall be planted approximately every thirty (30) linear feet of the street frontage. General policies for street trees are as follows:
 - 1. Wherever possible, street trees shall be placed behind the curb and sidewalk;

2. Suitable street trees are mostly hardwood, non-fruiting, deciduous trees;
 3. Adequate vertical clearance below street tree branches shall be maintained at no less than seven feet over pedestrian walkways and eight feet over streets;
 4. Maintenance and trimming of street trees and replacement of dead trees is the responsibility of the City of Belen. ~~abutting lot owner;~~
 5. Street trees shall be located so as to not interfere with the function for any underground utility lines.
- H. Area Lighting. The lighting of buildings and parking lots within this overlay zone shall conform to the following guidelines:
1. The exterior lighting of any buildings, structures and surrounding grounds shall provide illumination safety purposes, and shall be placed and screened such that it does not shine directly or reflect into any adjoining residential properties or streets;
 - ~~2. Fixtures used in exterior lighting shall be selected for functional and aesthetic value and shall not contain fluorescent lamps.~~
 3. Parking lot lighting shall not emit light beyond the development;
 4. Must conform with the Night Sky Protection Act on outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astrological views.
- I. Drainage. As per the Municipal Code Drainage Regulations.
(Ord. 2007-14 § 2; Ord. 2005-07 (part); Ord. 1990-4 § B(B))

17.36.040 - Procedures.

- A. Plan Required. All development and improvements to property within the Main Street Overlay Zone shall be constructed in accordance with a site plan approved by the city. Such site plan shall include the following:
1. A plot plan showing the location, dimensions, height, and setback of all buildings and structures on the development site;
 2. Location and description of all signs, lighting, parking and loading areas, traffic access and circulation routes, and pedestrian areas;
 3. Preliminary sketch drawings or elevations of proposed buildings;
 4. A landscaping plan showing location and type of street trees and other proposed and existing vegetation on the development site.
- B. Plan Review and Approval. In order to obtain approval for any proposed development within the Main Street Overlay Zone, the required site plan shall be submitted to the planning and zoning officer which shall determine compliance with the provisions and intent of the Main Street Overlay Zone. An appeal of any decision by the zoning officer shall be carried out through the provisions established by the appeal process in the comprehensive zoning municipal code of the city of Belen.
(Ord. 2005-07 (part); Ord. 1990-4 § B(C))

Chapter 17.40 - M-C MANUFACTURING/ COMMERCIAL

Sections:

[17.40.010 – Intent](#)

[17.40.02 – Accessory uses](#)

[17.40.030 – Supplementary regulations](#)

17.40.010 - Intent.

The purpose of this zone is to allow for light industry, warehousing, heavy commercial, and wholesaling operations. The activities in this zone must be environmentally compatible to the community. Residential uses are not allowed.

(Ord. 370 § 13(A), 1975)

17.40.020 - Accessory uses.

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

(Ord. 370 § 13(B), 1975)

17.40.030 - Supplementary regulations.

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

B. Off-Street Loading. Provided in [Chapter 17.56](#) of this title.

(Ord. 370 § 13(C), 1975)

Chapter 17.41 – M-1 INDUSTRIAL AND BUSINESS PARK

Sections:

[17.41.010 Intent](#)

[17.41.020 Uses](#)

[17.41.030 Supplementary Regulations](#)

17.41.010 – Intent.

The purpose of this zone is to allow for heavy commercial and manufacturing uses which do not create danger and which do not create excessive offensive noise, vibration, smoke, dust, lint, odors, heat, or glare to an adjoining land use.

What constitutes and offensive noise, vibration, smoke, dust, lint, odors, heat, or glare shall be determined by an official Zoning Enforcement Officer or a City Police Officer

17.41.020 – Uses

Industrial and Business Park uses include but are not limited to the following:

- 1) All uses of the C-2, and M-C District; unless omitted in the Allowable Land Use Table. All regulations of the Allowable Land Use Table and zoning districts shall be met;
- 2) Laboratories, research, and experimental stations;

