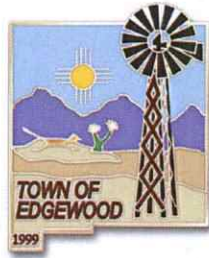


TOWN OF EDGEWOOD



ZONING ORDINANCE 2014-02

Adopted August 6, 2014

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ORDINANCE NO. 2014-02

AN ORDINANCE ADOPTING A REVISED COMPREHENSIVE ZONING CODE FOR THE TOWN OF EDGEWOOD, NEW MEXICO, INCLUDING ESTABLISHING REGULATIONS, REQUIREMENTS, AND PROCEDURES, PROVIDING FOR PENALTIES FOR ANY VIOLATIONS THEREOF, AND REPEALING ORDINANCE NO. 2003-4. BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD, NEW MEXICO, AS FOLLOWS:

SECTION 1. TITLE

These regulations shall be known as the “Comprehensive Zoning Ordinance” of the Town of Edgewood, New Mexico and shall be referred to herein as “this Ordinance”.

SECTION 2. PURPOSE

The regulations and restrictions of this Ordinance are designed to avoid congestion in the streets and public ways; to secure safety from fire, flood and other dangers; to promote the general welfare of the community; to protect and conserve water resources; to prevent the overcrowding of land; to facilitate provisions for transportation, water, sewerage, schools, parks, and other community requirements; to conserve the value of property; and to encourage the most appropriate use of land throughout the Town of Edgewood.

SECTION 3. APPLICABILITY

No structure shall be constructed, or placed, and no land use commenced within the Town of Edgewood except as authorized by this Ordinance. The provisions of this Ordinance are held to be minimum requirements to carry out the purpose of this Ordinance and are not intended to interfere with any other laws, covenants, or ordinances. Whenever any provisions of this Ordinance are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern.

SECTION 4. DEFINITIONS

A. Word Forms. Words used in the present tense include the future tense, and words used in the future tense include the present tense. All pronouns used in this Ordinance shall include the masculine, feminine, and neuter gender, in addition to the singular and the plural, and the context of this Ordinance shall be read accordingly. The words “shall” and “must” are mandatory, and the word “may” is permissive. All words defined herein are capitalized throughout the text of this Ordinance.

B. Definitions. For the purpose of this Ordinance, standard dictionary definitions are used except for certain words or phrases used herein which shall be deemed as follows:

1. **“Abandoned Well”** means a Wellhead for which use has been permanently discontinued or which is in such disrepair that its continued use for the purpose of obtaining groundwater is impracticable or may constitute a health hazard.
2. **“Accessory”** means subordinate and incidental to a principle use or structure on the premises.
3. **“Adult Amusement Establishment”** means an establishment such as a Lounge, auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment that provides amusement or entertainment featuring one or more of the following: A live performance or act distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of

Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

4. **“Adult Cabaret”** means a type of Adult Amusement Establishment, whether a Lounge, nightclub, bar, restaurant or similar establishment, which regularly features any type of live entertainment characterized by its emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Parts, or that is intended to provide sexual stimulation or sexual gratification.
5. **“Agricultural-Related Business”** means a business operated on an agricultural parcel, related to or supportive of agricultural activities, such as blacksmithing, agricultural implement repair, and/or roadside sale of agricultural products.
6. **“Airport Imaginary Surface”** means imaginary areas in space or on the ground that are established in relation to the airport and its Runways. Imaginary areas for private use airports are defined by the Primary Surface and Approach Surface.
7. **“Airport Sponsor”** means the owner, manager, or other Person or entity designated to represent the interests of an airport.
8. **“Approach Surface”** means a surface longitudinally centered on the extended Runway centerline and extending outward and upward from each end of the Primary Surface. An Approach Surface is applied to each end of the Runway. The inner edge of the Approach Surface is the same width as the Primary Surface and it expands uniformly to a width of 450 feet for that end of a private use airport with only visual approaches. The Approach Surface extends for a horizontal distance of 2,500 feet at a slope of 20 feet outward for each one foot upward.
9. **“Basement”** means the lowest story of a Building that is located below the main floor.
10. **“Boarding, Rooming, or Lodging House”** means a Building other than a hotel, motel, or restaurant where lodging, with or without meals, is provided for compensation. Such Building shall not contain more than eight (8) guest rooms. This definition includes bed-and-breakfast enterprises.
11. **“Building”** means a structure, having a roof and intended to be used for sheltering people, animals, property, and/or business activity.
12. **“Building Height”** means the height of the Building as measured from six inches (6”) below the lowest finished floor, not including the Basement, to the highest point of the Building based either on the top of the parapet or coping of a flat-roofed Building, or the ridge of a sloping roof. No part of any Building shall be constructed above the permitted height.
13. **“Caretaker House”** means a secondary Building incidental to the main Building used for residential purposes by a custodian taking care of a property.
14. **“Common Area”** means a portion of the land within the Master Plan Zone, permanently designated for use as an Open Space, provided that the access ownership and maintenance responsibilities of the Common Area are clear.
15. **“Conditional Use”** means a use, which may be or become a nuisance or hazard to neighboring properties if proper safeguards are not taken. Conditional Uses require a permit following review and approval by the Planning & Zoning Commission.
16. **“Conservation Easement”** means an easement granting a right or interest in real property that is intended to preserve specified areas predominantly in their natural condition or to prohibit Buildings and structures on land graded, revegetated, and constructed to an approved condition; retaining such areas as suitable for habitat protection, flood control, or scenic Open Space within the Town of Edgewood.

