

**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 9<sup>th</sup> OF APRIL 2018 AT 6:00 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.**

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

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

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGEANCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES**  
Minutes of March 26, 2018
- 6. PUBLIC COMMENT 3 MINUTE PRESENTATIONS:** If more time is needed for presentation, please ask to be scheduled on the next agenda.
- 7. PUBLIC HEARING WITH POSSIBLE ACTION**
  - a. Swearing in of Participants**
  - b. REQUEST FOR VARIANCE ON THE FRONT & REAR SETBACK RESTRICTIONS: LEE CHAVEZ. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 19, Tract 230B2B2A, containing .10 acres. Aka 710 Anthony Dr., Belen NM 87002.
- 8. DISCUSSION**  
Becker Ave. Overlay Zone & C-R Zone-Final Review
- 9. INFORMATIONAL ITEMS**
  - a. Communication from the Commission and Staff**
- 10. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/s/

Lisa Miller, Planning & Zoning Administrator

cc: Mayor & City Council  
News Bulletin

Belen Chamber of Commerce  
Belen Recreation Center

Belen Public Library  
Belen City Hall

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



**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2746  
www.belen-nm.gov

**WAYNE GALLEGOS**  
CITY COUNCIL  
**DAVID CARTER**  
CITY COUNCIL  
**RONNIE TORRES**  
CITY COUNCIL  
**FRANK ORTEGA**  
CITY COUNCIL

**CITY OF BELEN  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
MARCH 26, 2018**

Vice Chair Pete Armstrong called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:10 p.m.

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

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

**OTHERS:** Lenore Pena, Citizen

**APPROVAL OF THE AGENDA**

Commissioner Gordon Reeves moved to approve the agenda as is.

Vice Chairman Pete Armstrong seconded the motion.

Motion carried.

**APPROVAL OF THE MINUTES**

Commissioner Jim Lardner moved to approve the minutes of March 12, 2018 with corrections.

Commissioner Gordon Reeves seconded the motion.

Motion carried.

**PUBLIC COMMENT – 3 MINUTE PRESENTATIONS**

Steven Tomita said that on April 10, 2018 there will be a workshop on the Great Blocks Grant for Becker Ave & First St. It will be at City Hall and start at 3:30 PM.

Lisa Miller gave the Commission a copy of the completed Landscaping Ordinance that will be going to the Council for a workshop and possible approval.

## DISCUSSION

### **Becker Ave Zoning & C-R Zoning**

Lisa Miller informed the Commission that in their packets the changes made to the Becker Ave Overlay Zone were provided. The additions are highlighted in yellow and the deletions are crossed out in red.

Steven Tomita reminded the Commission that they had added, under 17.30.030 B1, to include the approval of the Planning & Zoning Commission because they had previously tried to get a Mural Ordinance passed, and the Council killed it saying that the City has no authority over it, so the Commission put this addition into it so that the Planning & Zoning would hear it and approve or disapprove the decoration of buildings with bod patterns or large graphics, or using buildings as signs.

Chairman Steve Ethridge asked if the words building or structure, in A meant any type of structure, such as the existing water tower.

Steven Tomita said that the meant any structure, including the water tower.

Chairman Steve Ethridge that the city is in violation with the water tower, but that was grandfathered in. He said that this would prevent the Becker Ave area from having any Wireless towers coming in.

Steven Tomita said they could ask for a Conditional Use or a Variance if they wanted to place a Wireless tower within the Becker Ave. Overlay Zone.

Thin skin "curtain wall" buildings were discussed. They discussed reflective surfaces and the meaning behind "curtain wall". It was decided that "curtain wall" needs to be defined. They moved onto the visual pattern of architectural elements. It was decided to add back a section that was previously removed so that it will read, "In order to continue a visual pattern of historic architectural elements reflected through building construction all new or reconstructed buildings fronting Becker Ave. and Dalies Ave. shall carry on the mixture of existing Southwest styles, such as Southwest Vernacular, Brick, Queen Ann, Western Territorial, etc." Pedestrian Walkways was discussed and there were some suggested changes. It was decided that it should be left as it was first changed. Under area lighting they split the sentence on exterior lighting to read, "The exterior lighting of any buildings, structures and surrounding grounds shall provide illumination for safety and/or security purposes. Exterior lighting shall be placed and screened such that it does not shine directly or reflect into any adjoining residential properties or streets." They moved on to fluorescent lighting. It was explained that the original intent of not allowing fluorescent lamps was to keep a subdued look on Becker Ave. Fluorescent lighting can be bright and can become gaudy and that was the most likely reason it was added into the Becker Ave. Overlay Zone. Lighting can come from all different types of light sources and all different light intensities. The Commission was asked what they would like to see happen in the Zone area. The word linier was added in front of fluorescent lamps, which the Commission felt was sufficient. The site plan requirements changed by removing the word accepted and replacing it with approved plus, splitting the rest of the sentence into two by placing a period after Planning &

Zoning Department. The wording “but not limited to” was added after it says the site plan shall contain. All places with this Zoning Ordinance that say the enforcement officer is to be changed to the Planning & Zoning Department. Under the Plan Review and Acceptance section the sentence “This does not mean it has been approved for construction”, was added at the end.

