

## ORDINANCE 1052

**AN ORDINANCE REPEALING ORDINANCE 862 ADOPTED APRIL 8, 1993 (TUCUMCARI MUNICIPAL CODE CHAPTER 15.20 - SIGN CODE); REPEALING ORDINANCE 623 ADOPTED JUNE 13, 1974 AND SECTION 20 OF ORDINANCE 943 ADOPTED NOVEMBER 1, 1999 (TUCUMCARI MUNICIPAL CODE CHAPTER 16 -SUBDIVISIONS); REPEALING ORDINANCE 917 ADOPTED MAY 22, 1997 (TUCUMCARI MUNICIPAL CODE CHAPTER 17 - ZONING); AND REPEALING ORDINANCE 622 ADOPTED MAY 9, 1974 (MOBILE HOME CODE). TUCUMCARI MUNICIPAL CODE CHAPTERS 16 AND 17 ARE REPLACED IN THEIR ENTIRETY BY CHAPTER 17 ADOPTED BY ORDINANCE 1052 ENTITLED THE UNIFIED DEVELOPMENT CODE OF THE CITY OF TUCUMCARI.**

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## 17.01 GENERAL PROVISIONS

**17.01.010 Title.** This Ordinance shall be known, and may be cited and referred to, as the City of Tucumcari Unified Development Code.

**17.01.020 Authority.** This Ordinance is adopted pursuant to Chapter 3 and 5 of NMSA 1978.

**17.01.030 Replacement of Previous Ordinances.** The provisions of this ordinance shall take precedence over previously adopted ordinance pertaining to the same subject matter. Except as specifically provided within this ordinances, there shall be no grandfathering for new uses or carry over of previously adopted standards.

**17.01.040 Purpose.** The purpose of this Ordinance is to provide for orderly development within the City of Tucumcari to protect and promote the health, safety and general welfare of the community.

**17.01.050 Prohibition.** A person shall not use or subdivide any land within the City of Tucumcari in a manner contrary to this Ordinance, except as may be specifically permitted herein, and shall be subject to all regulations and conditions enumerated in this Ordinance.

**17.01.060 Construction and Headings.**

**17.01.060.01 CONSTRUCTION.**

17.01.060.01.01 Definitions Generally. When used in this title, the words “shall,” “will” and “is to” are always mandatory and not discretionary. The words “should” or “may” are permissive. The present tense includes the past and future tenses, and the future tense includes the past. The singular number includes the plural, and the plural, the singular.

17.01.060.01.02 Time of Day. Whenever a certain hour or time of day is specified in these regulations or any permit, condition of approval or notice issued or given as set forth in this title, such hour shall be standard time or daylight savings time, whichever is in current use in the City.

17.01.060.01.03 Number of Days. Whenever a number of days is specified in these regulations or any permit, conditions of approval or notice issued or given as set forth in these regulations, such number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days.

17.01.060.01.04 Rounding of Quantities. Whenever these regulations require consideration of distances, parking spaces or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers are to be rounded to the nearest highest whole number, when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5, except as otherwise noted in this title.

**17.01.060.02 HEADINGS AND SUBHEADINGS.** All heading and subheadings contained in these regulations shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, section or subsection of these regulations.

**17.01.070 Administration.**

**17.01.070.01 COMMUNITY DEVELOPMENT DIRECTOR.** The Community Development Director (Director), or his designee, is a City employee from the Community Development Department. The Director has the duty of enforcing this Ordinance and the following additional duties:

17.01.070.01.01 Review and act on certain applications as provided for in this Ordinance.

17.01.070.01.02 Monitor structures and land uses for compliance with this Ordinance.

17.01.070.01.03 Maintain records of this Ordinance and any amendments, and all applications filed and their final disposition, in accordance with applicable laws and regulations.

17.01.070.01.04 Attend all meetings of the Planning Commission. Attend all meetings of the Governing Body, as required by that body.

17.01.070.01.05 Provide information to the public as requested about the Unified Development Code and the official Zoning Map.

17.01.070.01.06 Investigate and prepare reports for the Planning Commission and Governing Body concerning certain applications and appeals as provided for in this Ordinance.

17.01.070.01.07 Act to remedy violations of this Ordinance as may be permitted by law.

**17.01.070.02 PLANNING AND ZONING COMMISSION.** The Planning and Zoning Commission (Planning Commission) is hereby established. Said Planning Commission shall consist of a maximum of seven (7) members to be appointed by the Governing Body. The term of office of the Planning Commission members shall be two (2) years. Planning Commission members may be removed for just cause from office by the Governing Body for the remaining term of any member thereof. Any Planning Commissioner removed by the Governing Body may request that the Governing Body provide such reason in writing.

17.01.070.02.01 General Procedures. The Planning Commission shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at least once monthly on a regularly scheduled basis and at other such times as the Planning Commission may determine. Meetings shall be duly advertised as required and open to the public. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if a member be absent or fail to vote, such fact shall be indicated. The Planning Commission shall keep a record of all its official actions. The record shall be kept in the Planning Department as a public record.

17.01.070.02.02 Officers. The Planning Commission shall elect a Chairman, Vice-Chairman, and Second Vice-Chairman by majority vote for one (1) year terms. Four (4) members shall constitute a quorum for a meeting. If a quorum is not achieved, the meetings shall be rescheduled for a later date. All matters upon which the Planning Commission decisions are necessary shall be decided by a majority vote of those present at a meeting with the necessary quorum declared, except as may otherwise be provided for in this Ordinance. Any Planning Commission member who has a personal financial or familial interest or a conflict of interest in any case shall disqualify himself from sitting on the Planning Commission in such situation.

17.01.070.02.03 Powers and duties. The Planning Commission's powers and duties include review, action and/or recommendation on certain application and appeals that may come before it for review.

**17.01.080 Fees.** The City shall collect fees for processing applications received under this Title. Fees shall be adopted by resolution by the Governing Body and reviewed and updated as the need occurs. All fees shall be determined and adopted in accordance with applicable state and local laws.

**17.01.090 Review Process.**

**17.01.090.01 ADMINISTRATIVE REVIEW.** The following describes the applications and process for administrative review for certain applications. The Community Development Director shall approve, conditionally approve, or deny all applications eligible for administrative review. The Director may apply conditions as are found necessary to protect the public health, safety, and general welfare, and assure compliance with provisions and standards included in these regulations. At his discretion, the Community Development Director may also refer, with a recommendation, any application eligible for

administrative review to the next available Planning Commission meeting for approval, conditional approval, or denial.

17.01.090.01.01 Sign Permit and Minor Sign Variance. All permitted signs requiring an application shall obtain a sign permit prior to installation of any sign. All sign permits are eligible for administrative review.

17.01.090.01.01.01 The following materials are required for submittal of a complete Sign Permit application. The number of copies shall be determined by the Director.

- (a) A completed City application form.
- (b) Written authorization from the property owner, if the applicant is not the owner.
- (c) Fees in accordance with the adopted fee resolution.
- (d) A scaled site plan that shows the location of all existing and proposed signs on the subject property. The site plan shall include adequate detail to determine the relationship of the proposed signs to other structures and signs located on the property.
- (e) A scaled drawing of all proposed signs.
- (f) Other information as required by the Director to process the application.

17.01.090.01.01.02 An application for a sign permit that does not contain all of the materials required shall not be accepted for processing.

17.01.090.01.01.03 The Director shall review all sign permits for consistency with the Unified Development Code within ten (10) days of acceptance of an application and shall make a decision to approve, conditionally approve, or deny the sign permit. The decision of the Director shall only consider the consistency of the proposed application with the Unified Development Code and shall not consider sign content or other unrelated matters in his decision.

17.01.090.01.01.04 No public notification for sign permits is required.

17.01.090.01.01.05 The decision of the Director may be appealed to the Planning Commission in accordance with this Chapter.

17.01.090.01.01.06 Expiration of Sign Permits and Minor Sign Variances. Approval of a sign permit or minor sign variance shall expire and become null and void three (3) years after the approval date, unless the project has been vested or a time extension has been requested and granted following the same procedure as a new application.

17.01.090.01.02 Plot Plan Review. A plot plan review shall be required for all new single-family dwellings, all additions to single-family dwellings, including mobile homes, multi-family dwellings containing not more than two units, all accessory structures under 400 square feet, walls and fences six (6) feet or less in height, all new commercial and industrial buildings and additions with less than 5,000 square feet of floor area, that do not require a conditional use permit.

17.01.090.01.02.01 The following materials are required for submittal of a complete Plot Plan Review application. The number of copies shall be determined by the Director.

- (a) A completed City application form.
- (b) Written authorization from the property owner, if the applicant is not the

owner.

- (c) Fees in accordance with the adopted fee resolution.
- (d) A scaled site plan that shows the location of all existing and proposed structures, parking areas, streets, utilities and similar features on the subject property.
- (e) Scaled elevation drawings of all sides of proposed structures. Elevations shall also indicate proposed colors and materials.
- (f) Elevation Certificate issued by FEMA.
- (g) Other information as required by the Director to process the application.

17.01.090.01.02.02 An application for a plot plan review that does not contain all of the materials required shall not be accepted for processing.

17.01.090.01.02.03 The Director shall review all Plot Plan Reviews for consistency with the Unified Development Code within ten (10) days of acceptance of an application and shall make a decision to approve, conditionally approve, or deny the Plot Plan Review. The Director shall only consider the consistency of the proposed application with the Unified Development Code as supported by the evidence and shall not consider other unrelated matters in his decision.

17.01.090.01.02.04 The following findings shall be made for approval of a Plot Plan Review:

- (a) The Plot Plan Review application is consistent with the Comprehensive Plan, Zoning Ordinance, and all other applicable plans and regulations.
- (b) The proposed building, structure, signage, site development, and landscaping is compatible in its design, appearance, and size with the requirements of the Unified Development Code.

17.01.090.01.02.05 No public notification for Plot Plan Reviews is required.

17.01.090.01.02.06 The decision of the Director may be appealed to the Planning Commission in accordance with this Chapter.

17.01.090.01.02.07 Expiration of Plot Plan Review. Approval of a Plot Plan Review shall expire and become null and void three (3) years after the approval date, unless the project has been vested or a time extension has been requested and granted following the same procedure as a new application.

17.01.090.01.03 Site Plan Review. A Site Plan Review shall be required for all permitted uses that cannot be reviewed as a Plot Plan Review under this Chapter and that do not require a conditional use permit.

17.01.090.01.03.01 The following materials are required for submittal of a complete Site Plan Review application. The number of copies shall be determined by the Director.

- (a) A completed City application form.
- (b) Written authorization from the property owner, if the applicant is not the owner.
- (c) Fees in accordance with the adopted fee resolution.
- (d) A scaled site plan that shows the location of all existing and proposed structures, parking areas, streets, utilities and similar features on the subject

property and within 50 feet of the property.

- (e) Scaled elevation drawings of all sides of proposed structures. Elevations shall also indicate proposed colors and materials.
- (f) Preliminary grading plans.
- (g) Landscape plans, if applicable.
- (h) Other information as required by the Director to process the application, such as, but not limited to, soils reports, traffic impact studies, photometric analysis, water availability reports, and preliminary title reports.

17.01.090.01.03.02 An application for a Site Plan Review that does not contain all of the materials required shall not be accepted for processing.

17.01.090.01.03.03 The Director shall send the completed application to appropriate state and local agencies, and City Departments for review and comment. The Director shall give the agencies twenty-one (21) days to review and comment on the application. After the review period, the Director may require additional information based on the comments received and a review of the application.

17.01.090.01.03.04 The Director shall review all Site Plan Reviews for consistency with the Unified Development Code within thirty-two (32) days of acceptance of an application or any additional materials that were required as a result of agency review, and shall make a decision to approve, conditionally approve, or deny the site plan review. In making a decision on the project the Director may consider agency and public comments, in addition to consistency of the proposed application with the Unified Development Code as supported by the evidence.

17.01.090.01.03.05 The following findings shall be made for approval of a site plan review:

- (a) The site plan review application is consistent with the Comprehensive Plan, Zoning Ordinance, and all other applicable plans and regulations.
- (b) The proposed building, structure, signage, site development, and landscaping is compatible in its design, appearance, and size with existing uses and development in the adjacent areas.

17.01.090.01.03.06 All property owners within one hundred (100) feet of the property shall be mailed notification of the application a minimum of twenty (20) days prior to action by the Director.

17.01.090.01.03.07 The decision of the Director may be appealed to the Planning Commission in accordance with this Chapter.

17.01.090.01.03.08 Expiration of Site Plan Review. Approval of a Site Plan Review shall expire and become null and void three (3) years after the approval date, unless the project has been vested or a time extension has been requested and granted following the same procedure as a new application.

17.01.090.01.04 Sketch Plat. A sketch plat is required for all subdivisions prior to submittal of a preliminary plat. The purpose of a sketch plat is to provide guidance to the developer prior to preparation and submittal of a preliminary plat.

17.01.090.01.04.01 Data. The following minimum data is required for pre-application reviews:

- (a) Location map. A location map shall show the relationship of the proposed plat to existing community facilities which serve it; all abutting streets, land uses,

public facilities such as schools and parks, and a north arrow.

- (b) Sketch plan. A simple sketch plat on a current topographic survey shall show the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plat should show adequate details to provide the Planning Director with an understanding of the proposal.
- (c) Written information. General plat information shall list the name and address of the subdivider and his agent, if any, total area of the proposed plat, the existing conditions of the site, and the proposed development, and other information as necessary to supplement the sketch plat. This information shall include data on existing covenants and land characteristics including surface drainage, grading, landfill areas, and available private and municipal utilities. This information shall also describe the subdivision proposal, such as the number and typical lot width and depth of residential lots, business areas, public areas and proposed utilities.

17.01.090.01.04.02 Review. The Planning Director, within thirty (30) days of sketch plan submittal, shall inform the subdivider whether the sketch plat and data meet the intent of these regulations. If the sketch plat and data do not meet the intent, the Planning Director shall express the reasons and advise the subdivider on the short-comings of the sketch plat.

17.01.090.02 PLANNING COMMISSION REVIEW. The following describes the applications and process for Planning Commission review of certain applications. The Planning Commission shall approve, conditionally approve, or deny all applications when they are the decision making body, and shall make recommendations of approval, conditional approval, or denial of applications for which the Planning Commission makes recommendations to the Governing Body. The Planning Commission may apply conditions as it finds necessary to protect the public health, safety, and general welfare, and assure compliance with provisions and standards included in these regulations. The Planning Commission is the decision making body for administrative reviews that have been referred to the Planning Commission from the Director.

17.01.090.02.01 Conditional Use Permit. A Conditional Use Permit shall be required for all uses that require a Conditional Use Permit as noted in these regulations. The Planning Commission is the decision making authority for Conditional Use Permits.

17.01.090.02.01.01 The following materials are required for submittal of a complete Conditional Use Permit application. The number of copies shall be determined by the Director.

- (a) A completed City application form.
- (b) Written authorization from the property owner, if the applicant is not the owner.
- (c) Fees in accordance with the adopted fee resolution.
- (d) A scaled site plan that shows the location of all existing and proposed structures, parking areas, streets, utilities and similar features on the subject property and within 50 feet of the property.
- (e) Scaled elevation drawings of all sides of proposed structures. Elevations shall also indicate proposed colors and materials.
- (f) Preliminary grading plans.
- (g) Landscape plans, if applicable.

- (h) Other information as required by the Director to process the application, such as, but not limited to, soils reports, traffic impact studies, photometric analysis, water availability reports, and preliminary title reports.

17.01.090.02.01.02 An application for a Conditional Use Permit that does not contain all of the materials required shall not be accepted for processing.

17.01.090.02.01.03 The Director shall send the completed application to appropriate state and local agencies, and City Departments for review and comment. The Director shall give the agencies twenty-one (21) days to review and comment on the application. After the review period, the Director may require additional information based on the comments received and review of the application.