17. **“Construction Trailer”** means temporary living quarters used in conjunction with a construction project on the subject Lot by the owner-occupants of a single-family dwelling being constructed, undergoing substantial renovation or being rebuilt due to fire or natural disaster.
18. **“Contamination”** means the presence of any harmful substances in the water supply, which is likely to injure human health, animal or plant life, property, or public welfare.
19. **“Density”** means the number of Dwelling Units per acre of land intended for such use on designated buildable area, excluding dedicated public right-of-ways. Density shall be expressed in terms of number of Dwelling Units per gross residential acre. In determination of the maximum number of units to be allowed, any proportional fraction thereof shall be the nearest whole number.
20. **“Developer”** means any Person, corporation, organization, or other legal entity constructing or creating improvements to the land.
21. **“Dilapidated Buildings”** means any Building, structure or house upon any commercial, industrial or residential property which is ruined, damaged or is covered with ruins, rubbish, wreckage, trash or debris.
22. **“Double Frontage Lot”**: see “Lot, Double Frontage”.
23. **“Dwelling, Multiple”** means a structure containing two or more Dwelling Units.
24. **“Dwelling, Singular”** means a Dwelling Unit which is not physically connected to any other Dwelling Unit(s).
25. **“Dwelling Unit”** means any structure or part of a structure containing one or more connected rooms designed to be occupied by one family, and is used for living and sleeping purposes. A Dwelling Unit may include Manufactured Homes or site built housing.
26. **“Floor Area”** means the total gross area of all floors of a Building, expressed in square feet measured from the outside surface of exterior walls.
27. **“Floor Area Ratio”** means the relationship of the Floor Area to the Lot Area, computed by dividing the Floor Area by the Lot Area.
28. **“Front Lot Line”**: see “Lot Line, Front”.
29. **“Front Setback”**: see “Setback, Front”.
30. **“Hazardous Materials”** means any substances defined in the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), section 101 (14), any substances designated as hazardous by the EPA pursuant to CERCLA section 102(a), or as regulated under Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA).
31. **“Hobby Breeder Site”** means any residence, Building or other structure used in whole or in part for keeping, raising or breeding animals registered with a nationally or internationally recognized animal registry organization. The resultant offspring are not sold for resale to commercial outlets or for the purpose of research, testing, or laboratory experimentation. This breeder site produces less than five (5) litters per year.
32. **“Home Occupation”** means a business or commercial activity which is conducted within a Dwelling Unit or an Accessory structure within a residential Zone District, and which is clearly secondary to the residential use of the premises.
33. **“Lot”** means a tract or parcel of land platted and placed on the appropriate county clerk’s record in accordance with laws and ordinances, and with access to a public right-of-way.
34. **“Lot Area”** means the area contained within the boundary lines of the Lot.

35. **“Lot, Double Frontage”** means any Lot bordered by two (2) parallel or approximately parallel streets.
36. **“Lot Line, Front”** on an interior lot, means the line separating the lot from the street or right-of-way. On a corner or through lot, means the line separating the lot from both streets or rights-of way.
37. **“Lot Line, Rear”** means the boundary line of a Lot which is opposite and most distant from the Front Lot Line and does not connect to the Front Lot Line.
38. **“Lot Line, Side”** means any Lot boundary line which is not a Front Lot Line or a Rear Lot Line.
39. **“Lounge”** means a business engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises.
40. **“Manufactured Home”** means a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six (36) by twenty-four (24) feet and at least eight hundred sixty-four square feet (864 sq. ft) and constructed in a factory to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit’s construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations.
41. **“Master Plan”** refers to a specific area by using words, pictures, and maps describing a proposal for development of a large ownership or multiple ownership proposed for incremental or independent subdivision applications.
42. **“Meteorological Tower (Met Tower)”** means the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
43. **“Mobile Home”** means a movable or portable housing structure larger than forty (40) feet in body length, eight (8) feet in width or eleven (11) feet in overall height, designed for and occupied by no more than one (1) family for living and sleeping purposes that is not constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code. **Recreational Vehicles are not Mobile Homes.**
44. **“Mobile Home Park”** means a Lot on which space is leased or rented by more than one (1) Mobile Home for occupancy for thirty (30) days or more, and which contains permanent facilities and services for the use of the park occupants.
45. **“Motor Vehicle”** shall mean any self-propelled vehicle which as originally built contained an engine, regardless of whether it contains an engine at any other time, including, without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.
46. **“Multiple Dwelling”**: see “Dwelling, Multiple”.
47. **“National Flood Insurance Program”** means the Federal program promulgated by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of

1973. The Town is a participating community in this program and has adopted floodplain management regulations for designated flood prone areas within the Town.

48. **“Non-Commercial Wind Energy Conversion System (Non-Commercial WECS)”** means a wind energy conversion system that is incidental and subordinate to another use on the same parcel and supplies electrical power solely for Applicant’s on-site energy generation and consumption with an aggregate generating capacity of 100 kw or less and generating less than 40 decibels at the property line.
49. **“Nonconforming Uses, Lots or Structures”** means any Building, structure or portion thereof, or use of any Building or land which does not conform to the regulations of this Ordinance and which lawfully existed on the effective date of the regulations to which it does not conform.
50. **“Nuisance Vehicles”** means any inoperable, partially dismantled or wrecked Motor Vehicle of all types upon any commercial, industrial or residential property. Licensed wrecking yards are exempted provided that the property does not violate the unsightly appearance provision of this ordinance.
51. **“Open Space”** means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such Open Spaces.
52. **“Overlay Zone”** means a Zone District placed over other Zone Districts such that special zoning requirements are imposed in addition to those of the underlying Zone District. Development within the overlay district must conform to the requirements of both zoning districts, or the more restrictive of the two (2) districts.
53. **“Overlay Zone, Wellhead Protection”** means an area designated by the Town of Edgewood to protect the groundwater source of municipal water supply wells from Contamination originating from human activities. Development within the overlay district must conform to the requirements of both zoning districts or the more restrictive of the two (2) districts.
54. **“Parking, Off Street”** means an area on a Lot used for required parking of Motor Vehicles as regulated by this Ordinance.
55. **“Permanent Foundations”** are defined as constructed or assembled components consisting of durable materials (i.e. concrete, masonry, treated wood, or other approved materials), and are required to be constructed on-site and shall have attachments points to anchor and stabilize the Manufactured Home. The design of the foundation shall be DAPIA approved or designed by a licensed professional engineer in accordance with the manufacturer’s specifications.
56. **“Permissive Use”** means any use authorized in a particular Zone District established by this Ordinance.
57. **“Person”** means any individual, estate, trust, receiver, association, club, corporation, company, firm, partnership, or other entity.
58. **“Planning & Zoning Commission”** means the Planning & Zoning Commission of the Town of Edgewood.
59. **“Planning & Zoning Official”** means that person authorized by the Town to administer the provisions of this Ordinance.
60. **“Primary Surface”** means a surface longitudinally centered on a Runway. The Primary Surface ends at each end of a Runway. The elevation of any point on the Primary Surface is the same as the elevation of the nearest point on the Runway