They next went into the C-R Zone. The limit of the total floor area for any building to 4,000 square feet was discussed. The Commission was told that they would not find any building on Becker Ave that is 4,000 square feet or under. It was decided that the full sentence that contains the total floor area of 4,000 square feet would be removed. The supplementary regulations were discussed next. It was said that the painted on sign at the Belen Goju Ryu Karate sign that is painted on the building would not meet regulations as they are and even the murals that are painted on a few of the building would not be allowable under the present Ordinance. They were told that this was an issue that the Council had with murals and it was the questions of whether it was art, or a sign, or possibly both. It is a challenge as to determining what it what and the square footage of them. The use of banners was discussed as temporary signs for a new business until the business installs a permanent sign. It was decided to remove the minimum width of two (2) feet was removed.

#### **Main Street Overlay Zone & C-1 Zone**

The question of residential uses in a C-1 Zone was brought up. It was explained that a single family home can be placed on a commercial lot. It was discussed as to whether to get into the C-1 Zone until after they went over the Main St. Overlay Zone, because the C-1 Zone covers more area than just the Main Street area. They were also reminded that at a previous time it was discussed as to whether the C-1 Zone should be changed to C-2 to better address the existing C-1 areas in Belen. It was decided to table this until a later date.

They went on to discuss the Main Street Overlay Zone.

Steven Tomita asked if any changes to the Main St. Overlay Zone would need to be reviewed and approved by DOT.

Lisa Miller said that she thinks that the only things that would need to go to DOT would be sidewalk easements, signs and driveways.

The setback regulations were discussed. The setback of ten feet was discussed due to the fact that setting a building farther back will isolate that business/building affecting the vehicular flow of traffic recognition and walking traffic recognition and curiosity. All of the existing language in the Setback regulations was removed and “Pre-existing buildings shall comply with this Ordinance wherever reasonable.”, was added. The required 10 foot pedestrian walkways was brought up and how existing structures would not be able to provide even the 10 foot pedestrian walkways. It was said that this would mainly apply to new construction. The exterior façade of buildings, as far as decorating buildings with bold patterns, etc. It was suggested that instead of saying “shall be at the approval of the city.”, it should say “shall require Planning & Zoning Commission review and approval.” It was also discussed that it should also include “That approval shall not be unreasonably withheld.” They decided that it should read, “Painting or decorating buildings with bold patterns or large graphics, or using buildings as signs shall require Planning & Zoning Commission review and approval.” The Commission discussed the street trees section of the regulations. They discussed the vertical clearance below the tree branches that are to be placed along Main St. The type of tree will also make a difference as to how the

canopy is. It was decided that the Street Trees section of the regulations can be deleted and a reference to the Landscape Ordinance added, due to the fact it is addressed in the Landscape Ordinance. Under the area lighting they changed the same areas as was done to the Becker Ave. Overlay Zone. They added "and/or security" before purposes. They added "Exterior lighting" before shall and made two sentences out of one on number 1 of area lighting. They added the word linier before fluorescent lamps on number 2 and add "Area lighting shall" at the beginning of number 4. Under drainage they added ", New Mexico State and Federal" before drainage regulations. They added a few changes in the Procedures by changing the planning & zoning officer to the Planning & Zoning Department and added that this does not mean it has been approved for construction into the Plan Review and Approval section.

### **INFORMATIONAL ITEMS**

#### **a. Communication from the Commission and staff**

Steven Tomita informed the Commission that the Grand Opening of Ace Hardware happened this weekend and they had a huge turnout. Loves is tentatively scheduled to open up on May 3, 2018. The south lanes of Camino Del Llano are closed at this time for reconstruction. They will be closing the north lanes and blocking any entrance and exit from Christopher Rd for a period of ten days to complete the rest of the intersection. There will be no traffic light at that intersection because it was determined by DOT, our consultants, and others that it was not necessary. It will be a four way stop. He is looking at having the City impose a special assessment district on all of the properties there, to acquire the funds for when a traffic light will be needed. Circle K is going before the City Council for another alcohol wavier for the parking lot at Henry's Shopping Center, due to the fact there is a church located in part of that building. They will be tentatively closing on the properties on May 1 and then moving forward with the construction. Apartment builders were in last week and they are looking at site just off of Main St. There are a lot of investors now looking into investing here in Belen. Wal Mart is going to be doing a major remodel. They are looking into adding a restaurant. Tractor Supply is now looking at buying the old Alco building since DFA has basically killed the leasing of that building from the schools.

Vice Chair Pete Armstrong asked if there was any way that the City can work with the schools regarding financing, enticements, etc. to help get Tractor Supply here.

Steven Tomita said that the schools can't offer anything and the City is very limited at what they can offer because we do not have the funds.

Lisa Miller informed the Commission that Dr. Dieterichs is going to be bringing in his plans for his new building on Castillo. It will also contain a lab within that building, so that they can make their glasses on site.

Vice Chair Pete Armstrong suggested that the City sit down with the News Bulletin to develop a once a month article on what is happening in Belen. He constantly hears that there is nothing going on in Belen, but there is a lot going on and the people need to know this. There needs to be a way that the people are informed about this.

Steven Tomita said that the newspaper has written a big article and things are also being posted on our website but people are not reading the newspaper or even looking at our websites. They are just not paying attention. It is frustrating because the information is out there and nobody is paying attention to it.

Annette Arviso said that she has lived in Belen for the last 23 years and when they first moved here the newspaper would have, on the front page, a list of what was going on in the area and she would like to see that come back.

Steven Tomita said that the newspaper is almost non-existing anymore. It has been so reduced and they don't put a lot of announcements in the paper. It is a challenge and they are very limited at what they can put in the paper.

Commissioner Gordon Reeves said that he would like to request that the water meters and the way that people are billed be put on the agenda.