17.01.090.02.01.04 The Director shall advertise the project for a public hearing in accordance with these regulations after the twenty-one day review period or after any additional required information is provided, whichever is later.

17.01.090.02.01.05 The Director shall notify all property owners within one hundred (100) feet of the property by certified mail of the application a minimum of twenty (20) days prior to the hearing.

17.01.090.02.01.06 The Planning Commission at a public hearing shall review the application for consistency with the Comprehensive Plan, Zoning Ordinance, consistency with the findings in Section 1.902.01.07, below, and other applicable plans and ordinances. The Planning Commission shall consider the staff report, public testimony, and neighborhood compatibility and appropriateness of the conditional use permit in making their decision as supported by the evidence.

17.01.090.02.01.07 The following findings shall be made for approval of a conditional use permit:

- (a) The conditional use permit application is consistent with the Comprehensive Plan, Zoning Ordinance, and all other applicable plans and regulations.
- (b) The proposed building, structure, signage, site development, and landscaping is compatible in its design, appearance, and size with existing uses and development in the adjacent areas.
- (c) The proposed use will not be injurious to adjacent property, the neighborhood, or the community at large, nor shall the proposed use be injured by another, existing structure or use.

17.01.090.02.05.07 The decision of the Planning Commission may be appealed to the Governing Body in accordance with this Chapter.

17.01.090.02.05.08 Expiration of Conditional Use Permits. Approval of a Conditional Use Permit shall expire and become null and void one (1) year after the approval date, unless the project has been vested or a time extension has been requested and granted following the same procedure as a new application.

17.01.090.02.02 Variance. A variance from these regulations may be requested for any dimensional requirement. A variance to allow a use is not permitted. The Planning Commission is the decision making authority for variances.

17.01.090.02.02.01 The following materials are required for submittal of a complete Variance

application. The number of copies shall be determined by the Director.

- (a) A completed City application form.
- (b) Written authorization from the property owner, if the applicant is not the owner.
- (c) Fees in accordance with the adopted fee resolution.
- (d) A scaled site plan that shows the location of all existing and proposed structures, parking areas, streets, utilities and similar features on the subject property and within 50 feet of the property.
- (e) Scaled elevation drawings of all sides of proposed structures. Elevations shall also indicate proposed colors and materials.
- (f) Preliminary grading plans.
- (g) A written justification addressing the findings noted in Section 1.902.02.07, below, as to why the variance application should be granted.
- (h) Landscape plans, if applicable.
- (i) Other information as required by the Director to process the application, such as, but not limited to, soils reports, traffic impact studies, photometric analysis, water availability reports, and preliminary title reports.

17.01.090.02.02.02 An application for a variance that does not contain all of the materials required shall not be accepted for processing.

17.01.090.02.02.03 The Director shall send the completed application to appropriate state and local agencies, and City Departments for review and comment. The Director shall give the agencies twenty-one (21) days to review and comment on the application. After the review period, the Director may require additional information based on the comments received and review of the application.

17.01.090.02.02.04 The Director shall advertise the project for a public hearing in accordance with these regulations after the twenty-one day review period or after any additional required information is provided, whichever is later.

17.01.090.02.02.05 The Director shall notify all property owners within one hundred (100) feet of the property by certified mail of the application a minimum of twenty (20) days prior to the hearing.

17.01.090.02.02.06 The Planning Commission at a public hearing shall review the application for consistency with the Comprehensive Plan, Zoning Ordinance, consistency with the findings in Section 17.01.090.02.02.07, below, and other applicable plans and ordinances. The Planning Commission shall consider the staff report, public testimony, and neighborhood compatibility and appropriateness of the variance in making their decision as supported by the evidence.

17.01.090.02.02.07 The following findings shall be required for approval of a variance:

- (a) There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, that the strict application of the regulations codified in this Unified Development Code deprives such property of privileges enjoyed by other property in the vicinity with identical zoning designation or causes an unnecessary hardship to the property owner; and

- (b) Granting the variance will not be materially detrimental to the health, safety, or welfare of surrounding property owners, the City or Tucumcari, or the general public; and
- (c) Granting the variance will not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.
- (d) Granting the variance will differ from development permitted under existing zoning no more than is necessary to overcome the hardship.

17.01.090.02.02.08 The decision of the Planning Commission may be appealed to the Governing Body in accordance with this Chapter.

17.01.090.02.02.09 Variance Expiration. An approved variance shall run with the land until such time as the conditions that required the variance change such that the variance is no longer necessary, such as through lot consolidation, then the variance shall be deemed null and void.

17.01.090.02.03 Preliminary Plat. The Planning Commission shall make a recommendation to the Governing Body, who shall be the decision making body on all preliminary plats. The requirements and processing procedures for a preliminary plat are contained in the Chapter 4.

17.01.090.02.04 Final Plat. The Planning Commission shall make a recommendation to the Governing Body, who shall be the decision making body on all final plats. The requirements and processing procedures for a final plat are contained in Chapter 4.

17.01.090.02.05 Zone Map Amendment. The Planning Commission shall review and make recommendations to the Governing Body on all zoning map amendments.

17.01.090.02.05.01 The following materials are required for submittal of a complete Zone Map Amendment application. The number of copies shall be determined by the Director.

- (a) A completed City application form.
- (b) Written authorization from the property owner, if the applicant is not the owner.
- (c) Fees in accordance with the adopted fee resolution.
- (d) A scaled site plan that shows the location of all existing and proposed structures, parking areas, streets, utilities and similar features on the subject property and within 50 feet of the property.
- (e) A written justification on the reasons for a zone map amendment and why it is more advantageous to the City and public if it is granted.
- (f) Other information as required by the Director to process the application, such as, but not limited to, soils reports, traffic impact studies, water availability reports, and preliminary title reports.

17.01.090.02.05.02 An application for a zone map amendment that does not contain all of the materials required shall not be accepted for processing.

17.01.090.02.05.03 The Director shall send the completed application to appropriate state and local agencies, and City Departments for review and comment. The Director shall give the agencies twenty-one (21) days to review and comment on the application. After the review period, the Director may require additional information based on the comments received and review of the application.

17.01.090.02.05.04 The Director shall advertise the project for a public hearing in accordance with these regulations after the twenty-one day review period or after any additional required information is provided, whichever is later.

17.01.090.02.05.05 The Director shall notify all property owners within one hundred (100) feet of the property by certified mail of the application a minimum of twenty (20) days prior to the hearing.

17.01.090.02.05.06 The Planning Commission at a public hearing shall review the application for consistency with the Comprehensive Plan, Zoning Ordinance, and other applicable plans and ordinances. The Planning Commission shall consider the staff report, public testimony, and neighborhood compatibility and appropriateness of the proposed zone change as supported by the evidence in developing their recommendation for approval or denial to the Governing Body.

17.01.090.02.05.07 The recommendation of the Planning Commission is forwarded to the Governing Body for final decision and action on the application.

17.01.090.02.06 Unified Development Code Amendment. The Planning Commission shall review and make recommendations to the Governing Body on all Unified Development Code amendments.

17.01.090.02.06.01 The following materials are required for submittal of a complete Unified Development Code Amendment application. The number of copies shall be determined by the Director.

- (a) A completed City application form.
- (b) Written authorization from the property owner, if the applicant is not the owner, if applicable.
- (c) Fees in accordance with the adopted fee resolution.
- (d) A specific detailed description and justification of the request. Unless a new section is proposed to be added to the development code, the changes shall be shown in strike-out for deletion from the existing code and italics for the new language that is proposed to be added.
- (e) Other information as required by the Director to process the application.

17.01.090.02.06.02 An application for a Unified Development Code amendment that does not contain all of the materials required shall not be accepted for processing.

17.01.090.02.06.03 The Director shall send the completed application to appropriate state and local agencies, and City Departments for review and comment. The Director shall give the agencies twenty-one (21) days to review and comment on the application. After the review period, the Director may require additional information based on the comments received and review of the application.

17.01.090.02.06.04 The Director shall advertise the project for a public hearing in accordance with these regulations after the twenty-one day review period or after any additional required information is provided, whichever is later.

17.01.090.02.06.05 The Planning Commission at a public hearing shall review the application for consistency with the Comprehensive Plan, Zoning Ordinance, and other applicable plans and ordinances. The Planning Commission shall consider the staff report, public testimony, and the impacts of the proposed amendment on the City as a whole as supported by the evidence in developing their recommendation for approval or denial to the

Governing Body.

17.01.090.02.06.06 The recommendation of the Planning Commission is forwarded to the Governing Body for final decision and action on the application.

17.01.090.03 GOVERNING BODY REVIEW. The following describes the applications and process for Governing Body review of certain applications. The Governing Body shall approve, conditionally approve, or deny all applications before it. The Governing Body may apply conditions as are found necessary to protect the public health, safety, and general welfare, and assure compliance with provisions and standards included in these regulations. The Governing Body may also refer an application back to the Planning Commission if new information becomes available that was not available when the Planning Commission made its recommendation.

17.01.090.03.01 Preliminary Plat. The Governing Body is the decision making authority for all preliminary plats. The requirements and processing procedures for a preliminary plat are contained in Chapter 4.

17.01.090.03.02 Final Plat. The Governing Body is the decision making authority for all final plats. The requirements and processing procedures for a final plat are contained in Chapter 4.

17.01.090.03.03 Zone Map Amendment. The Governing Body shall make the final decision to approve or deny an application for a zone map amendment.

17.01.090.03.03.01 After the Planning Commission has reviewed and made a recommendation on a zone map amendment application, the Director shall advertise the project for a public hearing in accordance with these regulations.

17.01.090.03.03.02 The Director shall notify all property owners within one hundred (100) feet of the property by certified mail of the application a minimum of twenty (20) days prior to the hearing.

17.01.090.03.03.03 The Governing Body at a public hearing shall review the application for consistency with the Comprehensive Plan, Zoning Ordinance, and other applicable plans and ordinances. The Governing Body shall consider the recommendation of the Planning Commission, staff report, public testimony, and the impacts of the proposed amendment on the City as a whole in making their decision as supported by the evidence.

17.01.090.03.03.04 The decision of the Governing Body on zone map amendments is final.

17.01.090.03.03.05 Should an application for a zone map amendment be denied, an application for the same zone on the subject parcels shall not be accepted for processing for one year.

17.01.090.03.04 Unified Development Code Amendment. The Governing Body shall make the final decision to approve or deny an application for a Unified Development Code amendment.

17.01.090.03.04.01 After the Planning Commission has reviewed and made a recommendation on a Unified Development Code amendment application, the Director shall advertise the project for a public hearing in accordance with these regulations.

17.01.090.03.04.02 The Governing Body at a public hearing shall review the application for consistency with the Comprehensive Plan, Zoning Ordinance, and other applicable plans and ordinances. The Governing Body shall consider the recommendation of the Planning Commission, staff report, public testimony, and the impacts of the proposed amendment on the City as a whole in making their decision as supported by the evidence.

17.01.090.03.04.03 The decision of the Governing Body on Unified Development Code

amendments is final.

17.01.090.04 **MULTIPLE APPLICATIONS.** When multiple applications for the same property are filed, the applications shall be heard together. When the applications have differing approval authorities, the highest approval authority shall have the authority over all the applications, with the other bodies making recommendations.

**17.01.100** *Appeals.*

17.01.100.01 **APPEALS.** Appeals shall be conducted in the following manner:

17.01.100.01.01 **Decisions of the Director.** Any administrative review decision made under Section 1.801 may be appealed to be heard by the Planning Commission. The decision may be appealed by the applicant, any property owner or resident within 300 feet of the property,

17.01.100.01.02 **Decisions of the Planning Commission.** Any Planning Commission review decision made under Section 1.802, except for guidance on sketch plats per Section 1.802.03, may be appealed to be heard by the Governing Body. The decision may be appealed by the applicant, any property owner or resident within 300 feet of the property, or the Governing Body.

17.01.100.01.03 **Filing of Appeals.** Appeals must be filed no later than fifteen (15) calendar days after the decision is rendered on the matter being appealed. Appeals to the Planning Commission shall be filed with the Director. Appeals to the Governing Body shall be filed with the City Clerk.

17.01.100.01.04 **Appeal Content.** All appeals shall be filed in writing on forms provided by the Director. The appeal shall cite the basis of the appeal, including the person's basis for standing, and how the person filing the appeal is negatively impacted by the decision making body's determination.

17.01.100.01.05 **Notice of the Appeal.** All appeals shall be noticed in the same manner as required for the application being appealed.

17.01.100.01.06 **Consideration of Appeal.** The hearing body shall only consider evidence on the record for the subject application. The hearing body shall only consider whether the decision maker made the proper decision based upon the evidence that was part of the record at the time of the decision.

17.01.100.01.07 **Action on Appeals.** The hearing body shall uphold or deny the appeal, or may remand the application to the previous decision making body for further consideration. The hearing body may apply conditions as are found necessary to protect the public health, safety, and general welfare, and assure compliance with provisions and standards included in these regulations.

17.01.100.01.08 **Effective Date of Appealed Action.** The effective date of a decision rendered by the Director shall not become final until it is upheld by the Planning Commission or not appealed within the time required for such an appeal. A decision rendered by the Planning Commission shall not become effective until it is upheld by the Governing Body or not appeals within the time required for such an appeal.

**17.01.110** *Amendments.*

17.01.110.01 **AMENDMENTS.** The Governing Body may, from time to time, amend or modify these Ordinances after public hearing, due notice of which shall be given as required by law. Amendments shall be processed in accordance with Section 1.8. The Planning Commission and/or Governing Body may direct City staff to prepare an application for amendment on behalf of the City.

**17.01.120** *Public Notice.*

17.01.120.01 **MANNER OF NOTICE.** Notice shall be given for applications in accordance with the

following:

17.01.120.01.01 Content. The text of the notice shall contain at a minimum the following: time and place of hearing; name of applicant; application reference code; location of the property affected by the application; a brief description of the action proposed in the application; and contact information for the individual in the City responsible for processing the application.

17.01.120.01.02 Time of Notice. All public hearing notices shall be mailed or published a minimum of twenty (20) days prior to the hearing, unless otherwise required by law.

17.01.120.01.03 Method of Notice. All public notices shall be provided by the following three methods:

17.01.120.01.03.01 Mail. Notice shall be provided to all property owners within one hundred feet of the subject property boundaries as shown on the latest County assessor property tax rolls by certified mail. If the number of notices to be mailed exceed three hundred (300), notice may be posted on all streets adjacent to the subject property in lieu of mailing. If the notice is posted rather than mailed, the posting shall be a minimum of two (2) feet by four (4) feet and be easily readable from the adjacent street.

17.01.120.01.03.02 Newspaper. Notice shall be published at least once in a newspaper having general circulation in the City.

17.01.120.01.03.03 Website. An electronic version of the notice shall also be posted on the City's website.

### ***17.01.130 Public Records.***

17.01.130.01 MAINTENANCE OF RECORDS. The City Clerk shall be responsible for determining the length of time that all records and paperwork shall be maintained in accordance with applicable local, State, and Federal laws.

17.01.130.02 STATUS OF SUBMITTED MATERIALS. All materials submitted in accordance with this ordinance shall be a matter of public record.

17.01.130.03 REQUEST FOR RECORDS. Any member of the public may request to examine any record maintained for the purpose of implementing this ordinance. Requests, including fees for reproduction, for inspection of records and reproduction shall be in accordance with policies established by the City Clerk.

### ***17.01.140 Violations and Penalties.***

#### 17.01.140.01.VIOLATIONS.

17.01.140.01.01 Construction, use of land, or transfer of lots, that violate any provision of these regulations is strictly prohibited.

17.01.140.01.02 Violations shall bring cause for legal action by the City to have the violation stopped, corrected and/or removed and a penalty assessed.