centerline. The width of the Primary Surface is 200 feet.

61. **“Property”** includes, in addition to the owner’s Lot or tract of land, whether improved or vacant, all easements of record, and the sidewalk, curb, gutter and parking area of any street abutting such Lot or tract of land.
62. **“Property Nuisance”** means anything that is created or maintained on any commercial, industrial or residential property within the Town limits without lawful authority which is injurious to public health, safety, morals or welfare or which by its unsightly appearance would tend to discourage residential or commercial development in its immediate area.
63. **“Public Utility Structure”** means any substation, equipment housing building, or similar structure used or operated by a public utility.
64. **“Rear Lot Line”**: see “Lot Line, Rear”.
65. **“Rear Setback”**: see “Setback, Rear”.
66. **“Recreational Vehicle”** means a vehicle which is designed or used as temporary living quarters for recreation, camping, or travel, and which may be a self propelled motor vehicle or designed to be towed or mounted on a Motor Vehicle. Recreational vehicle also includes boats, trailers, and off road vehicles. Recreational Vehicles shall not be stored within the Front Setback of a Lot for a time period exceeding one (1) week.
67. **“Recreational Vehicle Campground”** means a Lot, which is utilized for overnight and short term parking of occupied Recreational Vehicles, tents or similar devices used solely for the purpose of temporary living and sleeping in portable housing. Maximum length of occupancy shall be ninety (90) days. No individual metered utilities will be provided.
68. **“Rotor Diameter”** means the cross sectional dimension of the circle swept by the rotating blades of a Wind Generator.
69. **“Runway”** means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
70. **“Secondary Quarters”** means a secondary Building with a permanent foundation that is incidental to the main Dwelling Unit, and which is used only for noncommercial, residential purposes, including housing of caretakers, workers, and boarding guests.
71. **“Setback”** means the minimum allowable distance between any Building and the nearest Lot line of the Lot upon which it is located, consisting of Open Space, and unoccupied by any structure except as otherwise provided in this Ordinance. Walls, fences, signs, and public utility poles are exempt from Setback restrictions.
72. **“Setback, Front”** means the minimum allowable distance between any Building and the property line exclusive of any road easements of the Lot on which such Building is located. No more than one (1) Front Setback shall be designated on corner Lots or Double Frontage Lots.
73. **“Setback, Rear”** means the minimum allowable distance between any Building and the Rear Lot Line exclusive of any road easements of the Lot on which such Building is located. On Double Frontage Lots, the Rear Setback shall be designated on the opposite side of the Lot from the designated Front Setback.
74. **“Setback, Side”** means the minimum allowable distance between any Building and a Side Lot Line exclusive of any road easements of the Lot on which such Building is located. On corner Lots, a Side Setback shall be designated along one (1) of the Lot lines bordering a road or street.
75. **“Sexually-Oriented Business”** means an Adult Amusement Establishment or other

commercial enterprise the primary business of which is the offering of services intended to provide sexual stimulation or sexual gratification to the customer, whether by live performance or other. Sexually-Oriented Businesses include Adult Cabarets, adult bookstores, adult theaters, adult motion picture arcades, escort bureaus, strip clubs, adult model studios, adult motels/hotels, businesses that sell or distribute adult merchandise or sexually-oriented material, or any other business which offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Parts but not including those uses or activities, the regulation of which is preempted by state law. Sexually-Oriented Business shall also include any establishment which, as a regular and substantial course of conduct provides or allows performers, models, or employees to appear in any place in lingerie.

76. **“Side Lot Line”**: see “Lot Line, Side”.
77. **“Side Setback”**: see “Setback, Side”.
78. **“Singular Dwelling”**: see “Dwelling, Singular”.
79. **“Small Engine Repair and Service”** means a use conducted totally inside a Building involving maintenance and repair of low-power internal combustion engines or electric engines. Equipment repaired includes, but is not limited to, chain saws, string trimmers, leaf blowers, snow blowers, lawn mowers, wood chippers, go-karts and sometimes more powerful engines used in outboard motors, snowmobiles, and motorcycles.
80. **“Small Wind Energy Conversion System (Small WECS)”** means a wind energy system that (1) is used to generate electricity, (2) has a nameplate capacity of 100 kilowatts or less, and (3) has a Total Height of 170 feet or less.
81. **“Specified Anatomical Areas”** means:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttock or anus, and/or female breast below a point immediately above the top of the areola to and including the bottom of the breast. Covering of only the nipple and areola of the breast shall not constitute such covering;
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
 - c. A covering or device that, when worn, gives the appearance of or simulates the above listed Specified Anatomical Areas.
82. **“Specified Sexual Activities”** means:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Actual or simulated sex acts of human masturbation, sexual intercourse, sodomy, or similar acts;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
 - d. Striptease or the removal of clothing to the point where Specified Anatomical Parts are minimally clad; or
 - e. Any other similar acts.
83. **“Storage Trailer”** means a manufactured container, with or without a chassis and wheels, typically of metal or fiberglass construction, intended for storing or shipping goods. Examples include, but are not limited to, modular shipping containers, semi-trailers or truck bodies.
84. **“Total Height”** means the vertical distance from ground level to the tip of a Wind

Generator blade when the tip is at its highest point.