- 3) Manufacturing uses;
- 4) Public utility including production and disposal facilities, storage yard, or supply base;
- 5) Tire recapping or re-treading;
- 6) Concrete batching plants, concrete products companies and concrete contractors provided:
 - (a) Appropriate dust control devices be installed and operable;
 - (b) Appropriate screening be erected to avoid unsightly operations;
- 7) Boarding kennels or pet shelters;
- 8) Conditional uses (requiring permit).
 - (a) Automobile dismantling yard, provided:
 - 1) All activities are conducted in a completely enclosed building or are enclosed by a solid wall or solid fence at least eight feet high;
 - 2) Inoperative automobile bodies or portions thereof may be stacked to a height that does not exceed the height of the required wall;

17.41.030 – Supplementary regulations

- 1) Height restriction. 45 feet.
- 2) Area Minimum. One-half acre (21,780 square feet)
- 3) Setbacks.
 - (a) Front- 10 feet
 - (b) Rear – 15 feet, unless abutting a residential zone, then a 25-foot setback with a 10 foot landscaped buffer is required for buildings up to 35 feet in height. For portions of a building greater than 35 feet in height, the building shall have a setback of one foot for each additional four feet of height up to the maximum height of the district.
 - (c) Side – zero feet, unless abutting a residential zone, then a 25 foot setback with a 10 foot landscaped buffer is required for building up to 35 feet in height. For portions of a building greater than 35 feet in height, the building shall have a setback of one foot for each additional four feet of height up to the maximum height of the district.
 - (d) Corner side – 10 feet.
 - (e) Trash containers and trash compactors – 115 feet from the property line when adjacent to land planned or zoned for residential use.
 - All trash containers and trash compactors shall be screened from a public right-of-way by a decorative wall or enclosure and shall be not less than two feet above the height of the trash container or compactor.
 - (f) Flag poles – 25 feet from any property line, with a maximum height of ~~45~~ 50 feet. Poles heights greater than ~~45~~ 50-feet may be approved by a conditional use permit.
- 4) Off-Street Parking. Shall be required as set forth in **Chapter 17.56** of this title, except for, Shopping centers shall be a minimum of four spaces per one thousand (1,000) square feet of floor area,

- Mixed-use facilities parking shall conform to the City of Belen’s zoning code with best practice standards applied for shared parking ratios to encourage the use of multi-modal transportation systems and reduce the amount of impervious surface.
- 5) Off- Street Loading. Shall be required as set forth in **Chapter 17.56** of this title.-
- Loading shall be integrated within the site plan and wherever possible integration within the buildings architecture. Innovative loading solution are to be encouraged
- 6) Landscaping. Shall be required as set forth in **Chapter 17.56** of this title
- 7) Buffer Zone.

Buffering shall be required to separate this zone from other land use designations’.

(a) Buffer Walls, Berms, or Landscaping shall require City approval before being implemented. After approval, all City requirements shall be adhered to.

(b) Buffer landscaping.

1. Buffer landscaping shall be maintained and kept clean of debris and weeds. Any buffer planting shall be maintained permanently and any plant material which does not live shall be replaced within one year or one growing season.

6) Buffer Lighting

- a) Any lighting within the Buffer Zone shall comply with the Night Sky Protection Act and shielded and placed to direct the light away from adjacent properties.

Chapter 17.44 - SU-1 SPECIAL USE ZONE

Sections:

[17.44.010 – Intent](#)

[17.44.020 – Uses](#)

[17.44.030 – Development plans](#)

[17.44.040 – Discontinued uses](#)

17.44.010 - Intent.

This zone permits only those uses which require special consideration because of their unusual nature, dimensions, frequency of occurrence, effect on surrounding property, or other similar reason. The boundaries of this zone district shall be determined only on a case-by-case basis following the procedures for a zone change as provided in this title. Any accessory uses shall be approved by the city council. Supplementary regulations and special conditions may be imposed by the city council upon recommendation by the planning and zoning commission. The city council may not grant a zone change for special use unless satisfactory provisions have been made:

- A. To assure that the degree of compatibility of property uses shall be maintained with respect to the special use and the surrounding uses of property in the general area;

- B. To preserve the integrity and character of the zone in which the use will be located, and the utility and value of property in the special use zone and in adjacent zones; and
- C. To assure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

(Ord. 370 § 14(A), 1975)

- D. To allow a combination of uses not otherwise permitted in an underlying district.

17.44.020 - Uses.