Steven Tomita said that it would need to be taken to the City Manager and the City Council. The Planning & Zoning Commission has no jurisdiction on that issue.

Vice Chair Pete Armstrong said that he is getting a lot of complaints on the height of the new water meters. They stick up farther than the old ones and causing a tripping hazard.

Steven Tomita said that he will pass that on to the Water Department and the City Manager.

Chairman Steve Ethridge said that he would also like to see the newspaper include what is going on around town. They can even take photos of local activities and put them in the paper. In the old days they would have all kinds of things in the paper. They would even put in the paper who got a ticket that week. He would like to see this again.

#### **ADJOURNMENT**

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

Commissioner Jim Lardner seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:22 p.m.

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

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

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

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST FOR A VARIANCE ON FRONT & REAR SETBACKS RESTRICTIONS: LEE CHAVEZ**

**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 19, Tract 230B2B2A, containing .10 Acres. AKA 710 Anthony Dr., Belen NM 87002.

You are further notified that this public hearing will be held on **Monday, April 9, 2018 at 6:00 PM.**, in the Council Chambers at City Hall, 100 South Main Street, Belen, New Mexico 87002. Any person having objections or wishing to be heard should make such protest to the Belen Planning & Zoning Commission at the above stated date and time or comments can be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

**LEGAL NOTICE PUBLISHED: March 22, 2018 & March 2, 2018**



Variance Request

ANTHONY DR

MELANIE DR

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**CITY OF BELEN, NEW MEXICO**  
**APPLICATION FOR ZONING VARIANCE**

Section 17.04.040 City of Belen Municipal code: "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

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Applicants Name: USO CHAVEZ Phone: 505 489-7893  
Address: 115 EAST ARAGON RD Belen NM 87002  
Authorized Agents Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

---

Address of Property: 710 Anthony  
Block and Lot: \_\_\_\_\_ Addition: \_\_\_\_\_  
Tract Number: 230B2B2A Map: 100  
Total acreage in Tract: .10 ac  
Number of Dwellings: 0 Density/Acre: \_\_\_\_\_  
Zoning of Property: R-1A Present Use: Empty

**APPLICATION REQUIREMENTS**

The following material must be provided by applicant.

- Filing fee payment of \$150.00 Double application fees will be charged for uses commenced without approval under the Municipal Code and/or the Zoning Ordinance and for which a citation (violation) may have been issued.
- Letter of transmittal, state why a literal enforcement of Section 17.04.040 City of Belen Municipal Code would result in unnecessary and undue hardship.
- Specify type of variance requested, height, setback, lot coverage, parking requirement.
- Affidavit of ownership.
- Survey plat or scaled drawing of property describing property line, lot dimensions, easements, structures and accessory structures where variance is requested. Indicate dimensions of all structure heights and size of signs.

The Applicant must also do the following:

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

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

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

Signature of Applicant

Date

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

Planning and Zoning Commission Meeting Date: 4-9-18 Approved/Disapproved: \_\_\_\_\_

FEE PAID: \$150.00 RECEIPT NO.: 80990651PT DATE: 2-23-18

February 23, 2018

To The City Of Belen Planning and Zoning,

I Lee Chavez would like you to consider a variance change on front and rear setbacks on my property 710 Anthony, located south of Belen. With this change I would be able to set up a 14X56 manufactured home. This would improve the lot for single family residence

With the current ordinances/setbacks, I would not be able to put a home in. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in black ink that reads "Lee Chavez". The signature is written in a cursive style with a large, looping initial "L".

Lee Chavez

OWNERS AFFIDAVIT

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

We,  
I LBB CHAVEZ  
(Please PRINT name in full)

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

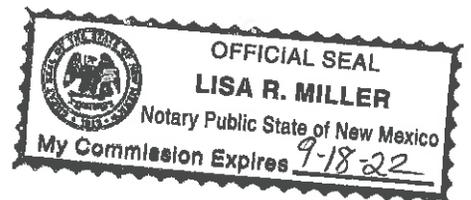
requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal)  
through the City of Belen. Furthermore, (I) (we) hereby appoint  
of as our agent to act in our  
behalf on all matters pertaining to the processing of this application.

[Signature]  
Signed  
115 EAST ARAGON RD  
Address  
Belen NM 87002  
505 489-7093  
Phone