17.01.140.01.03 Violations of conditions of approval may be cause for the City to revoke or modify existing entitlements.

#### 17.01.140.02 REMEDIES AND PENALTIES.

17.01.140.02.01 Revocation and Modification. The Planning Commission, on its own motion or by direction from the Governing Body, may recommend, and the Governing Body may approve the revocation and/or modification of any previously approved application or granted entitlement, subject

to recognition of accrued vested rights, after holding a properly noticed public hearing on the matter where any of the following findings can be made:

17.01.140.02.01.01 The approved application or entitlement was obtained by fraud; or

17.01.140.02.01.02 The approved application or entitlement is not being exercised; or

17.01.140.02.01.03 The approved application or entitlement has ceased or has been suspended for a period of time and is causing detriment to the public health safety, and welfare, or constitutes a public or private nuisance; or

17.01.140.02.01.04 The use for which the approved application or entitlement was granted or permitted is being or has been operated or used contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law, or regulation; or

17.01.140.02.01.05 If any provision of an approved application or entitlement is held or declared invalid, the approved application or entitlement shall be void and all privileges granted thereunder shall lapse.

17.01.140.02.02 Notice of Action. Any action taken by the Governing Body at a hearing for revocation or modification of an approved application or entitlement shall be sent by certified mail, return receipt requested, to the person owning the property, structure, or use.

17.01.140.02.03 Effective Date of Revocations and Modification. An order by the Governing Body revoking or modifying an entitlement shall become effective immediately.

17.01.140.02.04 Penalties. Each day that a violation continues shall be considered a separate violation of these regulations and subject to the penalties provided for under the Municipal Code.

### **17.01.150 Nuisances.**

17.01.150.01 PURPOSE. The purpose of this Section is to regulate the use of land or structures creating, performing, or maintaining anything affecting any number of citizens without lawful authority that is either:

17.01.150.01.01 Injurious to public health, safety, or welfare; or

17.01.150.01.02 Interferes with the exercise and enjoyment of public rights, including right to use of property.

### 17.01.150.02 DECLARATION OF NUISANCE BY RESOLUTION.

17.01.150.02.01 Authority. Whenever any building or structure is ruined, damaged, and dilapidated, or any premise is covered with ruins, rubbish, wreckage, or debris, the Governing Body may by resolution, find that the ruined, damaged, or dilapidated, building, structure, or premises is a menace to public health, safety, and/or welfare, and require its repair or removal.

17.01.150.02.02 Notification. A copy of the resolution shall be served on the owner, occupant, and agent in charge of the building, structure, or premises. If the owner, as shown by the real estate records of the County Clerk of Quay County, occupant, or agent in charge of the building, structure, or premises cannot be located, a copy of the resolution shall be both posted on the building, structure, or premises and published one (1) time in a newspaper of general circulation in the City for a period of not less than fifteen (15) days. At the end of fifteen (15) days, if no action has been taken by the owner, the City will proceed with abatement of the nuisance as outlined in this ordinance.

17.01.150.02.03 Duty to Abate Hearing.

17.01.150.02.03.01 Within fifteen (15) days of receipt of the copy of the resolution or of the

posting and publishing of a copy of the resolution, the owner or agent in charge of the building, structure, or premises shall commence removing the building, structure, ruin, rubbish, wreckage, or debris, or file with the City Clerk a written request for a hearing by the Governing Body on the resolution. If a request is filed, the Governing Body shall:

- (a) Set a date and time for the hearing on the resolution; and
- (b) Consider all evidence for and against the resolution at the hearing; and
- (c) Determine if the resolution should be confirmed, amended, or rescinded.

17.01.150.02.03.02 The owner or agent in charge of the building, structure, or premises shall commence removing the building, structure, ruins, rubbish, wreckage, or debris:

- (a) Within fifteen (15) working days of being served a copy of the resolution or of the posting and publishing of the resolution; or
- (b) Within five (5) working days of the determination by the Governing Body that the resolution is confirmed or amended; or
- (c) After the State District Court enters judgment sustaining the determination of the Governing Body; and
- (d) The nuisance shall be effectively abated or removed within thirty (30) working days of commencement. The property owner may apply to the Governing Body for a thirty (30) working day extension if it can be shown that significant progress towards removal or abatement of the nuisance is being made in good faith.

17.01.150.02.04 Abatement by City. If the resolution for removal is not satisfied within a timely manner, the City may remove the building, structure, ruins, rubbish, wreckage, or debris, and the cost of such removal shall be assessed against the owner. The reasonable cost of removal shall constitute a lien against the property from which the building, structure, ruin, rubbish, wreckage, or debris is removed. The lien may be foreclosed in the manner provided in New Mexico Statutes Annotated Sections 3-36-1 through 3-36-7.

**17.01.160 Severability.** The provisions of this title are severable. If any provision, sentence, clause, section, or part hereof is held to be illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this title or their application to other persons or circumstances. It is hereby declared to be the intent of the City that this title would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included, and if the person or circumstances to which this title or any part hereof are inapplicable had been specifically exempted from application of this title.

## **17.02 ZONING**

### **17.02.010 Zoning General Provisions**

17.02.010.01 TITLE. This chapter shall be known as “The Zoning Ordinance of the City of Tucumcari,” and is referred to elsewhere herein as “these regulations” or “Zoning Ordinance.”

17.02.010.02 PURPOSE. These regulations are enacted for the purpose of promoting the health, safety, and general welfare of the community including, but not limited to:

- 17.02.010.02.01 Managing congestion on public streets;
- 17.02.010.02.02 Securing safety from fire, panic, and other dangers;

- 17.02.010.02.03 Promoting public health and safety;
- 17.02.010.02.04 Providing adequate light and air;
- 17.02.010.02.05 Preventing overcrowding of land;
- 17.02.010.02.06 Avoiding undue concentrations of population;
- 17.02.010.02.07 Facilitating adequate provisions for transportation, water, sanitary sewer, schools, parks, and other public facilities; and
- 17.02.010.02.08 Controlling and abating public nuisances.

17.02.010.03 **APPLICABILITY.** After adoption of these regulations, this Chapter shall apply to territory within the incorporated limits of the City of Tucumcari, except as otherwise provided for by law. Except as provided herein, the following shall apply:

- 17.02.010.03.01 Any use not designated as a permissive use or a conditional use in a zone is specifically prohibited.
- 17.02.010.03.02 No building, structure or land shall be used or occupied, and no building or part thereof shall be erected, moved, or altered unless in conformity with the zone in which it is located.
- 17.02.010.03.03 No building or structure shall be erected or altered to exceed the height, accommodate or house a greater number of families, occupy a greater percentage of lot area, or have a smaller yard than is specified in the zone in which such building or structure is located.
- 17.02.010.03.04 No building or structure shall be erected or altered contrary to the provisions of the International Building Code (IBC) as adopted by the City and without a building permit when required by the IBC or local law.
- 17.02.010.03.05 No part of a yard, off-street parking space, or other open space required for any building or structure shall be included as part of a yard, off-street parking space, or other open space required for another building or structure.

**17.02.020**            ***Establishment of Zoning Districts***

17.02.020.01        **ZONE DISTRICTS.** For the purposes of these regulations, the City of Tucumcari is divided into the zones as follows:

- 17.02.020.01.01 R-1 Low Density Residential
- 17.02.020.01.02 R-2 Medium Density Residential
- 17.02.020.01.03 R-3 Multiple Family Residential
- 17.02.020.01.04 C-1 General Commercial
- 17.02.020.01.05 C-2 Central Business District
- 17.02.020.01.06 I-1 Industrial
- 17.02.020.01.07 I-2 Heavy Industrial
- 17.02.020.01.08 A-1 Agricultural
- 17.02.020.01.09 SU-1 Special Use District
- 17.02.020.01.10 Route 66 Overlay Zone

17.02.020.02        **ZONE DISTRICT MAP.** The boundaries of the Districts are shown upon the map which is made a part of these regulations, and is designated as the “Official Zoning District Map,”

hereinafter referred to as the Zoning Map. The Zoning Map and all the notations, references, and other information shown thereon were all fully set forth or described herein, which Zoning Map is properly attested and is on file with the Tucumcari City Clerk.

17.02.020.03        **ZONE DISTRICT BOUNDARIES.** Zone district boundaries shall follow property lines, except when a property is immediately adjacent to a public right-of-way in which case the zoning shall extend to the center line of said right-of-way. The Community Development Director shall determine the boundaries of zoning districts where the Zoning Map is unclear. Any decision made by the Director concerning zoning boundaries may be appealed to the Planning Commission following the procedures for an Administrative Review.

17.02.020.04        **ANNEXED AREAS.** All territory annexed into the City shall be subject to the regulations of the A-1 Agriculture district until amended in accordance with these regulations.

**17.02.030**        ***Zone Districts and Regulations***

17.02.030.01        **R-1 Low Density Residential.**

17.02.030.01.01    Purpose and Intent. The R-1 Low Density Residential district is intended to provide areas for the development of single-family dwellings at low densities and certain related uses.

17.02.030.01.02    Permitted Uses.

- One (1) single-family dwelling
- Non-commercial accessory structures that do not exceed 600 square feet each and a total of 1,200 square feet for a lot.
- Home occupations
- Elementary, middle, junior, and high schools
- Golf courses, except miniature golf and driving ranges as an independent use
- Parks and open space
- Religious facilities
- Temporary construction trailers, for use during construction of a permitted primary use, and removed within 14 days of issuance of a certificate of occupancy or expiration of building permits
- Animal keeping in accordance with the City's Animal Control Ordinance

17.02.030.01.03    Conditional Uses.

- Guest Houses without cooking facilities
- Multigenerational housing in accordance with State law
- Public or quasi-public buildings, except schools
- Public utility structure, except wireless communications facilities

17.02.030.01.04    Lot Standards.

- |                                |                          |
|--------------------------------|--------------------------|
| 17.02.030.01.04.01 Lot area.   | 7,500square feet minimum |
| 17.02.030.01.04.02 Lot width.  | 60 feet minimum          |
| 17.02.030.01.04.03 Lot length. | 140 feet minimum         |
| 17.02.030.01.04.04 Setbacks.   |                          |
| (a)        Front.              | 25 feet minimum          |
| (b)        Side.               | 10 feet minimum          |
| (c)        Corner Side Yard.   | 25 feet minimum          |

(d) Rear. 30 feet minimum

17.02.030.01.04.05 Height. 35 feet maximum

17.02.030.02 R-2 Medium Density Residential.

17.02.030.02.01 Purpose and Intent. The R-2 Medium Density Residential district is intended to provide areas for the development of single-family dwellings at medium densities and certain related uses.

17.02.030.02.02 Permitted Uses.

- One (1) single-family dwelling
- Non-commercial accessory structures that do not exceed 600 square feet each and a total of 1,200 square feet for a lot.
- Home occupations
- Elementary, middle, junior, and high schools
- Golf courses, except miniature golf and driving ranges as an independent use
- Parks and open space
- Religious facilities
- Temporary construction trailers, for use during construction of a permitted primary use, and removed within 14 days of issuance of a certificate of occupancy or expiration of building permits
- Animal keeping in accordance with the City's Animal Control Ordinance

17.02.030.02.03 Conditional Uses.

- Guest Houses without cooking facilities
- Multigenerational housing in accordance with State law
- Public or quasi-public buildings, except schools
- Public utility structure, except wireless communications facilities

17.02.030.02.04 Lot Standards.

17.02.030.02.04.01 Lot area. 7,000 square feet minimum

17.02.030.02.04.02 Lot width. 50 feet minimum

17.02.030.02.04.03 Lot length. 140 feet minimum

17.02.030.02.04.04 Setbacks.

(a) Front. 20 feet minimum

(b) Side. 5 feet minimum, except for attached dwellings

(c) Corner Side. 20 feet minimum

(d) Rear. 25 feet minimum

17.02.030.02.04.05 Height. 35 feet maximum

17.02.030.03 R-3 Multiple Family Residential.

17.02.030.03.01 Purpose and Intent. The R-3 Multiple Family Residential district is intended to provide areas for the development of multiple-family dwellings, mobile home subdivisions, mobile home parks, and certain related uses.

17.02.030.03.02 Permitted Uses.

- Multiple-family dwellings

- Single-family dwellings, including mobile homes not in a mobile home park or mobile home subdivision
- Non-commercial accessory structures that do not exceed 600 square feet each and a total of 1,200 square feet for a lot.
- Home occupations
- Elementary, middle, junior, and high schools
- Hospitals and clinics, but not those treating mental illness or animals
- Golf courses, except miniature golf and driving ranges as an independent use
- Parks and open space
- Religious facilities
- Temporary construction trailers, for use during construction of a permitted primary use, and removed within 14 days of issuance of a certificate of occupancy or expiration of buildings permits
- Animal keeping in accordance with the City's Animal Control Ordinance

17.02.030.03.03 Conditional Uses.

- Child nurseries and preschools
- Grocery stores not exceeding 4,000 square feet in area
- Mobile home parks and subdivisions
- Multigenerational housing in accordance with State law
- Non-commercial private clubs and lodges without liquor licenses
- Nursing homes and assisted living facilities
- Professional offices
- Public or quasi-public buildings, except schools
- Public utility structure, except wireless communications facilities

17.02.030.03.04 Lot Standards.

17.02.030.03.04.01 Lot area. No R-3 lot shall be created that is less than 7,100 square feet. In addition, the following standards shall apply to multiple-family dwellings, mobile home subdivisions, and mobile home parks.

- (a) Multiple-family dwellings. A minimum of 1,600 square feet per one bedroom dwelling unit, 1,800 square feet per two bedroom dwelling unit, 2,000 square feet per three or more bedroom unit.
- (b) Mobile home subdivision. 12,000 square feet minimum, and 6,000 square feet minimum per lot
- (c) Mobile home park. 5 acres for the park, and 6,000 square feet minimum per space

17.02.030.03.04.02 Lot width.

- (a) Multi-family dwelling. 60 feet minimum
- (b) Mobile home subdivision. each lot 50 feet minimum
- (c) Mobile home park. each space 50 feet minimum

17.02.030.03.04.03 Lot length.

- (a) Multi-family dwelling. 100 feet minimum

- (b) Mobile home subdivision. each lot 100 feet minimum
- (c) Mobile home park. each space 100 feet minimum

17.02.030.03.04.04 Setbacks.

- (a) Front. 20 feet minimum
  - (1) Front yard exception. If the two immediately adjacent lots on either side of the subject site has setbacks less than the minimum required, the subject site may use an average of the setbacks of the two immediately adjacent lots.
- (b) Side. 5 feet minimum
- (c) Corner Side. 20 feet minimum
- (d) Rear. 15 feet minimum
- (e) Mobile homes. In a mobile home subdivision or mobile home park: 25 feet from any property line, and 20 feet minimum between mobile homes, and 15 feet minimum from any permanent building

17.02.030.03.04.05 Height. 35 feet maximum

17.02.030.04 C-1 General Commercial.

17.02.030.04.01 Purpose and Intent. The C-1 General Commercial district is intended to provide areas for the development of a variety of commercial uses in appropriate areas for the purposes of convenience and orderly growth and certain related uses.