Special Uses include but are not limited to the following:

- A. Airports, including aircraft sales and service.
- B. Automobile wrecking, dismantling, and salvage provided that:
 - 1. All activities are conducted within a completely enclosed building or within an area enclosed on all sides by a solid wall or fence at least six feet in height, and the principal building is not within two hundred (200) feet of a lot in residential use or zoned primarily for residential use.
 - 2. Inoperative automobile bodies may not be stacked above the plane established by the top of the required surrounding wall.
- C. Cemetery, mausoleum, ~~or crematory~~ provided that any site for a new cemetery shall contain at least five acres.
- D. Crematory – must be 750 feet away from residential areas and community parks.**
- E. Correction, detention, or penal institution.
- F. Explosives storage, manufacture, or sales, provided that all buildings shall not be within five hundred (500) feet of any lot in residential use, unless sufficient blast, explosion, or fire confinement structures are installed according to national standards.
- G. Fair grounds, baseball park complex, or stadium.
- H. Fuel wholesalers and storage (gasoline, liquefied petroleum) provided that all principal structures such as storage tanks shall not be within five hundred (500) feet of any lot in residential use, unless sufficient blast, explosion, or fire confinement structures are installed according to national standards.
- I. Feed lot operation; livestock auction.
- J. Golf course; driving range.
- K. Junk yard or salvage operation provided that all activities are conducted within a completely enclosed building or within an area enclosed on all sides by a solid wall or fence at least six feet in height.
- L. Mobilehome parks, subject to the following regulations:
 - 1. The minimum park size shall be three acres.
 - 2. Maximum density shall be eight mobilehomes per acre.
 - 3. Each mobilehome shall be situated on a space of at least three thousand five hundred (3,500) square feet.

4. At least two off-street parking spaces per mobilehome is required.
 5. No mobilehome shall be located within twenty (20) feet of any other mobilehome. Any mobilehome shall be at least twenty-five (25) feet from the right-of-way line of any public street and at least ten feet from any property line of the mobilehome park.
 6. A common area for recreational use by park residents shall be developed and situated in a central location within the mobilehome park. At least three hundred (300) square feet of usable open space per mobilehome is required.
 7. A mobilehome park shall have at least one entrance drive from a public street, and access to individual units shall be from private paved drives within the site. A paved walk shall be located along at least one side of each drive. The width and design of the entrance drive and access drives shall be adequate to accommodate fire protection vehicles and equipment. All paved driveways, curbs, gutters, and walkways within the mobilehome park shall be constructed in accordance with the subdivision design standards of the city of Belen.
 8. A storm drainage management plan for the mobilehome park is required in accordance with the new drainage ordinance regulations. The mobilehome park shall be graded to retain localized storm water on site. All graded slopes shall be protected from wind and water erosion through acceptable stabilization methods. These may include revegetation, terraced retaining walls of appropriate materials and construction, or erosion control netting. All drainage facilities shall be constructed and designed in accordance with the subdivision design standards of the city of Belen.
 9. All utility lines providing electric and telecommunication services within the mobilehome park shall be placed underground. Individual utility service meters shall be placed in the front portion of a mobilehome space and shall be visible and accessible for monitoring purposes. All water and sanitary sewer systems shall be designed and constructed in accordance with the subdivision design standards of the city of Belen.
 10. Landscaping is required within mobilehome parks to the extent that it enhances the appearance of the development, alleviates drainage problems, and blends with the surrounding area. Existing trees should be preserved to the extent possible.
 11. Area lighting shall be provided in the mobilehome park for safety and security purposes. All street lights shall be designed and placed in accordance with the subdivision design standards of the city of Belen.
 12. No mobilehome 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 et seq. NMSA 1978).
 13. In the event a development is being proposed next to an irrigation ditch the developer shall construct a six foot tall chain link fence or a fence of similar construction along the property line which borders said irrigation ditch. Irrigation ditch shall be defined as a lateral or canal and shall not be meant to include a bar ditch or small ditch for individual use.
- M. Manufactured home subdivisions, subject to the following regulations:

1. Manufactured homes shall be used as residences, one dwelling unit per lot, and installed on permanent foundations.
 2. Manufactured homes shall meet the construction requirements of manufactured housing; contain a heated area of at least twenty-four (24) by thirty-six (36) feet, or at least eight hundred sixty-four (864) square feet, as stated in the Manufactured Housing and Zoning Act (3-21A-1 et seq. NMSA 1978).
 3. The minimum lot size shall be at least four thousand five hundred (4,500) square feet.
 4. At least two off-street parking spaces shall be required for each manufactured home, either on the lot or in designated parking areas located within one hundred (100) feet of such lot.
 5. Front setback for manufactured homes shall be at least twenty (20) feet.
 6. Side setback for manufactured homes shall be at least five feet.
 7. Rear setback for manufactured homes shall be at least ten feet.
 8. Usable open space shall be provided within the subdivision at five hundred (500) square feet per dwelling unit.
 9. A storm drainage management plan for the manufactured home subdivision is required in accordance with the new drainage ordinance regulations. The manufactured home subdivision shall be graded to retain localized stormwater on site. All graded slopes shall be protected from wind and water erosion through acceptable stabilization methods. These may include revegetation, terraced retaining walls of appropriate materials and construction, or erosion control netting. All drainage facilities shall be constructed and designed in accordance with the subdivision design standards of the city of Belen.
 10. All utility lines providing electric and telecommunication services within the manufactured home subdivision shall be placed underground. Individual utility service meters shall be placed in the front portion of a manufactured home space and shall be visible and accessible for monitoring purposes. All water and sanitary sewer systems shall be designed and constructed in accordance with the subdivision design standards of the city of Belen.
 11. Landscaping is required within a manufactured home subdivision to the extent that it enhances the appearance of the development, alleviates drainage problems, and blends with the surrounding area. Existing trees should be preserved to the extent possible.
 12. Area lighting shall be provided in the manufactured home subdivision for safety and security purposes. All street lights shall be designed and placed in accordance with the subdivision design standards of the city of Belen.
 13. All engineering designs shall meet the requirements of the city of Belen subdivision design standards.
 14. The site development plan and all required submittals shall be in accordance with the subdivision regulations for the city of Belen plat approval.
- N. Sand and gravel operations provided that any depleted land shall be rehabilitated in accordance with the following requirements:
1. Grading or backfilling shall be made with non-noxious and noncombustible solids.

2. Graded or backfilled land shall not collect and permit stagnant water to remain therein.
 3. Peaks and depressions of the area shall be reduced to a surface which will result in topography in substantial conformity to the land area immediately surrounding and which will minimize erosion caused by rainfall and runoff.
- O. Schools; university or college.
- P. Theater (drive-in) subject to the following regulations:
1. Ingress and egress for any site abutting a state highway shall be approved in writing by the State Highway Department.
 2. Reservoir off-street standing space or side service road space shall be provided at any entrance sufficient to accommodate vehicles in an amount equal to at least twenty (20) percent of the vehicular capacity of the theater.
 3. Any screen less than five hundred (500) feet from a county arterial or state highway shall be so located or shielded that the picture surface cannot be seen from such highway.
- (Ord. 2000-04; Ord. 1996-14 (part); Ord. 370 § 14(B), 1975)
- Q. Any use or combination of uses, not otherwise permitted under a specific zoning district.

17.44.030 - Development plans.

Each application for a special use zone shall be accompanied by development plans which shall:

- A. Be drawn to a minimum scale of 1"=100'.
- B. Show boundaries of the property to be developed and the topography both before and after development is completed.
- C. Show the proposed size, location, use, and arrangement of all structures, parking and loading areas, drainage facilities, landscaping and traffic and pedestrian circulation routes.
- D. Indicate the location, type, use, and size of structures on adjacent properties within two hundred (200) feet of the proposed development.

(Ord. 370 § 14(C), 1975)

17.44.040 - Discontinued uses.

In the event that a use authorized as a special use zone is permanently discontinued by the owner, the special use zone may be cancelled and removed from the Belen zoning atlas under the provisions for a zone change in this title. That area delineated by such discontinued special use zone shall be rezoned to the prevailing surrounding zone district as determined by the city council. The city council shall act as the moving party under the conditions of this section.

(Ord. 370 § 14(D), 1975)

Chapter 17.48 - ALLOWABLE LAND USES

Sections:

17.48.010 – Table of allowable uses

17.48.010 - Table of allowable land uses.

The following table indicates allowable land uses in specific districts of the city of Belen.