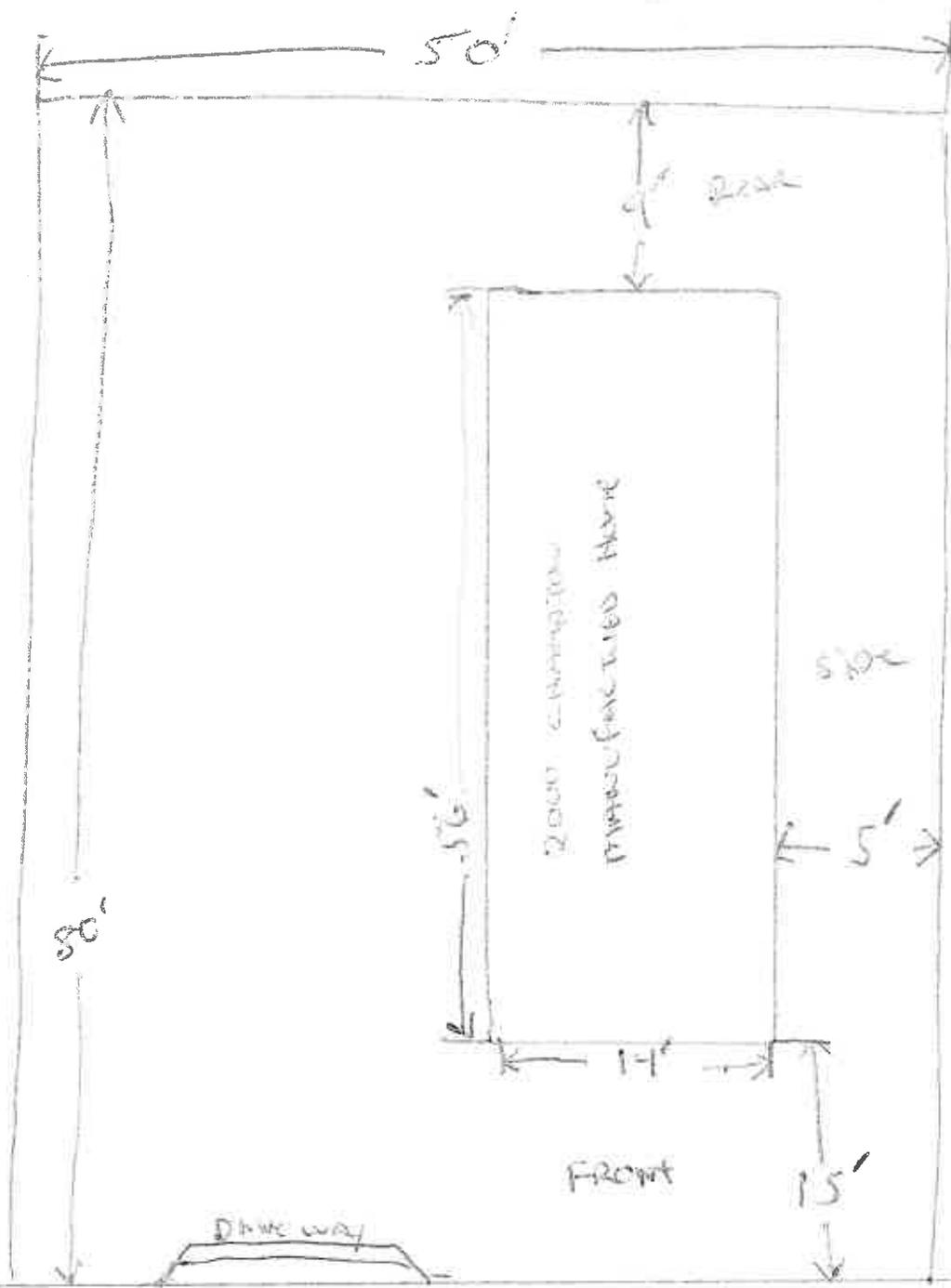
Subscribed and sworn to before me this 23 day of February, 20 18.

[Signature]  
Notary

My Commission Expires:  
9-18-22



W  
+  
S  
E



712

710 ANTHONY DR

708

Contact your Mortgage/Escrow to Confirm Payment

2017 TAX BILL

School District: BN01\_R

Tract 23092B2A S 19-T 5N R 7E 0-10 ACRE MAP 100

VALENCIA COUNTY TREASURER  
P.O. BOX 939 • LOS LUNAS, NM 87031

To pay online or by phone:  
WWW.Co.Valencia.NM.US/226/County-Treasurer  
(505) 866-2090

60896\*281\*\*G50\*\*1.3475\*\*2/4\*\*\*\*\*AUTO5-DIGIT 87002  
CHAVEZ LEE & CHAVEZ TINA M  
115 E ARAGON RD  
BELEN NM 87002-4601

ACCOUNT # R070333

PARCEL # 1007027104456000000

*TINA M*

YOUR CANCELLED CHECK  
IS YOUR RECEIPT

PLEASE READ REMEDIES  
AVAILABLE TO THE  
TAXPAYERS AND TAXING  
AUTHORITIES ON  
THE BACK PAGE.

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BN01\_R ◀ NET TAXABLE VALUES WILL BE ALLOCATED  
TO THE GOVERNMENTAL UNITS IN SCHOOL DISTRICT

TAX RATES ARE EXPRESSED IN DOLLARS PER THOUSAND.  
TAXABLE VALUE IS 33 1/3% OF FULL VALUE.

DISTRIBUTION	TAX RATES	TAX AMOUNTS	CLASSIFICATION TYPE	FULL VALUE	TAXABLE VALUE
SCHOOL RESIDENTIAL	9.897	139.99	RESIDENTIAL LAN	19,692	6,564
MUNICIPAL DEBT RESIDENTIA	3.245	45.90	RES IMPROVEMENT	22,744	7,581
MUNICIPAL OPERATIONAL RES	5.434	76.87			
COUNTY DEBT	0.870	12.31			
COUNTY OPERATIONAL RES	6.755	95.55			
STATE OF NEW MEXICO	1.360	19.24			
UNIVERSITY OF NEW MEXICO	0.850	12.02			
UNIVERSITY OF NEW MEXICO	1.879	26.58			
MRGCDR	4.828	68.30			
SOIL & WATER CONSERVATION	0.250	3.54			
<b>TOTAL 2017 TAX DUE ▶</b>		<b>500.30</b>	<b>TOTAL VALUE ▶</b>		<b>14,145</b>

YEAR	TAX	INTEREST	PENALTY	PAST DUE AMOUNT

PAST DUE TAXES,  
IF ANY, MUST BE  
PAID BEFORE  
ACCEPTING CURRENT  
YEAR PAYMENT



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

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

**CASE REPORT**

March 29, 2018

**VARIANCE REQUEST**

**Location: 710 Anthony Dr., Belen NM 87002**

**SITE DATA**

**Existing Use:** Residential

**Lot Size:** .10 acres (4,356 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	R-1A	Single Family Residential-Single Wide Allowed
East	R-1A	Single Family Residential-Single Wide Allowed
South	A-R	Agricultural- Residential-Single Wide Allowed
West	R-1A	Single Family Residential-Single Wide Allowed

\*See attached zone map.