17.02.030.04.02 Permitted Uses.

- Civic organizations
- Hotels and motels
- Institutional uses
- Medical hospitals, services, and laboratories
- Offices
- Parks and open space
- Public and private schools
- Government facilities and offices
- Recreational facilities
- Religious facilities
- Restaurants, bars, and taverns
- Retail goods and services
- Transportation facilities and depots
- Vehicle sales and service
- Temporary construction trailers, for use during construction of a permitted primary use, and removed within 14 days of issuance of a certificate of occupancy or expiration of buildings permits
- Animal keeping in accordance with the City's Animal Control Ordinance
- Other uses determined by the Director to be consistent with the purpose and intent of the zone district

17.02.030.04.03 Conditional Uses.

- Adult Uses
- Boarding and lodging houses
- Public utility transmission lines

17.02.030.04.04 Lot Standards.

17.02.030.04.04.01 Lot area.	No minimum lot area.
17.02.030.04.04.02 Lot width.	No minimum lot width.
17.02.030.04.04.03 Lot length.	No minimum lot length.
17.02.030.04.04.04 Setbacks.	
(a) Front.	25 feet minimum.
(b) Side.	None required, except when adjacent to residential zoning or uses, where the setback shall be 5 feet.
(c) Corner Side.	15 feet minimum, except when adjacent to residential zoning or uses, where the setback shall be 20 feet.
(d) Rear.	None required, except when adjacent to residential zoning or uses, where the setback shall be 15 feet.
17.02.030.04.04.05 Height.	45 feet maximum.

17.02.030.05 C-2 Central Business.

17.02.030.05.01 Purpose and Intent. The C-2 Central Business district is intended to provide areas for a grouping of retail merchandising activities into a concentrated area serving the general retail needs of the trade area. The district provides for department stores, apparel stores, general retail and service, and similar uses. The grouping is intended to strengthen the business level of the central business district activity.

17.02.030.05.02 Permitted Uses.

- Civic organizations
- Hotels and motels
- Institutional uses
- Medical hospitals, services, and laboratories
- Offices
- Parks and open space
- Public and private schools
- Government facilities and offices
- Recreational facilities
- Religious facilities
- Restaurants, bars, and taverns
- Retail goods and services
- Transportation facilities and depots
- Vehicle sales, service, and repair
- Wholesale businesses conducted completely indoors

- Temporary construction trailers, for use during construction of a permitted primary use, and removed within 14 days of issuance of a certificate of occupancy or expiration of buildings permits
- Animal keeping in accordance with the City’s Animal Control Ordinance
- Other uses determined by the Director to be consistent with the purpose and intent of the zone district

17.02.030.05.03 Conditional Uses.

- Adult Uses
- Boarding and lodging houses
- Public utility transmission lines

17.02.030.05.04 Lot Standards.

17.02.030.01.04.01 Lot area.	No minimum lot area.
17.02.030.01.04.02 Lot width.	No minimum lot width.
17.02.030.01.04.03 Lot length.	No minimum lot length.
17.02.030.01.04.04 Setbacks.	
(a) Front.	None required, except when adjacent to residential zoning or uses, where the setback shall be 20 feet minimum.
(b) Side.	None required, except when adjacent to residential zoning or uses, where the setback shall be 5 feet.
(c) Corner Side.	None required, except when adjacent to residential zoning or uses, where the setback shall be 20 feet minimum.
(d) Rear.	None required, except when adjacent to residential zoning or uses, where the setback shall be 15 feet.

17.02.030.01.04.05 Height. 45 feet maximum

17.02.030.06 I-1 Industrial.

17.02.030.06.01 Purpose and Intent. The I-1 Industrial district is intended to provide areas for the development of various industrial uses considered essential to a balanced economic base.

17.02.030.06.02 Permitted Uses.

- Distribution terminals
- Government facilities and offices
- Manufacturing and assembly that does not create a nuisance due to dust, smoke, noise, glare, odor or similar qualities.
- Outdoor storage yards, provided all storage is screened from adjacent properties and rights-of-way.
- Television and radio broadcasting facilities
- Vehicle sales, service, and repair
- Wholesale businesses
- Temporary construction trailers, for use during construction of a permitted primary use, and

removed within 14 days of issuance of a certificate of occupancy or expiration of buildings permits

- Animal keeping in accordance with the City's Animal Control Ordinance

17.02.030.06.03 Conditional Uses.

- Public utility transmission lines

17.02.030.06.04 Lot Standards.

17.02.030.06.04.01 Lot area. No minimum lot area.

17.02.030.06.04.02 Lot width. No minimum lot width.

17.02.030.06.04.03 Lot length. No minimum lot length.

17.02.030.06.04.04 Setbacks.

(a) Front. None required, except when adjacent to residential zoning or uses, where the setback shall be 20 feet minimum.

(b) Side. None required, except when adjacent to residential zoning or uses, where the setback shall be 5 feet.

(c) Corner Side. None required, except when adjacent to residential zoning or uses, where the setback shall be 20 feet minimum.

(d) Rear. None required, except when adjacent to residential zoning or uses, where the setback shall be 15 feet.

17.02.030.06.04.05 Height. 45 feet maximum

17.02.030.07 I-2 Heavy Industrial.

17.02.030.07.01 Purpose and Intent. The I-2 Industrial district is intended to provide areas for the development of various heavier industrial uses considered essential to a balanced economic base. Heavy industrial uses should be buffered and screened from less intense uses.

17.02.030.07.02 Permitted Uses.

- Airports
- Distribution terminals
- Government facilities and offices
- Manufacturing and assembly that does not create a nuisance due to dust, smoke, noise, glare, odor or similar qualities.
- Outdoor storage yards, provided all storage is screened from adjacent properties and rights-of-way.
- Television and radio broadcasting facilities
- Vehicle sales, service, repair, and dismantling
- Wholesale businesses
- Temporary construction trailers, for use during construction of a permitted primary use, and removed within 14 days of issuance of a certificate of occupancy or expiration of buildings permits
- Animal keeping in accordance with the City's Animal Control Ordinance

17.02.030.07.03 Conditional Uses.

- Manufacturing and assembly that may create a nuisance due to dust, smoke, noise, glare, odor or similar qualities.
- Public utility transmission lines
- Sanitary landfills
- Sewage treatment facilities
- Stockyards, slaughterhouses, livestock feeding pens and similar uses
- Wholesale fuel storage

17.02.030.07.04 Lot Standards.

17.02.030.07.04.01 Lot area. 1 acre minimum

17.02.030.07.04.02 Lot width. 200 feet minimum

17.02.030.07.04.03 Lot length. 200 feet minimum

17.02.030.07.04.04 Setbacks.

(a) Front. None required, except when adjacent to residential zoning or uses, where the setback shall be 20 feet minimum.

(b) Side. None required, except when adjacent to residential zoning or uses, where the setback shall be 25 feet.

(c) Corner Side. None required, except when adjacent to residential zoning or uses, where the setback shall be 20 feet minimum.

(d) Rear. None required, except when adjacent to residential zoning or uses, where the setback shall be 25 feet.

17.02.030.07.04.05 Height. 45 feet maximum

17.02.030.08 A-1 Agricultural.

17.02.030.08.01 Purpose and Intent. The A-1 Agricultural district is intended to provide areas for agricultural and related uses on ten (10) acre or larger parcels. The A-1 district also serves as a temporary zone district for newly annexed property pending adoption of the appropriate City zone district.

17.02.030.08.02 Permitted Uses.

- Crop and livestock production in accordance with Ordinance 611
- One (1) Single-family dwelling
- One (1) guest house without cooking facilities.
- Accessory structures
- Home occupations
- Golf courses
- Rental storage yards, provided all storage is completely screened from adjacent properties and rights-of-way
- Parks and open space
- Temporary construction trailers, for use during construction of a permitted primary use, and

removed within 14 days of issuance of a certificate of occupancy or expiration of buildings permits

- Animal keeping in accordance with the City’s Animal Control Ordinance

17.02.030.08.03 Conditional Uses.

- One (1) additional single-family dwelling on the same parcel of land. The additional single-family dwelling shall not be sold or transferred to a different ownership unless a subdivision map is filed, approved and recorded in accordance with the Unified Development Code. A variance shall not be granted for a reduction in lot size for a subdivision that contains an additional single-family dwelling constructed in accordance with this section.
- Multigenerational housing in accordance with State law

17.02.030.08.04 Lot Standards.

- 17.02.030.08.04.01 Lot area. 10 acres minimum.
- 17.02.030.08.04.02 Lot width. 200 feet minimum.
- 17.02.030.08.04.03 Lot length. 200 feet minimum.
- 17.02.030.08.04.04 Setbacks.
  - (a) Front. 20 feet minimum.
  - (b) Side. 10 feet minimum.
  - (c) Corner Side. 20 feet minimum.
  - (d) Rear. 15 feet minimum
- 17.02.030.08.04.05 Height. 45 feet maximum

17.02.030.09 SU-1 Special Use District

17.02.030.09.01 Purpose and Intent. The SU-1 Special Use district is intended to provide areas for unique development. The district may be used for areas where the parcel configuration, topography, safety concerns, or other similar circumstances require unique development standards. The district may also be used for areas where unique development standards may be desirable to accommodate distinctive design that can not be accomplished under conventional zoning designations contained in these regulations, such as for mixed use development.

17.02.030.09.02 District Records. Each Special Use district will have standards specific to that district. The Director shall be responsible for maintaining a record of the standards and having the records available for public inspection.

17.02.030.09.03 Permitted and Conditionally Permitted Uses. Each Special Use district shall specify the uses permitted and/or conditionally permitted in that particular district. The uses may be the same as a conventional zone district or may be specific to that district. The permitted and/or conditionally permitted uses allowed in each Special Use district shall be maintained as part of the district records.

17.02.030.09.04 Lot Standards. Each Special Use district shall specify the lot standards for that particular district. The lot standards may be the same as a conventional zone district or may be specific to that district. The lot standards shall at a minimum include lot area, width, length, setbacks, and height. The lot standards for each Special Use district shall be maintained as part of the district records.

17.02.030.10 Route 66 Overlay Zone

17.02.030.10.01 Purpose and Intent. The Route 66 Overlay Zone is intended to provide standards

and guidance for development, preservation, and/or restoration of the commercial areas adjacent to historic Route 66. It is desirable to restore the area to similar patterns and styles of development as existed prior to the construction of Interstate 40. The use of retro architectural styles and features are intended to provide a catalyst for increasing tourism resulting from renewed interest in Route 66.

17.02.030.10.02 Permitted Uses. All uses allowed in the C-1 district.

17.02.030.10.03 Conditional Uses.

- Public utility transmission lines

17.02.030.10.04 Lot Standards.

17.02.030.10.04.01 Lot area. No minimum lot area.

17.02.030.10.04.02 Lot width. No minimum lot width.

17.02.030.10.04.03 Lot length. No minimum lot length.

17.02.030.10.04.04 Setbacks.

- (a) Route 66. 10 feet minimum.
- (b) Front not on Route 66. 15 feet minimum, except when adjacent to residential zoning or uses, where the setback shall be 20 feet.
- (c) Side. None required, except when adjacent to residential zoning or uses, where the setback shall be 5 feet.
- (d) Corner Side. 15 feet minimum, except when adjacent to residential zoning or uses, where the setback shall be 20 feet.
- (e) Rear. None required, except when adjacent to residential zoning or uses, where the setback shall be 15 feet.

17.02.030.10.04.05 Height. 28 feet maximum to the roof line. Towers, parapets, and similar architectural features may extend up to 45 feet.

17.02.030.10.04.06 Number of Stories 2-stories above ground maximum.

17.02.030.10.05 Design and Architectural Standards.

17.02.030.10.05.01 Architectural Style. All new buildings and buildings that undergo substantial exterior renovation should be constructed in an art deco, pueblo deco, or tourist kitsch style consistent with historical development that occurred along Route 66 before Interstate 40 was constructed. Unique, eclectic buildings are encouraged. Numerous examples can be found in historical photos found on the internet or in books.

17.02.030.10.05.01 Neon Highlighting. Where feasible and architecturally sensible, exposed and/or hidden neon lighting should be used to highlight building architectural features and free-standing signage. Neon lighting shall be shielded or positioned to prevent light and glare from significantly impacting nearby residential areas.

17.02.030.10.05.02 Parking Lots. Parking lot entrances should be highlighted to be easily

identified from Route 66 through the use of landscaping, architectural features, and/or signage.

17.02.030.10.05.03 Signs. The following exceptions to Municipal Code Section 17.03 are permitted in the Route 66 Overlay Zone:

- (a) Free-standing, on-site signs in the Route 66 Overlay Zone may be installed to a height of up to 45 feet. (Exception to Section 3.402.04.01)
- (b) Signs in the Route 66 Overlay Zone may include flashing or revolving lights, beacons, or simulate flashing or revolving lights or beacons through mechanical means, within fifty (50) feet of a residential district, provided that such signs are shielded or positioned to prevent light and glare from significantly impacting the residential area. (Exception to Section 3.303.02)
- (c) Building mounted signs may be mounted on, or extend above the roof or parapet of a building, provided that such signs are shielded or positioned to prevent light and glare from significantly impacting residential areas within 50 feet of the sign. (Exception to Section 3.303.03)

#### **17.02.040 Design Standards**

17.02.040.01 SINGLE-FAMILY DWELLINGS. The following design standards apply to all single-family homes, including modular and manufactured homes:

17.02.040.01.01 Architectural standards.

17.02.040.01.01.01 Roofing.

- (a) Flat roofs. All new single-family dwellings with flat roofs shall have a minimum of a six (6) inch high parapet along the edge and all roof top equipment shall be screened by a wall constructed of the same materials as the exterior or shall be contained fully in wells that screen the equipment.
- (b) Pitched roofs. All new single-family dwellings with pitched roofs shall have a minimum of a six (6) inch overhang. Roof top equipment is discouraged and should be ground mounted where possible.

17.02.040.01.01.02 Front and rear stoops. All new single family homes shall have a completely covered front stoop, and a rear stoop. The covering of the stoop shall be integrated into the design of the dwelling and use the same materials as the dwelling. The front stoop area shall be a minimum of thirty-six (36) square feet and have no dimension of less than four (4) feet. The rear stoop shall have a minimum of eighty (80) square feet and have no dimension less than five (5) feet. The stoop shall be constructed of concrete, brick, pavers, or similar material.

17.02.040.02 MOBILE HOMES. Any mobile home that is located on a permanent or semi-permanent basis outside of a licensed mobile home park or mobile home subdivision shall be construed as a permanent structure and shall meet all requirements for review, zone district requirements, design standards, and building code requirements for single-family homes as provided for in this Ordinance and other applicable laws and regulations. The following design standards apply to all mobile homes that are within a designated mobile home park or mobile home subdivision:

17.02.040.02.01 Permits. All mobile homes shall obtain all required permits and licenses prior to placement, including, but not limited to, Plot Plan Review approval, building permits, and State licenses.

17.02.040.02.02 Utilities. All mobile homes shall be required to connect to City water and sewer, and shall pay any connection charges or other fees required. No propane tanks are permitted, except in

areas that are greater than five hundred (500) feet from a natural gas line. All mobile homes shall be connected to a permanent electrical supply.

17.02.040.02.03 Placement. All mobile homes shall be placed on a mobile home stand constructed in accordance with applicable building code requirements.

17.02.040.02.04 Fastening. All mobile homes shall be secured to the ground with seismic strapping as may be required by applicable laws and regulations.

17.02.040.02.05 Skirting. All mobile homes shall have skirting consisting of the same or compatible colors and materials as the mobile home attached to screen the undercarriage.

17.02.040.02.06 Wheels. All mobile homes shall have the wheels removed upon placement. The wheels shall be stored in area that is not visible to the public, does not create a nuisance and does not attract vermin or vectors.

17.02.040.02.07 Access. All mobile homes shall have a stairway or ramp to access the mobile home. The stairway or ramp shall be constructed of durable materials and painted to be compatible with the mobile home. The stairway or ramp shall be maintained in a safe condition.

17.02.040.03 MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS. In addition to any standards found within this Ordinance, the following standards shall apply to all new mobile home parks and mobile home subdivisions:

17.02.040.03.01 Perimeter landscaping. A minimum of twenty (20) feet of landscaping shall be required adjacent to all public and private rights-of-way.

17.02.040.03.02 Perimeter wall. A minimum of a six (6) foot high decorative perimeter wall shall be provided on the perimeter behind any required perimeter landscaping.