X = Permitted use

C = Conditional use

C* = Conditional use (6-month permit)

A-R = Agricultural/Residential

R-1A = Single-Family Mixed

R-2A = High Density Residential

R-4 = Medium Residential

C-1 = General Commercial

R-1 = Single-Family Residential

R-2 = Multifamily Residential

R-3 = Small Lot Residential

C-R = Commercial/Residential

C-2 = Mixed Use

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Airports; aircraft sales and service									X					X
Ambulance service							X	X						X
Amusement parks; carnival; circus	C*						C*	C*		C*				C
Animal shelter; dog pound; kennel	C						X	X						X
Antique dealers							X	X		X			X	C
Appliance store; repairs							X	X					X	C
Armory							C	C						C
Art gallery; art schools						X	X	X		X			X	

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Auction houses (excluding livestock)							X	X					X	X
Automobile sales; service; repair							X	X					C	X
Automobile rental							X	X					C	
Automobile wrecking, dismantling, salvage									X					C
Bakery, confectionery store (retail)						X	X			X			X	
Bakery, candy and confectionery manufacture (wholesale)							X	X					C	X
Ballrooms; dancing instruction						C	X			X			X	
Bank; savings and loan; trust company							X			X			X	
Bars, lounges, and package liquor stores							X			C			X	
Barber or beauty shop				C	C	X	X	C		X			X	C
Batching plant (concrete or asphalt)								X						X
Bed and breakfast							X			X	C	C	X	
Boat dealers; marine supplies							X	X		X				X
Book store						X	X	X					X	
Bottling plant								X						X
Boutique Winery; Craft Brewing						C	X			C			X	
Bowling alley							X	X		X			X	
Brewery; Winery													C	X

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Brick products; manufacture								X						X
Buildings; prefab assembly								X						X
Bus lines (depot and maintenance)							X	X					C	X
Cabinet makers						C	X	X					C	X
Camper equipment, retail sales						X	X	X					X	X
Candle manufacturing; wholesaling							X	X						X
Care home, assisted living, senior housing, group home				C	C	C	X			X	C	C	X	
Car wash							X	X					X	C
Carpet and rug cleaners							X	X					X	C
Castings; tool and die maker; foundry								X						
Cemetery; mausoleum; crematory									X					X
Crematory							X		X					
Ceramics manufacturing							C	X		X				
Chemical manufacturing or processing								X						X
Child care center					X	X	X			X	X	X	X	
Churches; places of worship	X	X	X	X	X	X	X	X		X	X	X	X	
Clinics, dental or medical				C		X	X			X			X	
Clothing and/or dry goods store (retail)					C	X	X			X			X	
Club or lodge (with liquor license)							X						X	

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Club or lodge (without liquor license)				C		C	X				C		X	
Cold storage plant							X	X						X
Community sales center/ welcome/ discovery center incidental and necessary for the sale of new construction (temporary and permanent)	X	X	X	X	X	X	X	X			X	X	X	X
Computer design and development facilities						X	X	X		X			X	X
Concrete and asphalt products manufacture; sales (excluding batch plants)								X						X
Construction contractors; building trades (storage, equipment sales and service)							X	X					C	X
Correction, detention, or penal institution									X					C
Dairy products and sales (wholesale)	X						X	X		X				C
Data processing facilities, equipment and service							X	X					X	C
Delicatessen; catering shop							X	C		X			X	C
Delivery service (parcel and package)							X	X		X			X	X
Department or variety store							X			X			X	
Drug store; pharmacy; cosmetics				C		X	X			X			X	

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Dwelling, single-family (conventional construction)	X	X	X	X	X	X	X			X	X	X	C	
Dwelling, single-family (mobilehome)	X		X											
Dwelling, single-family (modular unit)	X	C	X	X	C	X	X							
Dwelling, multiple-family (apartments, patio homes, town houses or condominiums)				X	X	X	X			X	X	C	X	
Dwelling, boarding or rooming house				X		X	X			X	X	C	X	
Dwelling, temporary watchman or caretaker (mobilehomes may be allowed)	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*
Explosives storage, manufacture, or sales									X					C
Fairgrounds, baseball park complex, stadium									X		C	C	X	
Farmers market	X					X	X		X				X	
Farms supplies, equipment sales and service							X	X						X
Farming; ranching (Prior to development of individual parcels both farming and ranching will be permitted)	X	C	C*	C	C	C	C	C		C	C	C	C	C
Feed lot operation; livestock auction									X					
Fertilizers (wholesale or manufacturing)								X						X
Fiberglass fabricators, product manufacturing								X						X