85. **“Variance”** means a relaxation of the terms of this Ordinance where such relaxation 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 Ordinance would result in unnecessary hardship.
86. **“Underground Storage Tank”** means a single tank or combination of tanks, including underground pipes connected thereto, which are used to contain an accumulation of fuels, Hazardous Materials, or other regulated substance, and the volume of which, including the volume of the underground pipes connected thereto, is ten per centum (10%) or more beneath the surface of the ground. This definition does not include septic tanks.
87. **“Wellhead”** means the structural element of a constructed water well which is the source of a groundwater supply system.
88. **“Wind Energy Conversion System (WECS)”** means all necessary equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.
89. **“Wind Generator”** means blades and associated mechanical and electrical conversion components mounted on top of the Wind Tower.
90. **“Wind Tower”** means the monopole, freestanding, or guyed structure that supports a Wind Generator.
91. **“Zone District”** means a mapped area of the Town of Edgewood where regulations governing the use of Buildings, structures, and land are uniform.

SECTION 5. REVIEW AND DECISION-MAKING BODIES

Summary of Ordinance Administration and Review Roles:

Review and Decision-Making Bodies and Responsibilities				
PROCEDURE	§	GB	PC	Staff
Amendments to the Text of the Code	Section 38	R/D	R/REC	R/REP
Annexations	Section 9	R/D	R/REC	R/REP
Conditional Use Permit	Section 33	A	R/D	R/REP
Development Plans	Section 8			R/D
Rezoning	Section 38	R/D	R/REC	R/REP
Easements	Subdivision Ordinance			
MasterPlans	Section 23	R/D	R/REC	R/REP
MasterPlan Amendments	Section 23	A	R/D	R/REP
Subdivision of Land	Subdivision Ordinance	A	R/D	R/REP
Variances	Section 35	A	R/D	R/REP
NOTES: PC=Planning & Zoning Commission GB=Town Governing Body Staff=Planning & Zoning Official	“A”=Appeal “R”=Review “R/D”= Review and Decision “R/REC”=Review and Recommendation “R/REP”=Review and Report			

1. Planning & Zoning Commission.

1. The Planning & Zoning Commission is the principal Town administrative board for reviewing amendments, modifications, or time extensions of plans, designs, plats, and restrictions.
2. The Planning & Zoning Commission is the principal Town administrative board reviewing and granting or denying appeals from decision of Town staff regarding the drainage and grading ordinance.
3. The Planning & Zoning Commission may provide to administrative and governmental officials of the Town recommendations for public improvements and for the financing of such improvements. Public officials shall, upon request, furnish to the Planning & Zoning Commission within a reasonable time such available information as it may require for its work.
4. The Planning & Zoning Commission may make reports and recommendations relating to the development of the Town to public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens with regard to:
 - a. Growth management, land use, transportation, development review procedures, urban design and capital improvements; and
 - b. Neighborhood and community planning, and other community issues as they relate to long-term planning.

2. Other Recommendations to Town governing body

The Planning & Zoning Commission is the principal Town administrative board reviewing and making recommendations to the Town governing body regarding:

- a. The adoption of the Comprehensive Plan and proposed revisions and amendments thereto;
- b. Annexations;
- c. Rezonings; and
- d. Proposed amendments to this chapter.

3. Other Powers and Duties

- a. The Planning & Zoning Commission and/or its staff, in the performance of its functions, may enter on any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. Any site visits by the Commission are public hearings subject to the requirements of the Open Meetings Act.
- b. The Planning & Zoning Commission may request staff to review a proposed Town zoning map amendment or a proposed amendment to this chapter, such Person shall issue comments and non-binding recommendations in response to the request.

4. Membership and Procedures

- a. **Composition.** The Planning & Zoning Commission shall be composed of not less than five (5) members, and one (1) alternate either residing in the Town or New Mexico residents who have sufficient contacts with the Town acceptable to the Council, and qualified by training, experience, and ability to exercise sound and practical judgment on civic, social, economic, and governmental affairs. The members shall be appointed by the mayor with the advice and consent of a majority vote of all the members of the Town governing body.
- b. **Appointment Terms.** A majority of the members on the first planning board shall be appointed for one-year terms and the balance of the members shall be appointed for two- year terms. Each subsequent term shall be for two years or less in order to maintain the original staggering of terms of membership.

- c. **Chairman and Vice Chair.** The Planning & Zoning Commission shall elect a chairman and a vice chair for one-year terms.
- d. **Meetings.** The Planning & Zoning Commission shall hold at least one (1) regular meeting each month. The Chairman of the Commission may cancel any regularly scheduled meeting if no items are before the Commission for that meeting. Failing to attend three consecutive regular meetings or failing to attend thirty-three percent (33%) or more of the regular meetings in any year shall constitute an automatic tender of resignation by such member, which the Town governing body may accept or reject in its discretion.
- e. **Vacancy.** A vacancy shall be filled in the same manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the remainder of the unexpired term.
- f. **Records of Membership.** Records of the status of membership on the Planning & Zoning Commission shall be kept by the Town Clerk.
- g. **Quorum.** A quorum for the Planning & Zoning Commission shall be at least three (3) members.
- h. **Compensation of Members** Planning & Zoning Commissioners shall serve without compensation.
- i. **Records.** Full and complete records of Planning & Zoning Commission meetings and actions shall be kept by the Town Clerk pursuant to Town rules and regulations, and the New Mexico Open Meetings Act.

SECTION 6. REVIEW AND APPROVAL PROCEDURES

1. GENERAL PROVISIONS

A. Authority to File Applications

1. Unless otherwise specified in this chapter, applications for review and approval under this chapter may be initiated by:
 - a. the owners of the property that is the subject of the application;
 - b. the owners' authorized agents;
 - c. any review or decision-making body;
 - d. Planning & Zoning Official.