17.02.040.03.03 Interior landscaping. A minimum of twenty percent (20%) of the interior of new mobile home parks and mobile home subdivisions shall be common landscape areas. The interior landscape area shall include a minimum of one easily accessible recreation area. The recreation areas shall have a total of one thousand (1,000) square feet per space or lot. Recreation areas shall be counted toward meeting the interior landscaping requirement.

17.02.040.03.04 Guest parking. A minimum of one half (1/2) parking space per space or lot shall be provided for guest parking. The guest parking spaces shall be distributed through out the development for the convenience of guests.

17.02.040.03.05 Storage area. Each space or lot shall be provided with a minimum of four hundred fifty (450) cubic feet of secure storage area within one hundred (100) feet of the space or lot.

17.02.040.03.06 Homeowner's association. All mobile home subdivisions shall have a home owner's association that will be responsible for the maintenance of all common facilities, landscaping, private streets, and other private facilities contained within the subdivision.

17.02.040.04 DRIVE-THROUGH FACILITIES. All new drive-through facilities shall provide a minimum of sixty (60) feet of stacking lane for vehicles waiting to order shall be maintained before the order point. A minimum stacking between the order point and the pick up window of at least sixty (60) feet shall be provided. A minimum of thirty-six (36) feet shall be maintained between the pick up area and any public right-of-way that the lane will access. The stacking lanes shall not block or be blocked by circulation of the parking area, loading areas, trash pick up areas, or similar vehicle circulation areas.

17.02.040.05 WIRELESS COMMUNICATION FACILITIES. All new wireless communications facilities shall be designed and constructed in accordance with the following standards:

17.02.040.05.01 All wireless communications facilities should be designed to blend in with the surrounding environment, either by integrating with existing structures or using techniques to limit the obtrusiveness of the facility through screening and camouflage.

17.02.040.05.02 Building mounted. Any building mounted facility shall have all antennas and equipment designed so as not to be visible from streets within five hundred (500) feet of the facility. Antennas should be placed behind Radio Frequency penetrable parapets or otherwise hidden by the architecture of the building.

17.02.040.05.03 Pole mounted. All poles for new wireless communication facilities shall be monopoles painted either to blend in with the surrounding development or light earth tones.

17.02.040.06 WALLS AND FENCES. All new walls and fences shall be designed and constructed in accordance with the following standards:

17.02.040.06.01 Public Rights-of-way. No wall or fence shall be constructed in or obstructing a public right-of-way, except by the owner of the right-of-way.

17.02.040.06.02 Corner Sight Triangle. No wall or fence shall be constructed within the corner sight triangle at an intersection. The corner sight triangle is defined as a an area of unobstructed vision at street intersection between three (3) and eight (8) feet above the ground, and within a triangular area at the street corner, which is bounded by the street property lines of the corner and a line connecting the points twenty-five (25) feet distant from the intersection of the property lines of such lot.

17.02.040.06.03 Prohibited Fencing. Barbed, razor, rolled or similar wire shall not used in any Residential or Commercial zoning designation. Razor and rolled wire shall not be permitted in Industrial and Agricultural zoning designations. Where allowed, barbed wire shall not be installed lower than six (6) feet above the adjacent grade and shall not consist of more than three strands. Electrified fencing is prohibited within the City.

17.02.040.06.04 Height.

17.02.040.06.04.01 Residential

- (a) Front Yard. Solid walls and fences forty-two (42) inches. Walls and fences that are at least seventy-five percent (75%) open may be up to forty-eight (48) inches in height.
- (b) Corner Side Yard. Solid walls and fences forty-two (42) inches. Walls and fences that are at least seventy-five percent (75%) open may be up to forty-eight (48) inches in height.
- (c) Any Area Not Within a Front or Corner Side Yard Setback Area. Six (6) feet in height.

17.02..040.06.04.02 Commercial

- (a) Front Yard. Solid walls and fences forty-two (42) inches. Walls and fences that are at least seventy-five percent (75%) open may be up to forty-eight (48) inches in height.
- (b) Corner Side Yard. Solid walls and fences forty-two (42) inches. Walls and fences that are at least seventy-five percent (75%) open may be up to forty-eight (48) inches in height.
- (c) Any Area Not Within a Front or Corner Side Yard Setback Area. Eight (8) feet in height where not visible from an adjacent public right-of-way, otherwise six (6) feet. Note that walls and fences over six (6) feet are required to be engineered.
- (d) Adjacent to Residential zone district or use. Walls and fences adjacent to residential zones or uses shall comply with the residential fence standards.

17.02.040.06.04.03 Industrial and Agricultural

- (a) Front Yard. Solid walls and fences forty-two (42) inches. Walls and fences that are at least seventy-five percent (75%) open may be up to forty-eight (48) inches in height.
- (b) Corner Side Yard. Solid walls and fences forty-two (42) inches. Walls and fences that are at least seventy-five percent (75%) open may be up to forty-eight (48) inches in height.
- (c) Any Area Not Within a Front or Corner Side Yard Setback Area. Eight (8) feet in height. Note that walls and fences over six (6) feet are required to be engineered.
- (d) Adjacent to Residential zone district or use. Walls and fences adjacent to residential zones or uses shall comply with the residential fence standards.

**17.02.050 Off-Street Parking and Loading Standards**

17.02.050.01 OFF-STREET PARKING STANDARDS. All uses shall provide parking in accordance with the standards.

17.02.050.01.01 General. The dimension and location of all new off-street parking spaces shall comply with the following:

17.02.050.01.01.01 Dimensions.

- (a) Outdoor parking space. Minimum of nine (9) feet wide by eighteen (18) feet long. Two (2) feet of an outdoor parking space may overhang a landscape area, or a sidewalk provided a minimum of four (4) feet of unobstructed sidewalk remains.
- (b) Indoor parking space, including garages and parking structure. Minimum of ten (10) feet wide by twenty (20) feet long with no less than eight (8) feet of vertical clearance over all portions of the parking space and any access routes.

17.02.050.01.01.02 Location. All parking spaces shall be located on the same or a contiguous lot or building site as the buildings the spaces are required to serve.

17.02.050.01.02 Number of spaces required. The following parking standards represent the minimum number of parking spaces that will be required for all new construction. In the case of mixed uses in a building or on a lot, the total requirement shall be the sum of the requirements for the various uses computed separately.

17.02.050.01.02.01 Residential.

- (a) Single-family residential. One (1) space per dwelling.
- (b) Duplex. One (1) space per dwelling.
- (c) Multiple-family, except duplex. One and one-half (1 ½) spaces per dwelling.
- (d) Nursing homes. One (1) space per three (3) beds.

17.02.050.01.02.02 Commercial.

- (a) Retail establishments. One (1) space per two hundred fifty (250) square feet of gross floor area.
- (b) Restaurants. One (1) space per two hundred (200) square feet of gross floor area.
- (c) Auto repair or service. One (1) space per one hundred (100) square feet of gross floor area

- (d) Hotel/motel. One space (1) space per guest room and one (1) additional space for each employee on the largest shift.
- (e) Theaters. One (1) space per 3 fixed seats, or one (1) space per seventy-five (75) square feet of non-fixed seating areas.
- (f) Religious facilities and mortuaries. One (1) space per 3 fixed seats, or one (1) space per seventy-five (75) square feet of non-fixed seating areas. Thirty (30) inches of bench or pew will be considered the same as one (1) seat.
- (g) Office, except medical. One (1) space per two hundred fifty (250) square feet of floor gross area.
- (h) Medical office or clinic. One space (1) space per two hundred (200) square feet of gross floor area.
- (i) Hospitals. One (1) space per two (2) patient beds.
- (j) Warehouse stores, including furniture, hardware, appliance, and similar. One (1) space per six hundred (600) square feet of gross floor area.
- (k) Vehicle sales. One (1) space per one thousand (1,000) square feet of gross floor area of all office and display areas. Displayed vehicles shall not be located on required parking spaces.
- (l) Schools and daycare, Preschool through 9<sup>th</sup> grade. One (1) space per classroom and one (1) space per two hundred fifty (250) square feet of office area.
- (m) Schools, 10<sup>th</sup> through 12<sup>th</sup> grade. One (1) space per classroom and one (1) space per four (4) students, as determined by the design capacity of the school.
- (n) Colleges and universities. One (1) space per classroom and one (1) space per two (2) students, as determined by the design capacity of the school.

17.02.050.01.02.03 Industrial.

- (a) Manufacturing. One (1) space per eight hundred (800) feet of gross floor area.
- (b) Warehousing. One (1) space per two thousand (2,000) square feet.

17.02.050.01.02.04 Uses not listed. The Director shall determine the number of spaces required for any uses not listed. The Director should consider uses that are similar to the proposed use that is listed in addition to any information provided by the applicant that would determine the number of space that would be needed to accommodate the use.

17.02.050.01.02.05 Americans with Disabilities Act (ADA) accessible. ADA accessible spaces shall be provided and located in accordance with applicable laws.

17.02.050.01.03 Joint Use. The Planning Commission may upon application by the owner, authorize the joint use of parking facilities by approval of a Conditional Use Permit and subject to the following:

17.02.050.01.03.01 Up to fifty percent (50%) of the parking facilities required by these regulations for a use that is primarily considered to be a daytime use may be provided by the parking facilities of a use primarily considered to be a nighttime or Sunday use, provided that such parking shall be subject to the following conditions:

- (a) The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building shall be located within one hundred fifty (150) feet and on the same or an adjacent lot of such parking facility;

and

- (b) The applicant shall demonstrate that there is not a substantial conflict in the principal operating hours of the buildings or uses for which joint use of off-street parking facilities is proposed; and
- (c) The parties concerned in the joint use of off-street parking facilities shall provide evidence of an agreement for such joint use. The instrument, when approved as conforming to the provisions of these regulations, shall be recorded in the Office of the City Clerk and copies filed with the Director.

17.02.050.01.03.02 For the purposes of this section, the following uses are typically daytime uses: financial institutions; professional offices; retail stores and services; manufacturing; wholesale businesses; and similar uses. The following uses are typically nighttime or Sunday uses: religious facilities; auditoriums incidental to a school; dance hall; theaters; and bars. The above uses are only meant as a guide and the Director shall make the determination of whether a use is primarily a day or night use based on the evidence.

17.02.050.02 **LOADING STANDARDS.** New uses shall provide loading spaces in accordance with the following regulations. The regulations indicated the minimum required and the Director may determine that additional loading spaces are required to accommodate the use.

17.02.050.02.01 Commercial.

17.02.050.02.01.01 Retail, wholesale, restaurants, and similar establishments that are two thousand two hundred fifty (2,250) square feet of gross floor area or smaller shall provide one (1) space measuring ten (10) feet wide by thirty-five (35) feet long for loading and unloading of goods.

17.02.050.02.01.02 Retail, wholesale, restaurants, and similar establishments that are larger than two thousand two hundred fifty feet (2,250) square feet of gross floor area shall provide one (1) space measuring ten (10) feet wide by forty-five (45) feet long for loading and unloading of goods.

17.02.050.02.01.03 Apartment buildings, hotels, motels, and office buildings shall provide a minimum of one (1) space measuring ten (10) feet wide by thirty-five (35) feet long for loading and unloading of goods.

17.02.050.02.02 Industrial. All new industrial development shall contain a minimum of one (1) space measuring ten (10) feet wide by forty-five (45) feet long for loading and unloading of goods.

### ***17.02.060 Non-Conforming Uses and Structures***

17.02.060.01 **NON-CONFORMING STRUCTURES.** A non-conforming structure is a structure that does not comply with the height, setback, parking, and/or other similar physical requirements of the zoning ordinance. A legal non-conforming structure is one that was built in accordance with the laws and regulations at the time of its construction, including the securing of all required permits.

17.02.060.01.01 Maintenance. A legal non-conforming structure may be and should be maintained in good repair. Maintenance shall not include any structural alterations except as may be required by law to protect the health, life, and safety of the building occupants.

17.02.060.01.02 Expansion. A legal non-conforming structure may be enlarged or added to, provided that the new portion of the structure conforms to all requirements of the zoning ordinance without approval of a variance.

17.02.060.01.03 Non-conformance due to parking. A legal non-conforming use that is only non-conforming due to a lack of parking spaces under the Uniform Development Code, may change use to a use that requires the same number of spaces or less under the ordinance. Once a change to a less

parking intensive use is initiated, the use may not be changed to a more parking intensive use in the future.

17.02.060.01.04 Loss of legal non-conforming status. Any structure or portion of a structure that is removed shall no longer be considered legal non-conforming structure, and any reconstruction must comply with all applicable laws and regulations.

17.02.060.01.05 Illegal non-conforming structures. Structures that were not constructed in accordance with the laws and regulations at the time of construction are illegal and subject to the penalties set forth in these regulations.

17.02.060.02 NON-CONFORMING USES. A non-conforming use is a use that does not comply with the current regulations of the zoning ordinance. A legal non-conforming use is one that was established in accordance with the laws and regulations at the time of its initiation, including the securing of all required permits.

17.02.060.02.01 Continuation of use. A legal non-conforming use may be continued provided that the use is not expanded or operated such that it becomes a nuisance.

17.02.060.02.02 Change in use. A legal non-conforming use may be changed only to a use that is in conformance with the Zoning Ordinance, unless otherwise permitted as by the Unified Development Code.

17.02.060.02.03 Change in ownership. A change in ownership does not cause a change in status of a legal non-conforming use.

17.02.060.02.04 Loss of legal non-conforming status. Any legal non-conforming use that is discontinued for a period of six (6) months shall no longer be considered a legal non-conforming use, and any use thereafter must comply with all applicable laws and regulations.

17.02.060.02.05 Illegal non-conforming uses. Uses that were not established in accordance with the laws and regulations at the time of initiation are illegal and subject to the penalties set forth in these regulations.

### **17.02.070 Home Occupations**

17.02.070.01 STANDARDS FOR HOME OCCUPATIONS. All home occupations shall be subject to the following standards:

17.02.070.01.01 Commercial signage at the residence shall not be permitted.

17.02.070.01.02 The home occupation shall employ only persons residing in the residence and no more than one (1) employee that does not reside at the residence. One additional off-street parking space shall be provided at the residence if the home occupation will include an employee who does not reside at the residence.

17.02.070.01.03 All functions of the business shall take place within the residence or an accessory structure. No outdoor operations and/or storage shall be permitted at any time.

17.02.070.01.04 No more than one room in the residence and no more than two hundred (200) square feet of a garage or accessory building shall be used for business purposes.

17.02.070.01.05 The business shall not generate more than ten (10) vehicle trips per day, including deliveries.

17.02.070.01.06 The business shall not include any equipment or vehicles that are not normally associated with a residential use.

17.02.070.01.07 The business shall not generate any noise, heat, vibration, glare, dust, or odor other than those normally associated with a residential use.

17.02.070.01.08 Except for phone, mail, or internet sales, no retail sales shall take place on the premises.

17.02.070.01.09 The following uses are prohibited as Home Occupations:

17.02.070.01.09.01 Automobile repair, including body repair

17.02.070.01.09.02 Any use that involves serving food on the premises

17.02.070.01.09.03 Any use that involves live entertainment on the premises

17.02.070.01.09.04 Any use that uses hazardous materials in amounts that would require regulation by the Fire Department or other agency

17.02.070.01.09.05 Any use that requires an occupancy classification other than residential

17.02.070.01.09.06 Any use determined by the Planning Director to be incompatible with the residential zone district.

### **17.03 SIGNS**

#### ***17.03.010 Signs General Provisions***

17.03.010.01 TITLE. This chapter shall be known as “The Sign Regulations of the City of Tucumcari,” and is referred to elsewhere herein as “these regulations” or “Sign Ordinance.”

17.03.010.02 APPLICABILITY. This Chapter shall apply to all new signage erected within the City of Tucumcari after adoption of this Ordinance, except the following which shall be exempt from this Ordinance.