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Fire stations and ambulance services	X	X	X	X	X	X	X	X		X	X	X	X	X
Fix-it shop (fenced outside storage)							X	X						C
Fix-it shop (completely enclosed)						C	X	X		C			C	C
Flea markets							C	C						
Floral shop, plant store	X					X	X			X			X	C
Food products (manufacturing and processing)								C						X
Food products (wholesale, storage, and sales)	C						X	X					C	X
Food store; grocery market; convenience store	C			C		X	X			X			X	
Fuel wholesales and storage (gasoline, liquefied petroleum)									X					C
Funeral home; mortuary						X	X						X	
Furniture sales and service; upholstery							X	X		X			X	C
Gardening and cultivation of land, supplementary to the primary residential use	C			C	C	C	C			C	C	C	C	
Gasoline service station, including car wash and convenience store	C					C	X	X					X	X
Gift shop; crafts store; curios						X	X			X			X	
Glass products, installation							X	X					X	X
Golf course; driving range									X		X	X	X	

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Golf pitch-and-putt; miniature golf	C						X	X		C			X	
Greenhouse or nursery retail and wholesale (with limited storage of animal by-products, fertilizer, fungicides, herbicides and insecticides as necessary for retail/wholesale purposes and for arboriculture uses on premises)	X						X	X						X
Guns and gunsmiths							X	X					X	X
Hardware store						C	X	X		C			X	
Health club, athletic gym, spa						X	X	X		X			X	C
Home furnishings (sales and service)							X	X		X			X	
Home occupation	C	C	C	C	C	C				C	C	C	C	
Hospital equipment and supplies							X	X					C	X
Hospital; sanatorium; private nursing home	C			C	C	C	X				C	C	X	
Hotel; motel; motor lodge							X			X			X	
Ice cream store						X	X			X			X	
Ice house							X	X						X
Indoor Shooting Range							X	X					X	X
Interior decorators						X	X	X		X			X	X
Janitorial service; supplies							X	X					X	X
Jewelry manufacture and wholesalers							X	X		X			C	X

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Jewelry store (retail)						X	X			X			X	
Judo, karate instruction						C	X			X			X	
Junk yard; salvage operation									X					C
Laboratory (dental, medical)							X	X					C	X
Laboratory (research, testing)							C	X					C	X
Laundromat; dry cleaning; linen supply				C	C	C	X	X					X	C
Library	X	X	X	X	X	X	X			X	X	X	X	
Liquor wholesalers							X	X						X
Locksmith						X	X	X		X			X	X
Lumber yard (retail and wholesale)							X	X						X
Machine shop; metal fabrication; products								X						X
Mobilehome parks									X					
Mobilehome and trailer sales; service; repair							X	X						X
Motorcycle sales; service; repair							X	X					X	X
Moving and transfer company							X	X						X
Museum						C	X			X			X	
Music store						X	X			X			X	
Nonprofit membership clubs				X		X	X	X		X			X	

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Offices; professional and semi-professional				X	C	X	X	X		X	C	C	X	C
Offices; temporary (real estate sales, etc.)	X	X	X	X	X	X	X	X		X	X	X	X	C*
Office equipment and supplies						C	X	X					X	C
Optician; optical goods				C	C	X	X			X			X	
Paint store and related supplies							X	X					C	X
Paper products manufacture								X						X
Paper supplies (wholesale)							X	X					C	X
Parks, neighborhood and community	X	X	X	X	X	X	X	X		X	X	X	X	C
Parking lot or structure, car pool lots/park and ride lots						C	C	C		C	C	C	X	C
Pawn shop						C	X	X						C
Pest control; exterminator							X	X						X
Pet groomer, pet spa, pet day care						X	X			X			X	
Pet shop (completely enclosed)						C	X			C			X	
Photographic equipment and supplies						X	X	C		X			X	C
Photographic studio						X	X			X			X	
Plastic products (manufacture and wholesaling)								X						X
Printing and all allied trades							X	X					C	X