2. When an authorized agent files an application under this chapter on behalf of a property owner, the agent shall provide the Town with written documentation verified under penalty of perjury that the owner of the property has authorized the filing of the application.

3. When a review or decision-making body initiates action under this chapter, it does so without prejudice toward the outcome.

B. Pre-Application Conferences

1. Applicability Pre-application conferences are required prior to submittal of applications for amendment of the shape, boundary, or area of any Zone District, whether by annexation, rezoning or a subdivision.

2. Procedures

- a. Not more than fifteen (15) calendar days before filing an application, the applicant shall initiate a pre-application conference with the Planning & Zoning Official. No application may be accepted until after a pre-

application conference takes place. All Town departments involved or affected by the application should be invited to attend the pre-application conference, if possible. The Town will strive to provide to the applicant contact information for any entities which are unable to attend the pre-application conference, when available.

1. For annexations and rezonings, the purpose of the pre-application conference shall be to review the proposal for conformity with all requirements of the Town of Edgewood Comprehensive Plan, subdivision ordinance, zoning ordinance; availability of community facilities and utilities, proposed utilities and street improvements, required parks and recreation dedications and Open Space improvements as dictated by Town ordinances and the Comprehensive Plan.
- b. This section does not assume any responsibility for a lack of understanding of these regulations by the applicant.

C. Form of Application. Applications required under this chapter shall be submitted in a form and in such number as required by the official responsible for accepting the application.

D. Schedule of Fees, Charges, and Expenses. The Town governing body shall establish by resolution a schedule of fees, charges, and expenses and a collection procedure for review of Building permit reviews, appeals, subdivisions, amendments, and other matters pertaining to these regulations. This schedule of fees shall be posted in the Planning and Zoning Department and may be altered or amended only by the Town governing body.

E. Payment of Fees. No considerations shall be made and no permit or approval required under this chapter shall be issued or granted unless and until all costs, charges, fees or expenses then due have been paid in full.

SECTION 7. GENERAL PROVISIONS

A. Access to Structures. All structures shall be located on Lots providing safe and convenient access for providing municipal services, fire protection, and any required Off Street Parking or loading.

B. General Provisions and Public Rights of Way. All litter, trash, rubbish, waste or garbage produced by construction activities shall be contained in receptacles, which prevent such materials from littering adjacent properties. All such litter, trash, rubbish, waste or garbage shall be completely and properly removed from all construction sites prior to the final inspection. The contractor shall not dump waste or other material on private or public property, except for designated refuse sites, without first obtaining from the owner written permission for such dumping. All such dumping shall be in strict conformance with all provisions of this Code and any other governmental rules and regulations, including the requirement for a fill permit.

C. Home Occupations. All Home Occupations shall be subject to the following requirements:

1. Only members of the residing family and no more than four other Person(s) shall be engaged on premises in the Home Occupation;

2. There shall be no exterior indication of the Home Occupation;
3. Exterior storage of materials and/or equipment necessary for the Home Occupation is allowed only if it is surrounded by a solid wall or fence sufficient to provide a visual barrier to any contiguous residential properties, and such wall is in conformance with the provisions of this Ordinance.;
4. Not more than twenty-five percent (25%) of the Floor Area of the Dwelling Unit shall be devoted to the Home Occupation;
5. A Home Occupation shall not generate more than 6 round-trip vehicular trips per day;
6. No parking in the public right-of-way shall occur as a result of the Home Occupation except for occasional business gatherings;
7. No building addition shall be permitted to the principal structure for the purpose of accommodating the Home Occupation;
8. No equipment or process shall be used in a Home Occupation, which creates a nuisance or otherwise disrupts any person or property located off the premises where the Home Occupation is located, such as noise, dust, vibration, glare, fumes, odors, flicker, electrical interference, or other nuisances detectable to the normal senses.
9. The production, dumping or storage of combustible, toxic or other Hazardous Materials or substances shall be expressly prohibited on the site of the Home Occupation; and
10. A business license shall be obtained when required for the operation of the Home Occupation.

D. Manufactured Home Installation. Regardless of any Setback regulations provided in this Ordinance, no Manufactured Home shall be installed less than twenty (20) feet from any other Dwelling Unit. Manufactured Homes shall be limited to residential use only. Prior to occupancy, Manufactured Homes shall be connected to utilities, provided with skirting of a durable material, and stabilized and anchored in accordance with the requirements promulgated by the Manufactured Housing Act and any regulations made pursuant to that act.

E. Manufactured Home Installation. Manufactured Homes shall be installed on a Permanent Foundation as defined by the Manufactured Housing Act (NMSA 1978).

F. Vision Clearance. At all road or street intersections, no obstructions to view shall be placed or maintained between three feet and eight feet above the roadway level in a triangular space at the road or street corner on a corner Lot. Such triangular space shall be bounded by the corner property lines and a diagonal line connecting points that are 25 feet in distance from the property line intersection.

G. Dwelling Prohibition. Dwelling prohibition in any Zone District shall not be construed to prohibit from any commercial Lot one (1) Caretaker House of an individual (and his family) acting in the capacity of manager, caretaker or watchman.

SECTION 8. DEVELOPMENT REVIEW

A. Requirement for Local Review. For the purpose of this Ordinance, no Building, structure or land use shall be commenced, nor Manufactured Home installed upon any site within the Town of Edgewood without being reviewed by the Planning & Zoning

Official. Building permit applications shall be submitted to the Planning & Zoning Official for zoning compliance review and signature before applying for a State Building Permit.

Manufactured Home installation permits shall be reported to the Planning & Zoning Official upon issuance to the Manufactured Home owner. Elevation Certificates are required for all structures built or placed in designated flood plains within the Town.