17.03.010.02.01 Exempt Signs.

17.03.010.02.01.01 Holiday decorations.

17.03.010.02.01.02 Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance.

17.03.010.02.01.03 Any sign inside a structure that is not visible from outside the structure.

17.03.010.02.01.04 Any sign placed on or within a window.

17.03.010.02.01.05 Works of art that do not convey a commercial message.

17.03.010.02.01.06 Traffic control signs that meet the NMDOT standards.

17.03.010.02.01.07 Building address signs for the purpose of identifying the building to emergency services personnel.

17.03.010.02.01.08 Non-illuminated monuments, citations, or commemorative tablets on private property that indicate the name of a building, dates of construction, and similar historic information concerning a structure, provided such sign does not exceed six (6) square feet.

17.03.010.02.01.09 Public monuments.

#### ***17.03.020 Sign Requirements***

17.03.020.01 COMPLIANCE. All new signs shall comply with this chapter of the Unified

Development Code.

17.03.020.02 OWNER IDENTIFICATION. All new signs, including temporary signs, shall include easily identifiable information that indicates the owner of the sign, address of the sign owner, and current telephone number of the sign owner.

17.03.020.03 SETBACK. All new signs, except off-site signs, shall be setback a minimum of five (5) feet from any property line and shall not be placed in the clear sight triangle as defined in the Uniform Development Code. All new signs shall not be placed so as to create a hazard to vehicle traffic or pedestrians.

17.03.020.04 AREA COMPUTATIONS. The following methods of computation shall be used for determining sign area.

17.03.020.04.01 Single-Sided Signs. Not more than three rectangles shall be drawn to encompass all of the sign face. The total area of these rectangles shall be the sign area for single-sided signs.

17.03.020.04.02 Two-Sided Signs. Not more than three rectangles shall be drawn to encompass all of one side of the sign face. The total area of one side shall be the sign area for two-sided signs.

17.03.020.04.03 Three-Dimensional Signs. One rectangular box shall be drawn to completely encompass the sign. The sign area shall be one-half of the total area of all sides of the box, excluding the top and bottom.

**17.03.030 Prohibited Signs**

17.03.030.01 The following signs shall be prohibited within the City of Tucumcari:

17.03.030.01.01 Signs that are similar to official traffic control signs that create confusion or interfere with the effectiveness of official traffic control signs.

17.03.030.01.02 Signs that include flashing or revolving lights, beacons, or simulate flashing or revolving lights or beacons through mechanical means, within fifty (50) feet of a residential district.

17.03.030.01.03 Building mounted signs that are mounted on or extend above the roof or parapet of a building.

17.03.030.01.04 Non-governmental or non- public utility related signs in the public right-of-way.

17.03.030.01.05 Signs on undeveloped property, except billboards and on-site real estate signs.

17.03.030.01.06 Any sign, except official government notices, erected without the property owner's permission.

17.03.030.01.07 Signs that are a danger to public safety by placement and/or state of maintenance.

**17.03.040 Permitted Signs**

17.03.040.01 SIGNS PERMITTED WITHOUT A SIGN PERMIT. The following signs are permitted within the City of Tucumcari without obtaining a Sign Permit:

17.03.040.01.01 Flags. Official flags should be displayed in accordance with the United States Flag Code (36 U.S.C. 173-178 and 36 U.S.C. 171). (Note that flag poles and other structures supporting the flags may require a separate permit)

17.03.040.01.02 Temporary Signs. Up to three temporary signs that are not posted for longer than 75 days. Each temporary sign shall not exceed six (6) square feet each without a permit. A sign to be posted for longer than 75 days shall not be considered a temporary sign and will require review as a permanent sign.

17.03.040.02 SIGNS PERMITTED WITH A SIGN PERMIT. The following signs shall require approval of a Sign Permit prior to erection or installation:

17.03.040.02.01 Temporary Signs. More than three temporary signs on a parcel or temporary signs that exceed six (6) square feet. The maximum size for any temporary sign is 1.5 square feet per linear feet of building frontage or six (6) square feet whichever is larger. Temporary signs shall not be posted for more than 75 days. A sign to be posted for longer than 75 days shall not be considered a temporary sign and will require review as a permanent sign. Temporary signs are allowed in any zone district.

17.03.040.02.02 Agricultural Zone District Signs. All signs within the A-1 zone district shall be considered agricultural signs.

17.03.040.02.02.01 Free-standing signs. One (1) free-standing sign per five hundred (500) feet of linear street frontage. For frontage less than five hundred (500) feet, one (1) sign is permitted. The sign shall not exceed one hundred (100) square feet in area and a height of twelve (12) feet.

17.03.040.02.02.02 Building mounted signs. Building mounted signs not exceeding two (2) square feet per linear feet of building frontage shall be permitted. Signage is per building frontage and shall not be transferred between sides of a building.

17.03.040.02.03 Residential Signs. All signs within the R-1, R-2, and R-3 zone districts shall be considered as residential signs.

17.03.040.02.03.01 Free-standing signs.

(a) Subdivision Identification Signs. One (1) free-standing sign per entrance from an arterial street into a subdivision, not to exceed fifty (50) square feet in area and six (6) feet in height shall be permitted. The free-standing sign may be integrated into a perimeter wall.

(b) Multi-Family Development Identification Signs. One (1) free-standing sign per 250 feet of linear street frontage. For frontage less than 250 feet, one (1) sign is permitted. The sign shall not exceed fifty (50) square feet and a height of six (6) feet. The free-standing sign may be integrated into a perimeter wall.

17.03.040.02.03.02 Building mounted signs. Except for lighted address signs as may be required to identify buildings for emergency services, no building mounted signs are permitted.

17.03.040.02.04 Commercial Signs. All signs within the C-1 and C-2 zone district shall be considered as commercial signs.

17.03.040.02.04.01 Free-standing signs. One (1) free-standing sign per 250 feet of linear street frontage. For frontage less than 250 feet, one (1) sign is permitted. The sign shall not exceed three hundred (300) square feet in area and a height of thirty-six (36) feet.

17.03.040.02.04.02 Building mounted signs. Building mounted signs not exceeding two (2) square feet per linear feet of building frontage shall be permitted. Signage is per building frontage and shall not be transferred between sides of a building.

17.03.040.02.04.03 Freeway signs. Parcels within five hundred (500) feet of the United States Interstate and US Highway 54 rights-of-way and that contain businesses that primarily provide services to travelers may replace one of their free-standing signs with a freeway sign. Freeway signs shall not exceed three hundred (300) square feet in area and a height of seventy-five (75) feet.

17.03.040.02.05 Industrial Signs. All signs within the I-1 zone district shall be considered as

industrial signs.

17.03.040.02.05.01 Free-standing signs. One (1) free-standing sign per 250 feet of linear street frontage. For frontage less than 250 feet, one (1) sign is permitted. The sign shall not exceed three hundred (300) square feet in area and a height of thirty-six (36) feet.

17.03.040.02.05.02 Building mounted signs. Building mounted signs not exceeding two (2) square feet per linear feet of building frontage shall be permitted. Signage is per building frontage and shall not be transferred between sides of a building.

17.03.040.02.05.03 Freeway signs. Parcels within five hundred (500) feet of the United States Interstate right-of-way and primarily provide service to and/or utilize the interstate may replace one of their free-standing signs with a freeway sign. Freeway signs shall not exceed three hundred (300) square feet in area and a height of sixty (60) feet.

#### 17.03.040.03 SIGNS PERMITTED WITH A CONDITIONAL USE PERMIT.

17.03.040.03.01 Off-Site Signs (Billboards). A new off-site sign may be allowed with approval of a conditional use permit. All new billboards shall comply with the following standards:

17.03.040.03.01.01 Location. New off-site signs shall only be located in the C-1 and I-1 zone districts within five hundred (500) feet of United States Interstate 40.

17.03.040.03.01.02 Separation from other off-site signs. All new off-site signs shall not be closer than six hundred (600) feet from an existing or approved off-site sign.

17.03.040.03.01.03 Size. New off-site signs shall not exceed four hundred fifty (450) square feet per sign face.

17.03.040.03.01.04 Sign faces. An off-site sign shall have no more than two sign faces.

17.03.040.03.01.05 Height. New off-site signs shall not exceed a height of thirty-six (36) feet.

17.03.040.03.01.06 Setback. New off-site signs shall be setback a minimum of twenty (20) feet from any property line. New off-site signs shall not be placed within the clear sight triangle and shall not create a hazard to vehicle or pedestrian traffic.

#### 17.03.040.04 EXISTING NON-CONFORMING SIGNS.

17.03.040.04.01 Legal non-conforming signs. All non-conforming signs that were legally constructed before the adoption of this ordinance shall be allowed to continue. The owner may perform maintenance and change the face or copy of the sign provided that the sign is not enlarged or structurally changed.

17.03.040.04.02 Other non-conforming signs. Any sign constructed or erected prior to January 1, 2007 shall be considered legal non-conforming for the purposes of this Chapter.

17.03.040.04.03 Loss of non-conforming status. If a non-conforming sign is removed, destroyed, or damaged to the extent that it will cost more than seventy-five (75) percent of its value before the damage occurred to repair, then the sign shall not be replaced and any new sign shall comply with this Chapter.

#### **17.03.050 Sign Variance**

17.03.050.01 MINOR SIGN VARIANCE. A dimensional variance from these standards of not more than ten (10) percent may be granted for any sign not requiring a conditional use permit by the Director. The applicant must demonstrate that strict compliance with these regulations is not possible

due to unusual circumstances related to the topography of the site, existing buildings or structures on or adjacent to the site, and/or dimensions of the existing lot.

17.03.050.02 MAJOR SIGN VARIANCE. Any dimensional variance from these standards of more than ten (10) percent shall require a major sign variance. A major sign variance shall be processed as a variance in accordance with Section 17.01.090.02.02 of the Unified Development Code.

## **17.04 SUBDIVISIONS**

### **17.04.010 Subdivision General Provisions**

17.04.010.01 TITLE. This chapter shall be known as “The Subdivision Regulations of the City of Tucumcari,” and is referred to elsewhere herein as “these regulations” or “Subdivision Ordinance.”

17.04.010.02 AUTHORITY. These regulations are passed, adopted and approved by the Governing Body of the City of Tucumcari by Ordinance No. 1052 at an open meeting held on October 11, 2007 as authorized by NMSA 1978 § 3-19-1 to 3-19-12 and 3-20-1 to 3-20-16. These regulations implement the planning and platting authority provided by New Mexico statute and the Tucumcari City Ordinance No. 1052.

17.04.010.03 JURISDICTION. These regulations are designed to accomplish the procedures for the processing, consideration and filing of plats lying within the corporate boundaries of the city and within a radius of three (3) miles from the city corporate boundaries pursuant to NMSA 1978 § 3-19-5 and 3-20-5. No subdivision of any land shall hereinafter be effected within the city area of jurisdiction except in accordance with the provisions of these regulations.

17.04.010.04 PURPOSE. These regulations are to create orderly, harmonious and economically sound development of land in order to promote the general health, safety, convenience and welfare of citizens of the city and its area of jurisdiction. More specifically, provisions of these regulations are designed to achieve adequate provision for light and air, public open spaces, water supply, drainage, sanitation including sewer facilities; economy in governmental expenditures and efficiency in governmental operations; safe convenient circulation of people, goods and vehicles; accurate and complete surveying and preparation and recording of plats thereof; safety and suitability of land for contemplated development; and coordination of land development in accordance with orderly physical patterns as stated in official plans, policies and ordinances and codes in furtherance of plans and policies as may have been and may be hereafter adopted by the city.

17.04.010.05 INTERPRETATION. These regulations are held to be minimum requirements to carry out the purpose stated herein and are not intended to interfere with any other laws, covenants or ordinances. Whenever any of the provisions of these regulations are more or less restrictive than other laws, covenants or ordinances, then whichever is more restrictive shall govern.

### **17.04.020 Platting Procedure**

#### **17.04.020.01 PROCEDURE GUIDANCE.**

17.04.020.01.01 Every person who desires to subdivide land into two or more lots shall furnish a plat of the proposed subdivision prepared by a surveyor registered and licensed by the state and shall comply with the requirements of these regulations. Upon request, the Director shall furnish the subdivider with basic information on the requirements.

17.04.020.01.02 Any proposed subdivision, re-plat, or vacation of plat occurring within the City limits shall conform to the requirements of these regulations and shall be submitted for review and approval by the City prior to filing with the County Clerk, before beginning improvement activities, or negotiating sale or lease of any lot within the proposed subdivision.

17.04.020.01.03 Any proposed subdivision, re-plat, or vacation of plat occurring outside the corporate limits but within the three (3) mile planning and platting jurisdiction of the city shall conform to the requirements of these regulations and, as supplemented by the provisions of the Quay County land subdivision regulations, and shall be submitted for concurrent review and approval by the City and the Board of County Commissioners prior to filing with the Quay County Clerk, before beginning improvement activities, or negotiating sale or lease of any lot within the proposed subdivision.

17.04.020.01.04 The following matters shall be addressed on all applications for subdivision:

17.04.020.01.04.01 Geographic suitability.

- (a) All subdivisions should be consistent with any officially adopted plan of the City, or with a proposed amendment to such plan that is being concurrently processed.
- (b) The availability of adequate access, utilities, and municipal services provided in accordance with NMSA 1978 Chapter 3 shall all be weighed in considering the subdividing of land.
- (c) Land with the following types of problems shall have subdivision approval withheld until it is demonstrated that the hazards have been or will be mitigated:
  - (1) Special drainage conditions;
  - (2) Difficult topography;
  - (3) Soil conditions which are unusually limiting; and
  - (4) Other geographic hazards to life, health or property.

17.04.020.01.04.02 Grading.

- (a) No subdivider shall proceed with any grading specifically related to a proposed subdivision before conditional approval has been given for the preliminary plat. The grading shall be consistent with the recommendations of an approved drainage plan, if any have been required pursuant to these regulations.
- (b) The subdivider shall preserve major trees, scenic points, historic places and other community landmarks wherever feasible, and as may be required by the City.

17.04.020.01.04.03 Area plan.

- (a) If the subdivider owns or controls land contiguous to the land to be subdivided, the City may require the subdivider to submit an area plan for the total area to be approved or approved in modified form by the City prior to approval of the preliminary plat. Any plat submitted shall be a reasonable planning unit in relation to the approved area plan. The proposed area plan shall show proposed use type and densities as well as proposed arterial, collector and local street alignments.
- (b) If the City finds that the area plan will significantly alter the provisions of any officially adopted plans of the City, the City shall approve, approve in modified form, or reject the area plan.
- (c) All proposed street alignments shown in the area plan or any preliminary plat related thereto shall extend, complement or otherwise conform to existing municipal streets and to officially designated proposed street alignments. Likewise, all proposed sewer, water and drainage lines shall be made to extend, complement and conform to existing and proposed lines.

17.04.020.02 SKETCH PLAT.

17.04.020.02.01 Submittal. Prior to filing of an application for a preliminary plat, the subdivider shall submit to the Planning Department a sketch plan and data as required by Section 1.901.04 of the Unified Development Code. This step does not require formal application for or filing of a plat with the Planning Department; however, a fee may be required for processing of the request.

17.04.020.02.02 Advice. The sketch plat process affords the subdivider the opportunity to seek the advice and assistance of the Planning Department early and informally before preparation of the preliminary plat and before an application is formally submitted. The Planning Department will analyze the development, and plan for its sound integration with the community, and may give informal guidance to the developer, thus saving unnecessary expense and delay to the subdivider. The Planning Department shall not assume any liability for possible lack of understanding on the part of the subdivider.

17.04.020.03 PRELIMINARY PLAT.

17.04.020.03.01 Application. After sketch plat review, the subdivider shall submit to the City a written application on prescribed forms, together with ten (10) copies of the preliminary plat, improvement plans and other supplementary material as specified herein.