**REQUEST**

The applicant is requesting a Variance on the front and rear setbacks.

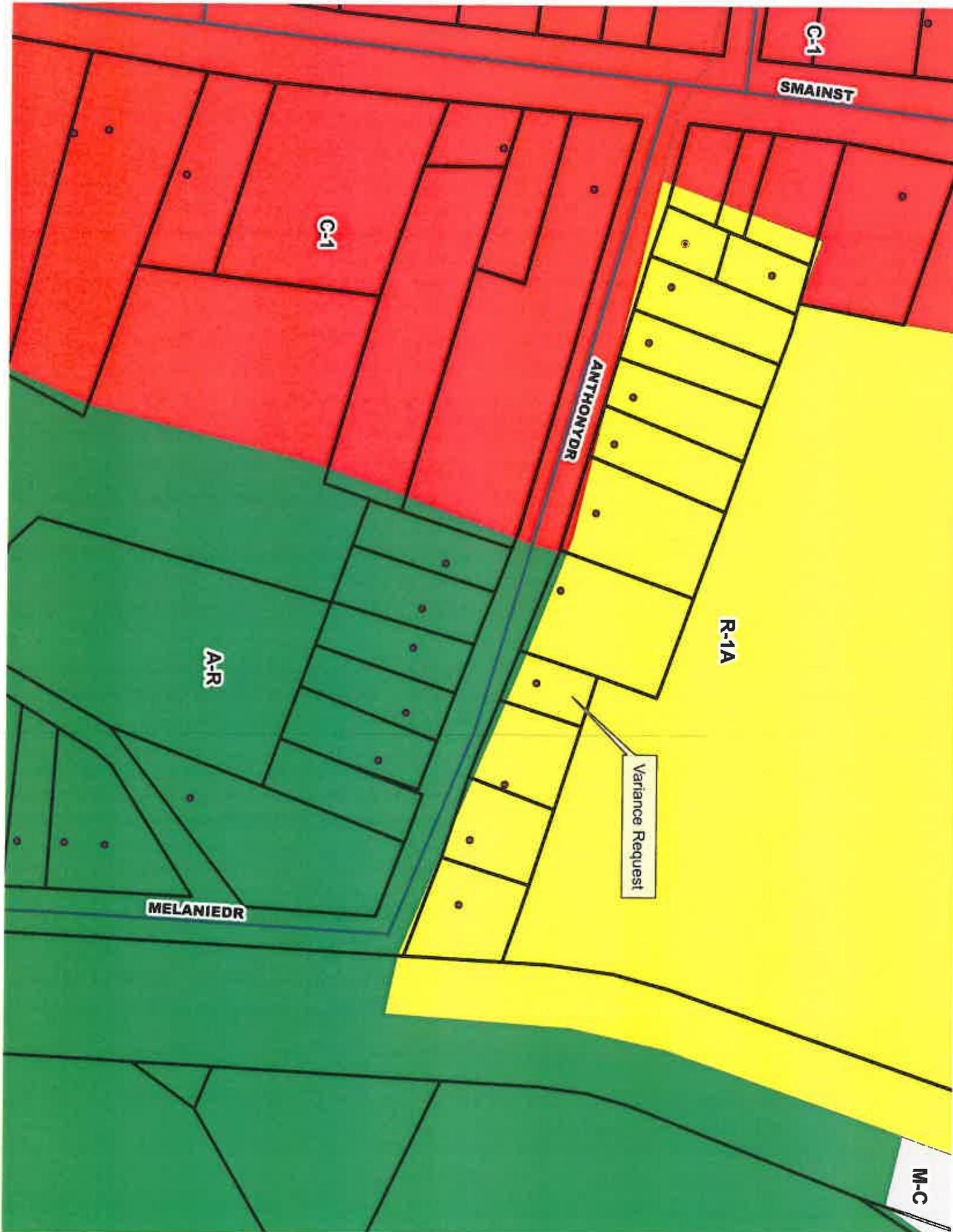
Variance Requirements:

1. Type of Variance requested and why it is a hardship.
2. Affidavit of ownership
3. Location of Variance request.
4. Survey Plat

**STAFF FINDINGS**

1. The surrounding area consists of single-family residential lots.
2. The area is zoned R-1A & A-R.

3. Setbacks for the R-1A area require a side setback of 5 feet and a front setback of 20 feet and a rear setback of 15 feet. (See attached R-1A Regulations)
4. There are several single wide manufactured homes in the area.
5. He is wanting to put a 14' X 56' single wide manufactured home on a lot that is 50' X 80'.
6. He is asking for a five foot difference in the front setback and a 6 foot difference on the rear setback. That would put the front setback at 15 feet and the rear setback at 9 feet.
7. No significant hazard or inconvenience to the neighborhood is evident.