B. Development Plans. Unless otherwise provided herein, any site development plan that is required in this Ordinance shall include the following components:

1. A map, to scale, showing boundaries and the location, dimensions, and purpose of all Buildings, structures and land uses, both existing and proposed;
2. The location and dimensions of all contiguous streets or roads, on-site utility easements (including indicating their purpose), and parking and loading areas;
3. A general description of the natural features of the site such as topography and vegetation, any proposed alteration of those natural features, and an identification of any special drainage or flooding conditions on the site including flood plains;
4. A general description of the Buildings, and structures on contiguous lands; and
5. An exterior lighting plan, if applicable, that shows the locations and type of lighting proposed.

C. Review Process. The Planning & Zoning Official shall determine if a Variance, zone change, or Conditional Use permit is indicated and if so, will notify and advise the appropriate person of subsequent procedures required by this Ordinance. The Planning & Zoning Official shall also review development proposals for compliance with the National Flood Insurance Program. The completed development plan shall be returned to the applicant within three (3) working days for residential reviews and within three (3) weeks for commercial reviews.

SECTION 9. ZONE DISTRICT BOUNDARIES

A. Districts. In order to carry out the provisions of this Ordinance, the Town of Edgewood is hereby divided into Zone Districts, which are described in the following sections. The regulations prescribed in this Ordinance shall apply within the corporate limits of the Town of Edgewood.

B. Zoning Map. The boundaries of all Zone Districts within the Town of Edgewood are hereby established as shown on the TOWN OF EDGEWOOD ZONING MAP as amended from time-to-time, which shall be made a part of this Ordinance as if fully described herein.

C. Interpretation. Where due to the scale, lack of detail, or illegibility of the official TOWN OF EDGEWOOD ZONING MAP, there is any uncertainty, contradiction, or conflict as to the intended location of any Zone District boundaries shown therein, interpretations concerning the exact location of Zone District boundary lines shall be determined by the Town governing body with the advice of the Planning & Zoning Commission.

D. Multiple Zoned Lots. Circumstances may justify the need to designate more than one (1) Zone District on a single Lot. In such cases, Zone District boundaries within a

multiple zoned Lot shall be more fully described in the TOWN OF EDGEWOOD ZONING MAP by showing any necessary dimensions of Zone Districts in relation to existing property lines.

E. Annexation. Any request or proposal for annexation of territory to the Town of Edgewood shall be filed and processed concurrently with an application for an amendment to the TOWN OF EDGEWOOD ZONING MAP as provided in this Ordinance. Zoning within annexed areas must be consistent with contiguous zoning, or must be in accordance with the Comprehensive Plan of the Town of Edgewood.

SECTION 10. TOE-AP AIRPORT SAFETY OVERLAY ZONE

A. Purpose: The purpose of this airport safety Overlay Zone is to encourage and support the continued operation and vitality of the Sandia Airpark, by establishing safety standards to promote air navigational safety at this privately-owned public use airport. These safety standards are to promote air navigational safety at this airport as well as the safety of those living near this airport.

B. Uses permitted outright: In the airport safety airport safety Overlay Zone the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.

1. Single family residences;
2. Aircraft hangars;
3. Runways and taxiways; and.
4. Commercial, retail and aircraft refueling as established in the Master Plan of the Sandia Airpark filed in the Santa Fe County Clerk's Office in book 354, page 43, and 44.

C. Height Limitations on Allowed Uses in Underlying Zone. All uses permitted by the underlying zone shall comply with the height limitations in this section. When height limitations of the underlying zone are more restrictive than those of this airport safety Overlay Zone, the more restrictive shall govern.

1. Except as provided in subsection 2 of this Section, no structure, tree, plant, or other object of natural growth or artificial construction shall penetrate an Airport Imaginary Surface.
2. Height Variances may be permitted when supported in writing by the Airport Sponsor. Applications for height Variances shall follow Variance procedures established in Section 36.

D. Procedures. An applicant seeking a land use or limited land use approval in an area within this airport safety Overlay Zone shall provide the following information in addition to any other information required in the permit application:

1. A map or drawing showing the location of the property in relation to the Airport Imaginary Surfaces. The Planning & Zoning Commission or its designee shall provide the applicant with appropriate base maps upon which to locate the property.
2. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.
3. If a height Variance is requested, letters of support from the Airport Sponsor.

E. Nonconforming Uses.

1. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this airport safety Overlay Zone.
2. Now withstanding subsection 1, of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.
3. No land use or limited land use approval or other permit shall be granted that would allow a Nonconforming Use, Lot, or Structure to become a greater hazard to air navigation than it was on the effective date of this airport safety Overlay Zone.

F. Aviation Easement. Within this airport safety Overlay Zone, the owners of properties that are the subject of applications for land use or limited land use decisions, for Building permits for new residential, commercial, industrial, institutional or recreational Buildings or structures intended for inhabitation or occupancy by humans or animals, or for expansions of such Buildings or structures by the lesser of 50 % or 1000 square feet, shall, as a condition of obtaining such approval or permits, dedicate an aviation easement to the Airport Sponsor. The aviation easement shall be in a form acceptable to the Airport Sponsor and shall be signed and recorded in the deed records of the County. The aviation easement shall allow unobstructed passage for aircraft. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of Building permits.

SECTION 11. AG AGRICULTURAL ZONE

The following provisions shall apply to all land within an agricultural Zone District:

A. Intent. The purposes of the agricultural district are to protect and promote the continuation of agricultural activities in areas where they are already established:

1. To permit, with limited exceptions, only agricultural land uses and activities; and
2. To separate agricultural land uses and activities from incompatible residential, commercial, and industrial development, and public facilities.

B. Permissive Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this Zone District. Any of the following permissive uses are allowed in this Zone District:

1. All forms of agriculture, horticulture, ranching and animal husbandry, including necessary agricultural structures;
2. Leasing pasture for grazing;
3. Agricultural and ranch dwellings;
4. Production nurseries and production greenhouses;
5. Wildlife refuges, fish hatcheries and fish farms;
6. The following Accessory uses:
Roadside stands for the sale of agricultural products; At least half of which are grown on the premises. Off-road parking shall be provided for all employees and customers and the stand shall be set back at least 20 feet from all property

- lines and road rights of way. The stand shall not be more than 300 square feet in size;
7. Non-commercial recreation (family pool, tennis court, etc.);
 8. Non-commercial antenna or communications facility.