17.04.020.03.02 Plans and Data. The subdivider shall submit ten (10) copies of the preliminary plat to the City. The preliminary plat shall include all land owned or controlled by the subdivider, which is or may be suitable for or susceptible to subdivision or development, and adjoins the land proposed to be subdivided. The preliminary plat shall be drawn to a scale of 1 inch to 100 feet for the purpose of showing all details clearly. An adequate number of sheets shall be used to show the proposed subdivision in its entirety. Where more than one sheet is required, each sheet shall be numbered in relation to the total number of sheets involved, and each sheet shall have a small key map showing its relationship to the whole.

17.04.020.03.02.01 The preliminary plat shall contain the following information:

- (a) Name of proposed subdivision, name and address of subdivider, agent and principal person preparing the preliminary plat;
- (b) Scale and north arrow;
- (c) Proposed bench mark locations, proposed location of and method of tie to permanent survey monuments, and proposed location and type of subdivision control monuments found or set;
- (d) Plat boundary lines, bearing in degrees, minutes and seconds, with basis for bearings noted or shown, distances in feet and hundredths;
- (e) Existing conditions of the site and its environs including the following:
  - (1) Present site designation or subdivision name;
  - (2) Easements on site: location, width and purpose;
  - (3) Public rights-of-way on and within 150 feet of the site; name, width, type and dimensions of paving;
  - (4) Utilities on and adjacent to the site, location and, if obtainable, size of water wells, water reservoirs, water lines, sanitary and storm sewers, location of gas lines, fire hydrants, electric and telephone lines and poles and street lights; (If water mains and sewers are not on or adjacent to the tract, indication of the

direction, distance to and size of nearest ones showing invert elevation of sewer.)

- (5) Ground elevation on the site based on mean sea level datum as established by the U.S. Coast and Geodetic Survey:
    - a. For land that slopes less than 1%, contour lines at intervals of not more than one foot;
    - b. For land that slopes between 1% to 5%, contour lines at intervals of not more than two feet; and
    - c. For land that slopes more than 5%, contour lines at intervals of not more than five feet.
  - (6) Existing storm drainage facilities on and adjacent to the site;
  - (7) Other significant conditions on the site; major rock outcrops, trees, structures, and the like;
  - (8) Conditions on adjacent land significantly affecting design of the subdivision; approximate direction and gradients of ground slope; character and location of development;
  - (9) Zoning on and adjacent to the site; and
  - (10) Total area of the proposed plat to the nearest one-tenth acre.
  - (11) Locations of soil percolation tests in areas where on-site waste water systems are to be used.
- (f) Location map showing location of the site in relation to well known landmarks, abutting property owners and municipal boundaries drawn at one inch equals 2,000 feet;
  - (g) Proposed lot lines and public right-of-way and street widths; indicate roadways intended to be private; locations of planned water wells, reservoirs, and pump stations; locations, dimensions and purpose of all easements, public or private; rights-of-way for public services or utilities, and any limitations thereof;
  - (h) Number or letter to identify each proposed lot and block;
  - (i) Locations, dimensions, approximate areas and purposes of lots proposed to be dedicated for public uses;
  - (j) Sites and approximate area for any multi-family dwellings or nonresidential use; and
  - (k) Proposed changes to ground elevations, to standards specified herein.

17.04.020.03.02.02 Storm drainage management. For the purpose of minimizing or eliminating damage resulting from storm water runoff, the subdivider shall be required to furnish a plan for storm drainage management if the subdivision lies within a designated flood hazard area. Preparation of the drainage plan shall be done by a registered professional engineer and shall include the following information:

- (a) Location of proposed lots, streets, bridges, water and erosion control structures, and utility easements in relation to the existing contours. These shall also be shown in relation to the finished contours proposed to be implemented in development of the subdivision.
- (b) Storm drainage computations showing the estimated runoff from the subdivision prior

to and following completion of development.

- (c) Storm drainage computations on the surrounding areas contributing runoff that may affect the subdivision or may be affected by the subdivision.
- (d) All appropriate design details necessary to clearly explain the construction of all water control structures, utility installations and buildings as they shall be made flood proof to the extent necessary.
- (e) Conformity to the regulations, procedures, and standards as may be prescribed by local, state or federal laws.

17.04.020.03.02.03 Soils analysis. The subdivider shall provide a preliminary soils analysis by a qualified soil scientist to determine the adequacy of the soil for the proposed construction, including soil percolation tests where on-site waste water disposal is proposed.

17.04.020.03.02.04 Water Supply. The subdivider shall provide evidence prepared by a qualified engineer or engineering geologist that a 50-year supply of potable water supplies is available to the proposed subdivision.

17.04.020.03.02.05 Special problems analysis. For land with difficult topography or other geographic hazards to life, health or property, a report and proposed solution shall be prepared satisfactory to the Planning Commission.

17.04.020.03.02.06 Schedule of development. The subdivider shall provide an estimated schedule of lot development. In particular, the schedule shall indicate when street paving, water service and sewer service will be provided.

17.04.020.03.03 Review. The Director shall send the completed application to appropriate state and local agencies, utilities providers, and City Departments for review and comment. The Director shall give the agencies twenty-one (21) days to review and comment on the application. After the review period, the Director may require additional information based on the comments received and review of the application.

17.04.020.03.04 Annexation and/or rezoning. If annexation and/or rezoning is proposed or required to accomplish the development envisioned in connection with the plat, the City shall withhold conditional approval of the preliminary plat until such time as annexation and/or rezoning shall be officially adopted by the governing body. The Planning Commission shall submit a written report containing its recommendation to the Governing Body prior to the public hearing on the annexation or rezoning.

17.04.020.03.05 Process and Decision.

17.04.020.03.05.01 Following the twenty-one day review period of the preliminary plat and review of any supplemental materials that were required, the Director shall advertise the project for a public hearing in accordance with these regulations after the twenty-one day review period or after any additional required information is provided, whichever is later.

17.04.020.03.05.02 The Director shall notify all property owners within one hundred (100) feet of the property of the application a minimum of twenty (20) days prior to the hearing.

17.04.020.03.05.03 The decision making authority at a public hearing shall review the application for consistency with the Unified Development Code, Zoning Ordinance, and other applicable plans and ordinances. The decision making body shall consider the staff report, public testimony, and neighborhood compatibility and appropriateness of the preliminary plat in making their decision as supported by the evidence.

17.04.020.03.05.04 The following findings shall be made for approval of a preliminary plat:

- (a) The preliminary plat is consistent with the Unified Development Code, Zoning Ordinance, and all other applicable plans and regulations; and
- (b) The preliminary plat is compatible in design with existing uses, development, and infrastructure, and plans for infrastructure, grading, and drainage; and
- (c) Approval of the preliminary plat will not be materially detrimental to the health, safety, or welfare of surrounding property owners, the City or Tukumcari, or the general public.

17.04.020.03.05.05 Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

17.04.020.03.06 Public hearing. No plat shall be acted upon without a public hearing noticed in accordance with Chapter 1 of the Unified Development Code.

17.04.020.03.07 Longevity. Approval of a preliminary plat is effective for one year unless extended by the Planning Commission.

17.04.020.04 FINAL PLAT.

17.04.020.04.01 Submission. Application for approval of the final plat shall be submitted on prescribed forms to the City. The final plat and other required exhibits shall be submitted to the City within 12 months following approval of the preliminary plat; otherwise, the approval shall become null and void unless an extension of time has been granted. The final plat shall conform substantially to the preliminary plat as approved.

17.04.020.04.02 Plans and Data. The following plans and data shall be submitted for review of a final plat.

17.04.020.04.02.01 Final plat. The subdivider shall submit the original and two copies of the final plat to the City for approval in accordance with the following provisions.

17.04.020.04.02.02 Size, scale, material. The final plat shall be drawn, scribed or photo-reproduced in black ink on tracing cloth or stable-base polyester material, on sheets no larger than 24 by 36 inches, and shall be at a scale of 1 inch to 200 feet. Enough sheets shall be used to show the subdivision in its entirety, with each sheet numbered in relation to the total number of sheets involved, and each shall have a small key map showing its relationship to the whole.

17.04.020.04.02.03 Information. The final plat shall contain the following information:

- (a) Name of subdivision;
- (b) Title, scale, north arrow and date of survey;
- (c) Location and description of all monuments found or set within the plat area, and all these referred to, including bench marks with elevation shown and property corners;
- (d) Plat boundary lines; bearing in degrees, minutes and seconds, with basis for bearings noted or shown; distances in feet and hundredths or other functional reference system; both the record and measured bearings and distances;
- (e) Reference the plat to the state Plane Coordinate System; total acreage of subdivision to four decimal places;
- (f) Lot lines, and right-of-way lines, existing and proposed; lines to be eliminated shown

as dashed lines; names of streets, right of way widths, and centerline data and all streets and alleys, including private streets and alleys; the length, central angle and radius of all curves;

- (g) Location, dimensions and purpose of all easements, existing or proposed, and any limitations thereof;
- (h) Number or letter to identify each lot and block;
- (i) Location, dimensions, areas and purposes of lots proposed to be dedicated or reserved for the public;
- (j) Reference to recorded subdivision plats of adjoining platted land by recorded name, date, book and page number in the office of the County Clerk;
- (k) Mileage of streets created:
  - (1) Total;
  - (2) Full-width streets; and
  - (3) Half-width streets.
- (l) Certification by the County Treasurer or by a duly qualified abstract company that the previous ten years' property taxes due and payable have been paid in full;
- (m) Statement that the subdivision is with the free consent and in accordance with the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds;
- (n) Signed statements by the subdivider dedicating public rights-of-way, any sites for public use, and granting the shown easements for public use;
- (o) Certification and seal by a registered land surveyor, in accordance with the laws of the state, certifying the accuracy of the survey and plat, that he prepared or supervised preparation of the plat, that he has shown all easements of record, and that it meets design standards for surveying;
- (p) Certification that all monuments are in place; and
- (q) Other certificates, affidavits, endorsements or dedications as may be required by the City in the enforcement of these regulations.

17.04.020.04.03 Review. The City shall review the final plat and other exhibits submitted for conformity to these regulations, and shall insure that the conditions of the preliminary plat as approved have been met.

17.04.020.04.04 Decision.

17.04.020.04.04.01 If the final plat is in conformance with the preliminary plat as approved and conforms to these regulations, it shall be approved by the decision making body. Should the final plat be disapproved, the decision making body shall express in writing the reasons for disapproval. The reasons for disapproval shall be referenced and attached to two copies of the final plat. One of the copies shall become a part of the files of the City Clerk's office.

17.04.020.04.04.02 Approval or disapproval shall be given within forty-five (45) days of the date of final plat submission, unless the subdivider agrees in writing to a deferral. If the final plat is approved by the decision making body, the approval shall be recorded on the face of the original drawing of the final plat and on two copies thereof and shall be dated and verified by

the signature of the Chairman of the Planning Commission or Mayor, depending on which body was the decision making body.

17.04.020.04.05 Recording.

17.04.020.04.05.01 The final plat is in full force and effect only after having been duly recorded in the office of the Quay County Clerk and copies filed with the City Clerk. Approval of the final plat shall become null and void if the plat is not so recorded with six (6) months after the date of approval, unless an extension of time is granted by the City. Submittal for recording is the subdivider's responsibility.

17.04.020.04.05.02 In the case of a replat, the subdivider shall request the Quay County Clerk to mark the original plat with the words "replatted" or "partially replatted" and refer on the original plat to the filed location of the replat. The City shall mark the copies of the original plat on file in the offices of the City in a similar manner.

17.04.020.04.05.03 After having filed the original drawing of the final plat with the Quay County Clerk, which copy shall be the official copy, the subdivider shall submit to the City two copies of the final plat as recorded and properly stamped by the Quay County Clerk, and a digital copy with the following requirements:

- (a) Format. The digital copy shall be submitted in a format that is compatible with the City's GIS (geographical information system) and approved by the City Development Department.
- (b) Storage. The digital copy shall be submitted on a CD Rom. The disk shall be labeled with the recorded plat book and page numbers and subdivision name.
- (c) Projection. The digital copy shall be submitted in accordance with the NAD 1927 or the NAD 1983 State Plane Coordinate System.
- (d) Layering. Layers shall either contain a layer index or shall consist of and be limited to:
  - (1) SUBD: legal subdivision boundary (coincident with narrative);
  - (2) LOT: lots, outlots, blocks (areas of land ownership);
  - (3) RDCL: road center lines (public or private);
  - (4) ROAD: platted right-of-way;
  - (5) RDEAMT: access easements across lots;
  - (6) PUESMT: public utility easements;
  - (7) DESMT: drainage easements;
  - (8) ATRIBTS: attributes shall consist of and be labeled as:
    - a. Parcel, labeled as Par.
    - b. Lots shall be lot numbers only.
    - c. Tract, labeled as Tr.
    - d. Block, labeled as Blk.
  - (9) NOTES: shall consist of notes and legal description and title of plat; and
  - (10) SIGBLK: shall consist of the Signature Blocks on plat.

- (e) Geographic extent. The digital copy shall have contiguous layers of the subdivision and shall not be divided into sheets.

17.04.020.04.05.04 No building permits shall be issued until a copy of the recorded final plat have been placed on file with the city.

17.04.020.04.06 Replat. After final approval of any plat, no lot or block shall be further subdivided or the area of any platted lot diminished, and no change shall be made in the platting of any street, alley or easement established by the plat, except upon the filing of a replat, showing the proposed change or changes, with the City and securing its approval in accordance with the procedures herein established. The provisions of this division shall apply to all proposed replats or changes in lot lines, dimensions of lots, streets, alleys and easements in any platted area within the city planning and platting jurisdiction.

17.04.020.04.07 Acceptance of land. Approval of the final plat by the City shall be deemed to constitute acceptance by the City of dedication of public rights-of-way, other proposed public easements, and public areas shown on the plat, provided the final plat is properly recorded with the Quay County Clerk and the City Clerk.

#### 17.04.020.05 SUMMARY PROCEDURE.

17.04.020.05.01 In accordance with the alternate summary procedures authorized by NMSA § 3-20-8, the Community Development Director, as administrative officer, may approve a subdivision as a combined preliminary and final plat in any case where no public purpose would be served by separate steps. The summary approval shall be given only when one or both of the following conditions exist:

17.04.020.05.01.01 The subdivision contains no more than two lots, provided, however, that submittal of a series of two lot subdivisions on a tract of land will be considered a subterfuge to defeat the purpose of these regulations and the plats shall not be approved.

17.04.020.05.01.02 Resubdivisions, where the combination or recombination of portions of previously platted lots does not increase the total number of lots.

17.04.020.05.02 In all cases, the subdivision plat being considered for approval under this summary procedure shall be prepared according to the standards for plans and data for both preliminary and final plats as contained herein.

17.04.020.05.03 The Director shall furnish the Planning Commission with monthly reports documenting those subdivisions approved administratively.

#### 17.04.020.06 REQUIRED IMPROVEMENTS.

17.04.020.06.01 Authorization. Receipt of the signed copy of the preliminary plat is authorization for the subdivider to proceed with the minimum improvements required by these regulations. Prior to the construction of any improvements or to the submission of any bond, the subdivider shall furnish the City with all plans and data necessary for the construction of the improvements. These plans shall be examined by the City and will be approved if in accordance with the following requirements. Following the approval, construction can be started or the amount of bond determined.