G-1

SMAINST

G-1

ANTHONY DR

R-1A

Variance Request

A-R

MELANIE DR

M-C



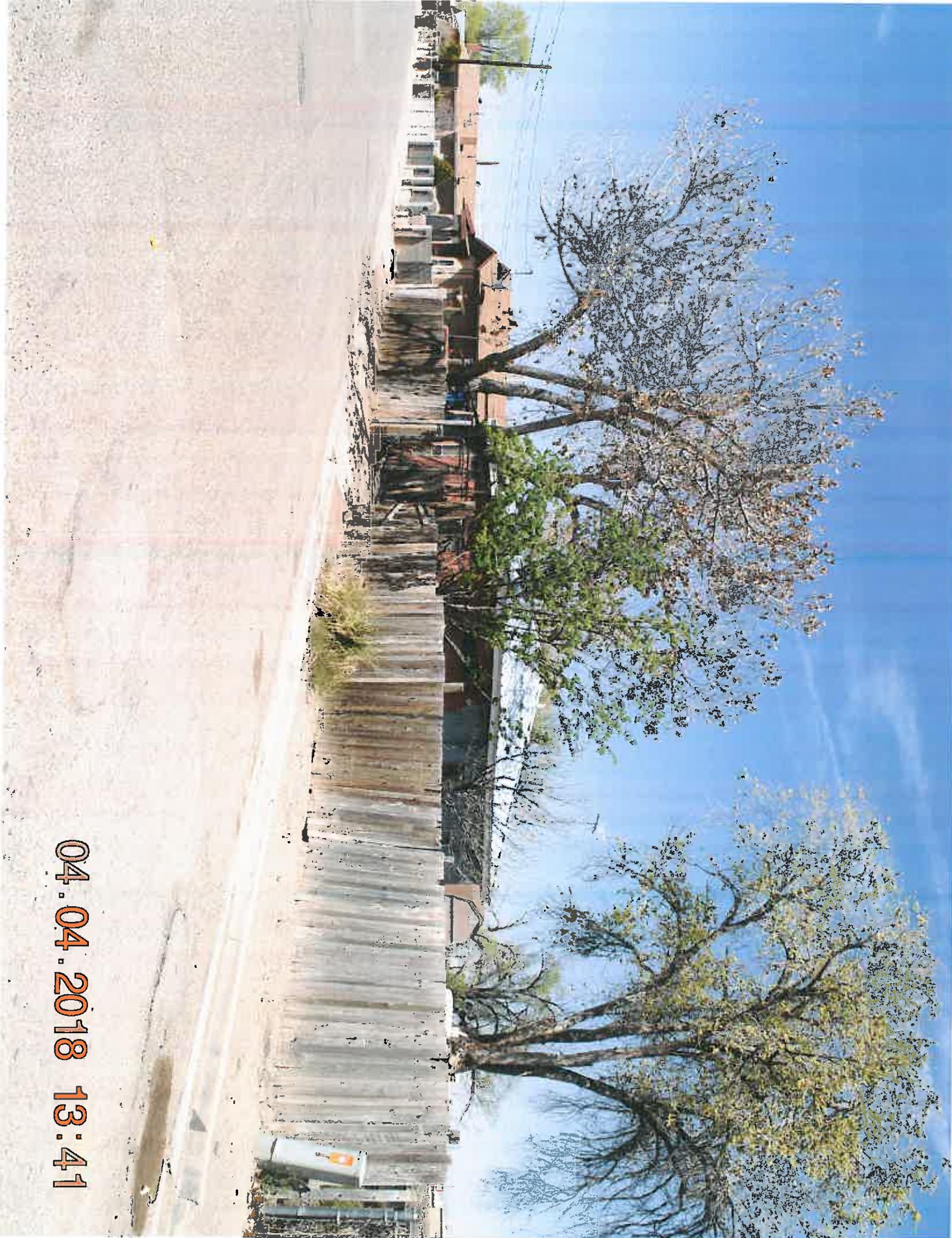
WARNING  
RESTRICTED AREA  
NO ENTRY  
UNLESS AUTHORIZED  
PERSONNEL  
ENTERING AT OWNERS RISK