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Radio or television station (without transmitter tower)	C						C	X					C	C
Radio or television station (with transmitter tower)	C						C	X						C
Railroad depot and maintenance facilities								X						C
Recreation facility (community, nonprofit)	C	C	C	C	C	C	X	X		C	C	C	X	C
Recreation hall; billiard parlor						X	X			X			X	
Recycling Center								C						C
Research and development						C	X	X		C			C	X
Rental service stores				C	C	X	X	X					X	C
Rental storage units							C	C						C
Restaurant (with liquor license)						X	X			X			X	
Restaurant, cafe, cafeteria (without liquor license) (no curb service)	C					X	X	C		X			X	C
Restaurant (drive-in)						X	X	C		X			X	C
Sand and gravel operations									X					X
Seasonal sales from a moveable structure, vacant lot or parking lot	C*	C*	C*	C*	C*	C*	C*	C*		C*	C*	C*	C*	C*
Schools; nursery, day care, or kindergarten	C	C	C	C	C	X	X			X	C	C	X	
Schools; elementary and secondary	X	X	X	X	X	X	X			X	X	X	X	

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Schools; business, technical or trade						C	X	X					X	C
Schools; university or college									X				X	
Shopping center complex							X	X					X	C
Sign shop							X	X		X			X	X
Skating rink (indoor or outdoor)							X	X					X	
Specialty shop						C	X	c		X			X	C
Sports complex, regional							C	X					C	C
Sporting goods store							X	X		X			X	
Stable; riding school (commercial)	X												C	
Stadiums, arenas, and auditoriums							X	X					X	C
Stone cutting and monument sales							C	X						X
Storage (private) of boat, camper trailer, or R-V vehicle	C	C	C	C	C	C	C	C		C	C	C	C	
Surplus and salvage goods; second-hand store							X	X		C				C
Tailor shop				C		X	X			X			X	
Taxidermist						C	X						C	
Temporary signage	C*			C*	C*	C*	C*	C*			C*	C*	C*	C*
Temporary construction trailer(s) incidental and necessary for the sale and/or construction of structures by the permittee	C*			C*	C*	C*	C*	C*			C*	C*	C*	C*

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Temporary outside storage yards for construction contractors, provided that no permit shall be granted for such use unless adequate provisions are made for screening from adjacent properties to assure protection of the general health, safety, and welfare of the public	C*			C*	C*	C*	C*	C*			C*	C*	C*	C*
Theater (indoor)						X	X			X			X	
Theater (drive-in)									X				C	
Transit stops and transfer station	C			C	C	C	X	X		C	X	X	X	X
Travel trailer courts							X							
Truck plaza, wash, terminal and maintenance							C	X					X	X
Utility, public and private	C			C	C	C	X	X			C	C	X	X
Utility company service center or structure	C			C	C	C	C	X			C	C	C	X
Veterinary hospital (small animal) (completely enclosed)	X					C	X	X			X		X	
Veterinary hospital (large animal)	X						C	X						
Vulcanizing shop, recapping								X						X
Watch repair						X	X	X		X			X	
Welding shop							C	X						X
Warehousing and outdoor storage yards (general)								X						X

(Ord. 2006-09 (part); Ord. 2006-05; Ord. 2005-08 § 2; Ord. 2001-04 § 2; Ord. 1997-18 § 4 (part); Ord. 370 § 15, 1975)

Chapter 17.52 - NONCONFORMING USES AND STRUCTURES

Sections:

17.52.010 – Nonconforming uses and structures

17.52.010 - Nonconforming uses and structures.

- A. Within the districts established by this title, or amendments that may later be adopted, there exist: lots; structures; uses of land and structures; and characteristics of use which were lawful before the ordinance codified in this title was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this title or future amendment. It is the intent of this title to allow these nonconformities to continue until they are removed, but not to encourage their survival.
- B. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls; provided, that the cubic content of the building as it existed at the time of the passage of Ordinance No. 370 shall not be increased. Nothing in this title shall prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting public safety, on order of such official.
- C. A nonconformity shall not be enlarged, expanded, or extended, but the addition of a lawful use to any portion of a nonconforming building which existed prior to the enactment of the ordinance codified in this title shall not be deemed an extension of such nonconforming use.
- D. A single-family dwelling and any customary accessory buildings may be erected on any single lot of record preceding the effective date of adoption or amendment of the ordinance codified in this title. This provision shall apply even though such lot fails to meet the minimum requirements for area or width, or both, that are hereafter applicable within the zoning district; provided that setback and any other requirements of the lot shall conform to the regulations for the district in which such lot is located.
- E. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding an aggregate cost of twenty-five (25) percent of the assessed value of the building unless said building is changed to a conforming use. No building damaged by fire or other causes to the extent of more than fifty (50) percent of its assessed value shall be restored or rebuilt except in conformity with the provisions of this title.
- F. Whenever a nonconforming use has been discontinued for a period of ninety (90) days or more, such use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this title.
- G. Nothing in this title shall require any change in plans, construction, or designated use of a building for which a building permit has been issued prior to enactment of this title.