C. Conditional Uses. The following uses may be allowed in this Zone District only upon the granting of a permit in accordance with this Ordinance.

1. Animal hospitals, veterinary facilities, and kennels;
2. Riding schools and/or horse boarding stables;
3. Agricultural related businesses that are conducted outside the home, subject to the following regulations:
 - a. No more than two (2) acres of land shall be devoted to such use including areas used for structures, parking, storage, display, Setbacks, landscaping, et cetera. Any lane serving the agricultural-related business and a home and/or agricultural contained on the same Lot shall not be included as Lot Area devoted to the agricultural-related business. No additional lane or curb cut to access the agricultural-related business shall be allowed; and
 - b. No more than fifty percent (50%) of the area devoted to an agriculture related business shall be covered by Buildings, parking lots, or any other impervious surface; and

D. Incompatible Uses.

Uses not specifically permitted under subsections B or C above shall not be permitted in the agricultural Zone District. In general, uses and activities that induce non-agriculture development, generate urban levels of traffic, require substantial parking or could pose a threat to agricultural water supplies are inconsistent with the purposes of the agricultural Zone District, and are therefore not permitted.

E. Non-Agricultural Lots.

Non-agricultural Lots include Lots or parcels containing less than twenty-five (25) acres and containing one (1) or more Dwelling Units, and/or Lots devoted to uses other than agricultural or residential uses. Lots or parcels of land containing at least twenty-five (25) acres, and which are devoted primarily to agricultural uses, together with a dwelling and/or other Accessory uses, shall be considered agricultural. Agricultural activities may be carried on as part of the use of a non-agricultural Lot.

F. Yard, Coverage, and Height Requirements.

1. All Lots or parcels shall have minimum width of one hundred (100) feet at the Building Setback line and sixty (60) feet at the street right-of-way line.
2. All structures located on non-agriculture Lots shall have a minimum front and rear yard of fifty (50) feet respectively and a minimum side yard of twenty-five (25) feet on each side.
3. All structures located on agriculture parcels shall have front, rear, and side yard Setbacks of at least fifty (50) feet.
4. Except as otherwise set forth herein, the total impervious coverage, including both Buildings and other impervious surfaces, of a non-agriculture Lot shall not be more than twenty percent (20%); the total Lot coverage of a agricultural parcel shall not be more than ten percent (10%).
5. The maximum height of a residential Building shall be thirty-six (36) feet. The

maximum height of all other Buildings and structures, excluding silos and windmills, shall be established by the relevant building code, provided however, that such Buildings and structures shall be Setback a minimum distance equal to the height of the structure plus ten percent (10%).

G. Agricultural Nuisance Disclaimer.

Lands within the agricultural Zone District are used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health or even death arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Owners, residents, and users of this property should be prepared to accept these conditions and are hereby put on official notice.

SECTION 12. R-1 CONVENTIONAL 1-ACRE RESIDENTIAL ZONE

A. Intent. The purpose of this Zone District is to provide for the development of residential neighborhoods consisting of Singular Dwellings and certain other uses, which are compatible to the residential character of this district. Density shall be limited to one (1) Dwelling Unit per Lot.

B. Permissive Uses. No Building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this Zone District. Any of the following Permissive Uses are allowed in this Zone District:

1. One (1) Dwelling Unit per Lot.
2. Accessory Buildings, structures, or uses, subject to the provisions of this Ordinance.
3. Home Occupation, subject to the provisions of this Ordinance.
4. Family daycare home, provided the activity is licensed by the State as a family daycare home.
5. Storage of a Recreational Vehicle provided it is not used as additional living quarters and is not permanently connected to utilities; Recreational Vehicles shall not be stored within the tract Setback of a Lot for a time period exceeding twenty-four (24) hours.
6. Public Utility Structure, provided its location is based on an appropriate Master Plan that has been approved by the Town governing body.
7. Public parks and recreation areas.
8. Secondary Quarters that serve as a single detached extension of the primary Dwelling Unit, and are used exclusively for living and sleeping purposes.

C. Conditional Uses. The following uses may be allowed in this Zone District only upon the granting of a permit in accordance with this Ordinance:

1. Boarding, Rooming, and Lodging Houses.
2. Church or other religious Building used as a place of worship.
3. Schools, whether public or private, with incidental facilities, provided that the Town governing body has approved a development plan for the site.
4. Manufactured Homes, provided however, that the use of any Manufactured Home as a secondary or Accessory dwelling to the site built primary dwelling shall be limited to a period not to exceed one (1) year unless an extension of time is

granted upon renewal of the permit.

D. Prohibited Uses. The following uses are prohibited in this zone:

1. The open storage of inoperative Motor Vehicles or auto parts;
2. The open storage of trash or junk;
3. The open storage of appliances; and
4. Any use not designated a permissive or Conditional Use in this zone, unless otherwise authorized by this Ordinance.

E. District Standards. The following regulations apply to all land uses in this Zone District:

1. Minimum Lot size shall be one (1) acre. Any Nonconforming Lot which existed prior to the effective date of this Section, may continue as a Nonconforming Use in accordance with this Ordinance unless the Council finds at any time that the use is an imminent danger to the public health, safety, and welfare.
2. Setbacks shall be maintained as follows:
 - a. Front Setback shall be no less than thirty (30) feet;
 - b. Side Setback shall be no less than ten (10) feet, except in cases of corner Lots, where the secondary street Side Setback shall be no less than twenty (20) feet;
 - c. Rear Setback shall be no less than ten (10) feet.
3. Off-street parking must be provided in accordance with the requirements set forth herein.
4. Maximum Building Height shall be thirty-six (36) feet.
5. All housing shall be on a Permanent Foundation which shall be inspected and approved by the State of New Mexico.