700

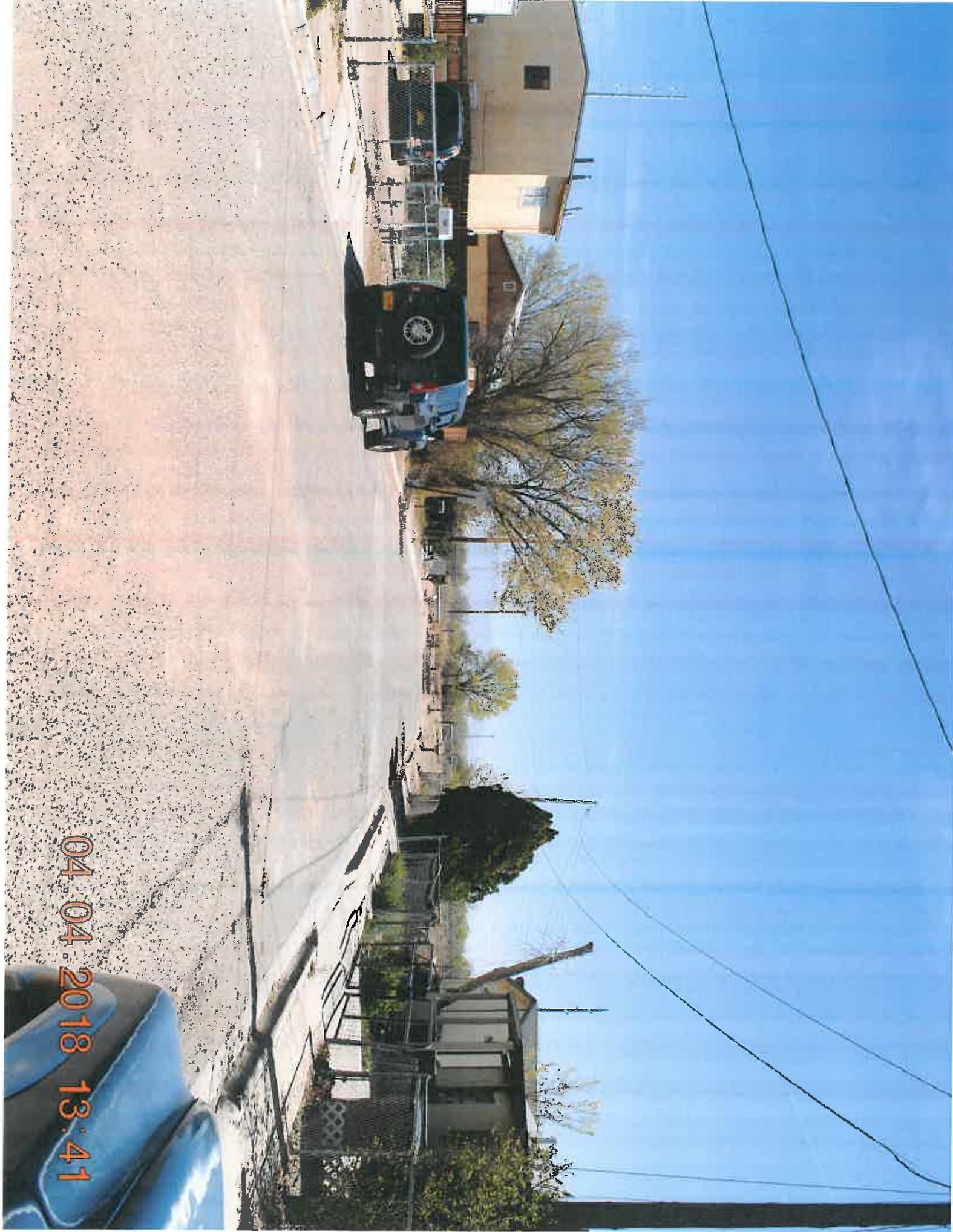
04.04.2018 13:42



04.04.2018 13:41



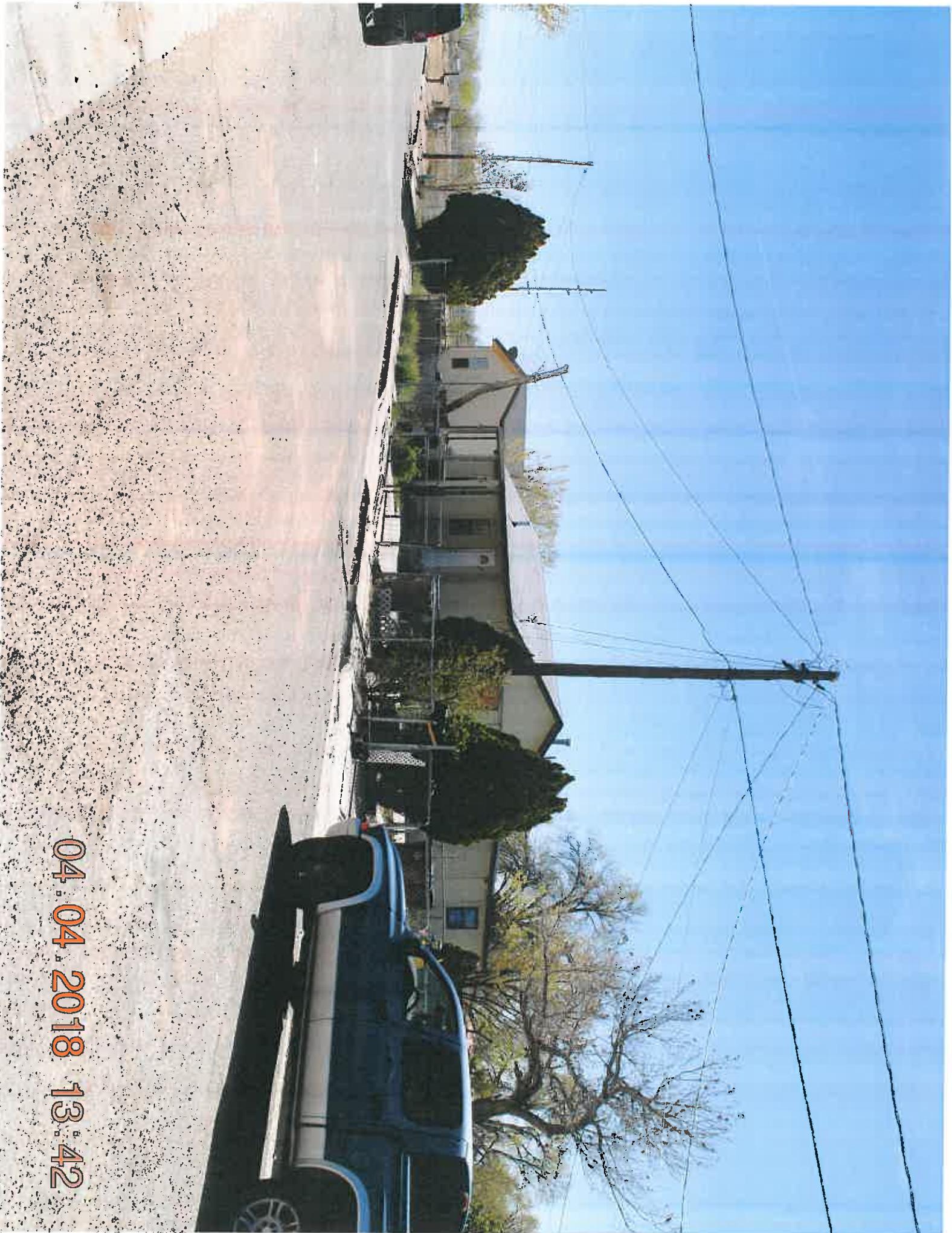
04.04.2018 13:41



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04:04:2018 13:42

**Chapter 17.20 - R-1A SINGLE-FAMILY MIXED****Sections:****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 (1) dwelling unit per lot. Normal accessory uses are allowed.

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

**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. No. 2015-14, 11-16-2015)

**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. No. 2015-14, 11-16-2015)

## Chapter 17.12 - A-R AGRICULTURAL/RESIDENTIAL

## Sections:

## 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 (1) single-family dwelling unit per acre.

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

## 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 (6) feet in height in those areas within the rear or side setbacks of a lot, and not exceeding four (4) feet in height for a non-solid fence in those areas within the front setback of a lot and not exceeding three (3) feet in height for a wall or solid fence in those areas within the front setback of a lot.

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

## 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 (10) 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 (5) feet from the alley.
  3. Side, five (5) 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. No. 2015-14, 11-16-2015)

## Chapter 17.30 - BECKER AVENUE ZONE

### Sections:

#### 17.30.010 - Intent.

The purpose of this zone is to promote the revitalization of historic Becker Avenue and to maintain a special character of mixed-use development for the properties along the street. 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 Becker Avenue shall be preserved and enhanced.

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

#### 17.30.020 - General provisions.

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

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

#### 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 and approved by the City of Belen 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 facade on~~ All new or reconstructed buildings fronting Becker Avenue and Dalies Avenue shall ~~be composed of brick.~~ carry on the mixture of existing Southwest styles, such as Southwest Vernacular, Brick, Queen Ann, Western Territorial, etc.
  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 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 of which six (6) feet shall be clearly dedicated for pedestrian walkways. There shall be no obstruction within a pedestrian walkway which would impede pedestrian circulation. ~~The minimum width of pedestrian walkways shall be six (6) 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 shall be subject to the administrative procedures provided in this chapter.
- F. Street Trees. **Provided in 17.54.??? of this title.** ~~Within five (5) feet of the curb line of 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 Becker Avenue are mostly hardwood, non-fruit-bearing, deciduous trees. Low water consumption and nonallergenic trees are preferable.~~
  - ~~3. Adequate vertical clearance below street tree branches shall be maintained at no less than eight (8) feet over pedestrian walkways and nine (9) feet over streets.~~
- G. Area Lighting. The lighting of buildings and parking lots within the 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 and/or security purposes. Exterior lighting 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 linear 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 required. Where buildings are located farther back from the sidewalk the stormwater shall be directed to the back portion of the lot as much as practical and/or possible.