(Ord. 370 § 16, 1975)

Chapter 17.54 - LANDSCAPE REGULATIONS

Sections:

[17.54.010 – Intent of regulations](#)

[17.54.020 – Applicability](#)

[17.54.030 – Landscaping plan](#)

[17.54.040 – Landscaping requirements](#)

[17.54.050 – Maintenance standards](#)

[17.54.060 – Administrative review and fee](#)

17.54.010 - Intent of regulations.

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

(Ord. 1998-28 § 1)

17.54.020 - Applicability.

These regulations shall apply to the following:

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

(Ord. 1998-28 § 2)

17.54.030 - Landscaping plan.

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

- A. A site map drawn to scale showing topography in the form of finished contour lines and areas proposed to be landscaped upon completion of the building construction project;
- B. Common or botanical names of the plants to be used, indicating plant size, location and spacing shown on the site map;
- C. The location, type and size of any underground or overhead utility lines, **including but not limited to lights, poles & signs,** on the site with reference to the landscaped areas;
- D. Type and layout of the irrigation system, if required, for landscaped areas indicating connections to the water supply source;

- E. A stormwater drainage plan for the site shall be attached or referenced in accordance with the city drainage regulations for commercial and industrial development.

(Ord. 1998-28 § 3)

17.54.040 - Landscape requirements.

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

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

(Ord. 1998-28 § 4)

17.54.050 - Maintenance standards.

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

- A. Any plant material in areas of required new landscaping that does not survive will be replaced with an equivalent size and species of plant within three months.
- B. Plants shall be pruned as necessary to control size or shape, but not to endanger its health, in order to prevent visual and physical obstructions to pedestrians or vehicles.

- C. Regular landscape maintenance should ensure water efficiency and include, but not be limited to, pruning, mulching, weeding, litter and dead plant removal, fertilizing, insect and disease control, and improvements or repair of nonvegetative materials.
- D. Substantial modifications to landscaping will require review and approval of a revised landscape plan by the city engineer. Minor modifications of the landscaping occurring as a result of routine maintenance or replacement of vegetation because of damage or disease are not subject to approval by the city engineer.
- E. Irrigation systems will be maintained and replaced as necessary to minimize loss of water due to leaks or inefficient use of water.

(Ord. 1998-28 § 5)

17.54.060 - Administrative review and fee.

These landscape regulations shall be enforced by the City Planning and Zoning Department ~~officer~~ who is authorized to review and approve landscape plans. Applicants for building permits to be granted by the city for commercial or industrial development shall confer with the City Planning and Zoning Department ~~officer~~ regarding the landscape requirements contained herein. An administrative fee of fifteen dollars (~~\$15.00~~) shall be paid to the City to cover the landscape plan review costs. For complex and extensive landscape plans, the City Planning and Zoning Department ~~officer~~ may request an independent review of such plan by the city engineer or other qualified individual. Specific costs associated with an independent review of a landscape plan shall be paid to the City by the building permit applicant. All reviews of landscape plans shall be completed within thirty (30) days of receipt and documented with reasons given for approval or disapproval. Requests for variances or waivers to the requirements of these regulations shall be submitted to the City Planning and Zoning Department ~~officer~~ in writing. A variance or waiver may be granted or denied at the discretion of the City Planning and Zoning Commission ~~officer~~ with reasons given in writing and returned within thirty (30) days of receipt of the request for variance or waiver. Any decision made by the City Planning and Zoning Department ~~officer~~ in carrying out the provisions of these regulations may be appealed to the Belen City Council.

(Ord. 1998-28 § 6)

Chapter 17.56 - OFF-STREET PARKING AND LOADING

Sections:

[17.56.010 – Off-street parking requirements](#)

[17.56.202 – Off-street loading requirements](#)

17.56.010 - Off-street parking requirements.

- A. In all zone districts, there shall be provided, at the time any new building or structure is erected, off-street parking spaces as set forth in the following subsections. All existing buildings or structures need supply such parking only to the extent ground space is available. Off-street parking must be provided on site or within three hundred (300) feet of the site.