SECTION 13. R-2 CONVENTIONAL 2-ACRE RESIDENTIAL ZONE

A. Intent. The purpose of this Zone District is to provide for the development of residential neighborhoods consisting of Singular Dwellings and certain other uses, which are compatible to the residential character of this district. Density shall be limited to one (1) Dwelling Unit per lot.

B. Permissive Uses. No Building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this Zone District. Any of the following Permissive Uses are allowed in this Zone District:

1. One (1) Dwelling Unit per lot.
2. Accessory Buildings, structures, or uses, subject to the provisions of this Ordinance.
3. Home Occupation, subject to the provisions of this Ordinance.
4. Family daycare home, provided the activity is licensed by the State as a family daycare home.
5. Storage of a Recreational Vehicle provided it is not used as additional living quarters and is not permanently connected to utilities; Recreational Vehicles shall not be stored within the tract Setback of a lot for a time period exceeding twenty-four (24) hours.
6. Public Utility Structure, provided its location is based on an appropriate Master Plan that has been approved by the Town governing body.
7. Public parks and recreation areas.

8. Secondary Quarters that serve as a single detached extension of the primary Dwelling Unit, and are used exclusively for living and sleeping purposes.

C. Conditional Uses. The following uses may be allowed in this Zone District only upon the granting of a permit in accordance with this Ordinance:

1. Boarding, Rooming, and Lodging Houses.
2. Church or other religious Building used as a place of worship.
3. Schools, whether public or private, with incidental facilities, provided that the Town governing body has approved a development plan for the site.
4. Manufactured Homes, provided however, that the use of any Manufactured Home as a secondary or Accessory dwelling to the site built primary dwelling shall be limited to a period not to exceed one (1) year unless an extension of time is granted upon renewal of the permit.

D. Prohibited Uses. The following uses are prohibited in this zone:

1. The open storage of inoperative Motor Vehicles or auto parts;
2. The open storage of trash or junk;
3. The open storage of appliances; and
4. Any use not designated a permissive or Conditional Use in this zone, unless otherwise authorized by this Ordinance.

E. District Standards. The following regulations apply to all land uses in this Zone District:

1. Minimum lot size shall be no less than two (2) acres, exclusive of roadway easements. Any Nonconforming Lot which existed prior to the effective date of this Section, may continue as a Nonconforming Use in accordance with this Ordinance unless the Council finds at any time that the use is an imminent danger to the public health, safety, and welfare.
2. Setbacks shall be maintained as follows:
 - a. Front Setback shall be no less than thirty (30) feet;
 - b. Side Setback shall be no less than ten (10) feet, except in cases of corner lots, where the secondary street Side Setback shall be no less than twenty (20) feet;
 - c. Rear Setback shall be no less than ten (10) feet.
3. Off-street parking must be provided in accordance with the requirements set forth herein.
4. Maximum Building Height shall be thirty-six (36) feet.
5. All housing shall be on a Permanent Foundation which shall be inspected and approved by the State of New Mexico.

SECTION 14. R-3 RESIDENTIAL/INSTITUTIONAL ZONE

A. Intent. The purpose of this Zone District is to accommodate higher-density retirement centers or assisted care facilities. Singular Dwellings or detached structures with Multiple Dwellings are allowed in this district.

B. Permissive Uses. No Building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this Zone District.

Any of the following Permissive Uses are allowed in this Zone District:

1. All uses permissive in the R-1 Zone District;
2. Multiple Dwellings provided they are connected to water and sewer systems and subject to the following restrictions:

- a. The Floor Area Ratio shall not exceed 0.5 on any Lot; and
 - b. The gross Density of Lots shall not exceed four (4) dwelling units per acre; and
 - c. The dedication of Open Space is at least thirty percent (30%), not including roadways, parking lots, or driveways.
3. Retirement Centers and Assisted Care Institutions.

C. Prohibited Uses: The following uses are prohibited in this zone:

1. The open storage of inoperative Motor Vehicles or auto parts;
2. The open storage of trash or junk;
3. The open storage of appliances; and
4. Any use not designated a permissive or Conditional Use in this zone, unless otherwise authorized by this Ordinance.

D. Conditional Uses. The following uses may be allowed in this Zone District only upon the granting of a permit in accordance with this Ordinance:

1. All uses conditional in the R-1 Zone District;

E. District Standards. The following regulations apply to all land uses in this Zone District:

1. Setbacks shall be maintained as follows:
 - a. Front Setback shall be no less than fifteen (15) feet;
 - b. Side Setback shall be no less than ten (10) feet;
 - c. Rear Setback shall be no less than fifteen (15) feet; and
2. Off-street parking must be provided in accordance with the requirements set forth herein.

SECTION 15. R-4 (MANUFACTURED HOME) RESIDENTIAL ZONE

A. Intent. The purpose of this Zone District is to provide for the development of subdivisions for Manufactured Homes. Density shall be limited to one (1) Dwelling Unit per Lot, with a minimum Lot size of no less than one (1) acre.

B. Permissive Uses. No Building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this Zone District.

Any of the following Permissive Uses are allowed in this Zone District:

1. One (1) Dwelling Unit per Lot;
2. Accessory Buildings, structures, or uses, subject to the provisions of this Ordinance;
3. Home Occupation, subject to the provisions of this Ordinance;
4. Family daycare home, provided the activity is licensed by the State as a family daycare home;
5. Storage of a Recreational Vehicle provided it is not used as additional living quarters and is not permanently connected to utilities; Recreational Vehicles shall not be stored within the tract Setback of a Lot for a time period exceeding twenty-four (24) hours;
6. Public Utility Structure, provided its location is based on an appropriate Master Plan that has been approved by the Town governing body; and
7. Public parks and recreation areas.