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

17.30.040 - Administrative procedures.

- A. Site Plan Required. All development, redevelopment, and major improvements to property within the Becker Avenue Zone shall be constructed in accordance with a site plan which shall be reviewed and **accepted** approved by the **Planning & Zoning Department**. To establish compliance with the regulations provided herein, the site plan shall contain, but not limited to 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 Becker Avenue Zone, the required site plan shall be submitted to the **Planning & Zoning Department enforcement officer** who shall determine compliance with the provisions and intent of the Becker Avenue Zone. A written decision of acceptance or non-acceptance shall be rendered by the **Planning & Zoning Department 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 **Planning & Zoning**

Department ~~enforcement officer~~ may be carried out through the provisions established by the appeal process in the comprehensive zoning ordinance of the city of Belen. This does not mean it has been approved for construction.

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

## Chapter 17.28 - C-R COMMERCIAL/ RESIDENTIAL

### Sections:

#### 17.28.010 - Intent.

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

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

#### 17.28.020 - Accessory uses.

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

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

#### 17.28.030 - Supplementary regulations.

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

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

## Chapter 17.36 - MAIN STREET OVERLAY ZONE

### Sections:

#### 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. No. 2015-14, 11-16-2015)

#### 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. No. 2015-14, 11-16-2015)

#### 17.36.030 - Regulations.

- A. **Setback.** ~~A minimum setback of ten (10) 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.~~ **Pre-existing buildings shall comply with this Ordinance wherever reasonable.**
- 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 at the approval of the city.~~ **Shall require Planning & Zoning Commission review and approval.**
  - 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 (10) 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 impede 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.** Provided in 17.54.?? of this title. ~~Within ten (10) 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 (7) feet over pedestrian walkways and eight (8) feet over streets;~~
  - ~~4. Maintenance and trimming of street trees and replacement of dead trees is the responsibility of the 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 for safety and/or security purposes. Exterior lighting 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 linier fluorescent lamps;
  3. Parking lot lighting shall not emit light beyond the development;
  4. Area lighting shall **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, **New Mexico State and Federal** drainage regulations.

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

#### 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, **but not limited**, to 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 Department**, which shall determine compliance with the provisions and intent of the Main Street Overlay Zone. An appeal of any decision by the **zoning officer Planning & Zoning Department** shall be carried out through the provisions established by the appeal process in the comprehensive zoning municipal code of the city of Belen. **This does not mean it has been approved for construction.**