17.04.020.06.02 Installation assurance. Plans for improvement shall be prepared by an engineer registered in accordance with the laws of the state. The City is to be assured of the installation of these improvements in a satisfactory manner by one or more of the following methods:

17.04.020.06.02.01 Complete installation of the improvements prior to approval of the final plat;

17.04.020.06.02.02 Submission of a satisfactory bond, either a performance bond or a cash bond, or the establishment of an escrow account in an amount and with surety and conditions

satisfactory to the City Clerk providing for and securing to the city, the actual construction and installation of the improvements and utilities within a period not to exceed one year;

17.04.020.06.02.03 Completion of an approved assessment procedure whereby the city is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision;

17.04.020.06.02.04 Submission of an approved assessment procedure for the paving of streets together with an agreement between the subdivider and the city for a cash payment for other improvements with payment to be made as the work is completed;

17.04.020.06.02.05 The City may authorize a written agreement between the City and the subdivider, which would be recorded at the time of filing of the final plat, which would adequately restrict sales of any lots as to which there had not been completion of the improvements and installation of utilities, and which would establish a ten-year time limit; and

17.04.020.06.02.06 The subdivision may be developed in segments whereby the City, at its discretion, may waive the use of a guarantee as required by the section on the initial segments, provided that such segments are not larger than 25 lots or 50% of the total number of lots in the subdivision, whichever is less. The City shall grant final plat approval for each succeeding segment being contingent upon completion of the minimum improvements required by these regulations in each preceding segment. Completion of improvements in the final segment of the subdivision, which shall include at least 25 lots or 50% of the total number of lots in the subdivision, whichever is less, must be guaranteed through the use of one of the other methods detailed under this section.

17.04.020.06.03 Installation of improvements. The subdivider may prepare and secure approval of the preliminary plat and then install improvements in the area covered by the preliminary plat. Improvements must be installed only in that part of the area for which a final plat will be submitted for approval and filing. The improvements to be installed shall include the following:

17.04.020.06.03.01 Permanent markers. All subdivision boundary corners and the four corners of all street intersections shall be marked with permanent monuments. A permanent monument shall be deemed to be concrete with a minimum dimension of four inches, extending three feet below the surface of the ground. Should conditions prohibit the placing of monuments on line, offset marking will be permitted; provided, however, that offset courses and distances are shown on the plat. A permanent bench mark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat.

17.04.020.06.03.02 Street improvements. All streets shall be graded and the roadway improved by paving under the supervision of the Planning Director and subject to his approval in accordance with the design standards provided herein.

17.04.020.06.03.03 Sidewalks.

- (a) Provision. Sidewalks shall be provided by the developer and shall be constructed under the supervision of the Planning Director and subject to his approval in accordance with the design standards of the city.
- (b) Sidewalks shall be required on both sides of all streets in a logical manner to facilitate pedestrian access, except that the requirement for sidewalks in the A-1 zone district may be waived by the decision making body.

17.04.020.06.03.04 Water and sewer mains. The subdivider shall make necessary

arrangements to serve each lot from water and sewer mains of the central systems serving the City, where feasible and in conformity to governing body policy. Where, for any reason, municipal services cannot be provided, the subdivider shall present evidence that adequate water and sewer service to each lot will be provided in compliance with the requirements of the New Mexico Environmental Improvement Division and in conformity to the standard specifications of the city construction of all water and sewer lines shall be under the supervision and approval of the Planning Director.

17.04.020.06.03.05 Drainage. Construction of drainage improvements and other means of storm water management shall be under the supervision and approval of the Planning Director.

17.04.020.06.03.06 Street lighting.

- (a) Street lighting shall be provided by the developer and shall be constructed under the supervision of the Planning Director and subject to his approval in accordance with the design standards provided herein.
- (b) Street lights shall be required at all arterial and collector intersections, park, school and church sites, and any other high pedestrian-oriented land use.

17.04.020.06.03.07 Private wells. Private wells serving fifteen (15) or more households shall be permitted in accordance with section 4.207.03.04. All other private domestic wells, in any existing or future subdivision, shall be permitted under the terms of this section.

- (a) No private domestic well shall be permitted as the primary water source for any lot within three hundred (300) feet of an adequate water supply belonging to the City or any franchisee of the City.
- (b) No private domestic well shall serve more than three (3) lots.
- (c) The lots shall be contiguous with no intervening highways, streets, roads, alleyways or other rights of way for vehicular traffic.
- (d) The owner of the well shall present evidence that adequate water service will be provided in compliance with the requirements of the New Mexico Environment Department and in conformity to the standard specifications of the city construction of all water and sewer lines shall be under the supervision and approval of the City Development Department.
- (e) In the event that a given well serves more than one (1) lot, the owners of each lot shall jointly present the evidence in division (d) above and shall further submit an executed agreement, filed with the Quay County Clerk, binding each of the owners and their successors in interest to maintaining the well and its pipelines for so long as the well is in operation.

17.04.020.06.04 Approvals. Approvals by the Planning Director of improvement plans for streets, alleys, grading, drainage, water, sewer, street lighting or other improvements within the context of this chapter shall expire by limitation and become null and void if the work or improvements authorized is not commenced within twelve (12) months of the approval. In the event the authorized work or improvement is suspended or abandoned for a period of twelve (12) months after the work or improvement is commenced, the approval shall expire and become null and void. Before the work or improvement is recommenced, resubmittal must be made for approval by the Planning Director.

#### 17.04.020.07 CHARACTER OF DEVELOPMENT.

17.04.020.07.01 The decision making body shall confer with the subdivider regarding the type and

character of development that will be permitted in the subdivision, and may agree with the subdivider as to certain minimum restrictions to be placed upon the property:

17.04.020.07.01.01 To prevent the construction of substandard buildings; and

17.04.020.07.01.02 To control the type and use of structures and the use of lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property.

17.04.020.07.02 The decision making body shall have power to agree with the subdivider upon the use, height, area or bulk restrictions governing building and premises, providing that, in the case of subdivisions beyond the corporate limits, the decision making body may require the subdivider to conform to the land use plans adopted by the City.

#### 17.04.020.08 VACATION OF PLAT.

17.04.020.08.01 Nothing in this section requires that a vacation be undertaken if a replat, accomplishing the elimination of lot lines is duly approved. A vacation is required when no replatting is undertaken but elimination of lot lines, rights-of-way or easement lines dividing a parcel is to be accomplished.

17.04.020.08.02 Any plat, or portion thereof, filed in the office of the Quay County Clerk and within the planning and platting jurisdiction of the city may be vacated according to the following procedures:

17.04.020.08.02.01 The subdivider of land proposed to be vacated, exclusive of public rights-of-way, shall sign a duly acknowledged statement declaring the plat or a portion of the plat is to be vacated and shall apply to the Governing Body for approval.

17.04.020.08.02.02 Where a public right-of-way is proposed to be vacated:

- (a) The Director shall mail letters to franchised utilities and to the owner of record of all lots adjacent to the public right-of-way to be vacated, informing them of the nature of the proposed vacation, and notifying them of the date, time and place of the hearing. At least twenty (20) days shall be allowed for the comments before a decision is reached.
- (b) If the public right-of-way proposed for vacation is paved, or if the entire width of the right-of-way is proposed for vacation, the applicant shall post and maintain one or more signs, as provided and where instructed by the Director at least twenty (20) days prior to the date of the hearing. The applicant is responsible for removing the signs within five (5) days after the hearing is completed. Failure to properly post signs is grounds for deferral of the request. No one except the applicant, the agent of the applicant, or the City shall remove or tamper with any such required sign during the period it is required to be maintained under this section.
- (c) In considering the vacation of all or part of a public right-of-way, the Governing Body shall determine whether or not the vacation will adversely affect the interests of persons owning contiguous land or land within the subdivision being vacated.

17.04.020.08.02.03 The rights-of-way of any public or private utility, including drainage, existing prior to the vacation, total or partial, of any plat are not affected by the vacation of a plat unless an authorized representative of the utility involved agrees in writing to have the rights vacated.

17.04.020.08.03 A decision on approval and endorsement shall be made at a hearing by the Governing Body. Public notice in a newspaper of general circulation in the city shall be published at least twenty (20) days before the date of the hearing; the notice shall indicate the location of the

proposed vacation, where a map of the proposed vacation may be viewed, and information on the hearing. If approved by the Governing Body, the statement of vacation is endorsed “approved.” The endorsement shall be within ten (10) days of the conclusion of the hearing.

17.04.020.08.04 The vacation is in full force and effect only after the approved statement declaring the vacation has been recorded in the office of the Quay County Clerk. The County Clerk shall be requested to mark the original plat with the words “vacated” or “partially vacated” and refer on the plat to the volume and page on which the statement of vacation is recorded. Submittal for recording is the applicant's responsibility. The applicant shall also provide certified proof of the recording by the County Clerk to the City Clerk.

### **17.04.030 DESIGN STANDARDS**

17.04.030.01 COMPLIANCE. All subdivisions within the city planning and platting jurisdiction shall conform to minimum design standards established by the City.

#### 17.04.030.02 STREETS.

17.04.030.02.01 The character, extent, width and location of all streets shall conform to any master plan or policies established by the governing body and shall be consistent and appropriate in their relationship to existing and planned streets, topographic conditions, public convenience, safety and the proposed uses of the land to be served by the streets.

17.04.030.02.02 Where an arterial or collector street is not shown and defined in a master plan of the city and there is not an adopted future street line, the arrangement of streets in a subdivision shall either:

17.04.030.02.02.01 Provide for the continuation or appropriate projection of existing principal situation where topographic or other conditions make continuance of, or conformance to, existing streets impractical; or

17.04.030.02.02.02 Conform to a plan for the neighborhood properly approved by the city to meet a particular situation where topographic or other conditions make continuance of, or conformance to, existing streets impractical.

17.04.030.02.03 Minor streets shall be so laid out that their use by through traffic will be discouraged.

17.04.030.02.04 Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the decision making body may require a street approximately parallel to the right-of-way. This distance shall be suitable for the appropriate use of the intervening land and shall also be determined with due regard for the requirements of approach grades and future grade separations.

17.04.030.02.05 Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the decision making body.

17.04.030.02.06 Half streets shall be prohibited, except where used as an addition to another half street which was platted and filed before the effective date of these regulations.

17.04.030.02.07 No street names shall be used which will duplicate or be confused with the names of existing streets within the jurisdiction of the city. Street name changes shall be subject to the approval of the Governing Body upon the recommendation of the Planning Commission. A street name shall only be changed if the applicant shows that there will be a public benefit which clearly outweighs the public confusion which would be created by the name change.

17.04.030.02.08 Streets shall be laid out to intersect as nearly as possible at ninety (90) degree

angles, and no street shall intersect any other street at less than sixty (60) degrees.

17.04.030.02.09 Street jogs with centerline offsets shall be avoided, but where necessary shall have a minimum offset of one hundred twenty-five (125) feet.

17.04.030.02.10 A minimum tangent one hundred (100) feet long shall be introduced between reverse curves on major streets.

17.04.030.02.11 When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet and of the greater radius as may be set by the decision making body for special cases.

17.04.030.02.12 Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of greater radius where the decision making body may deem it necessary. Comparable cutoffs or chords in place of round corners may be permitted.

17.04.030.02.13 Dead end streets (cul-de-sacs), designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet.

17.04.030.02.14 Street Gradients.

17.04.030.02.14.01 All street gradients shall be subject to approval of the Planning Director. Minimum street gradient shall not be less than one half percent (0.5%), and the maximum not more than ten percent (10%).

17.04.030.02.14.02 Within one hundred (100) feet of any intersection, the maximum gradient shall be five percent (5%) to provide adequate and safe sight distance and the intersection itself shall have a maximum gradient of three percent (3%).

17.04.030.02.15 The width of all new streets and alleys shall comply with City standards.

17.04.030.02.16 The minimum radius at the centerline for horizontal curves on streets shall be as follows:

17.04.030.02.16.01 Arterial: Four hundred (400) feet;

17.04.030.02.16.02 Collector: Two hundred (200) feet; and

17.04.030.02.16.03 Local: Fifty (50) feet.

17.04.030.02.17 All streets shall be graded and the roadway improved in accordance with standard specifications of the City and with the supervision and approval of the Planning Director.

17.04.030.02.18 Alleys shall be provided in commercial and industrial districts, except that the decision making body may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking adequate for the uses proposed. Alleys may be provided in residential areas at the option of the subdivider, but are to be discouraged where they would serve no useful public purpose or where easements would better serve the purpose.

17.04.030.02.19 Curbs and gutters shall be provided on both sides of the street and constructed to standard specifications of the City under the supervision of the Planning Director and subject to his approval.

17.04.030.02.20 The width and horizontal location of sidewalks shall conform to the following minimum design criteria:

17.04.030.02.20.01 Width. A six-foot width is required on all arterials. A four (4) foot width is

required on all collectors and local streets.

17.04.030.02.20.02 Horizontal location.

(a) Residential sidewalks shall be located within the public right-of-way such that the property side edge is located adjacent to the property line. Special locations shall be as identified in adopted plans.

(b) Commercial and Industrial sidewalks shall be located within the public right-of-way. These sidewalks may be adjacent to the property line to provide a parkway between the street and sidewalk; or the sidewalk may be located immediately adjacent to the curb of the vehicle travelway.

17.04.030.02.20.03 Vertical location. The sidewalk must be located such that the top surface of the sidewalk will be at the same height as the top of curb adjacent to the sidewalk.

17.04.030.02.20.04 Transverse slope. Sidewalks shall have a minimum transverse slope of one quarter ( $\frac{1}{4}$ ) inch per foot, sloping toward the street.

17.04.030.02.20.05 Sidewalk materials. Sidewalk materials and specific design specifications must be approved by the Planning Director prior to construction.

17.04.030.02.21 Walkways, bike paths, bridle paths and water courses shall provide a minimum right-of-way width of ten feet and a minimum pavement width, if any, of ten feet.

17.04.030.02.22 Street numbers designating building numbers shall be in compliance with City requirements and building numbers shall be designated during plat approval procedure.

17.04.030.02.23 Street lights shall consist of one hundred (100) watt, high pressure sodium vapor, pink lights and shall be located at warranted locations and at mid-block locations where blocks exceed five hundred (500) feet in length. All lighting fixtures shall be shielded to prevent glare and shall be compliant with New Mexico Night Sky Protection Act requirements. In new subdivisions, the developer shall submit a plat to the authorized utility franchisee for design of the street lighting system. The authorized utility franchisee shall submit the completed design to the Planning Director for approval. Following approval, the authorized utility franchisee shall install the street lights in conjunction with the installation of electrical service to the subdivision.

17.04.030.03 DRAINAGE. Adequate provision shall be made for drainage of storm water subject to the approval of the Planning Director in accordance with the master drainage plan and requirements pursuant to the National Flood Insurance Program of the Federal Emergency Management Agency.

17.04.030.04 EASEMENTS. Easements of at least five (5) feet in width shall be provided and dedicated on each side of all rear lot lines (except where there are alleys) and along side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and other mains. An adequate easement or right-of-way shall be dedicated to contain all portions of the public drainage system for the purpose of widening, deepening, sloping, improving or protecting the channel for drainage purposes. Where a cut or fill road slope is outside the normal right-of-way of the street, then a slope easement shall be provided of sufficient width to permit maintenance of the slopes.

17.04.030.05 BLOCKS. The lengths, widths and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated; to zoning requirements as to lot sizes and dimensions; to needs for convenient access, circulation, control and safety of street traffic; and to limitations and opportunities to topography.

17.04.030.06 LOTS. The lot arrangement and design shall be such that all lots will provide

satisfactory and desirable building sites properly related to topography and the character of adjacent development. All side lines of lots shall be at right angles to straight street lines or radial to curved street lines unless a variation of this rule will give a better street and lot plan. Lots of double frontage shall not be permitted.

17.04.030.07 PUBLIC SITES; OPEN SPACES.

17.04.030.07.01 The decision making body may require adequate provision for suitable park land, playgrounds or other recreational use in each subdivision.

17.04.030.07.02 In lieu fees may be accepted by the decision making body if an ordinance authorizing such fees is adopted in accordance with applicable State law.

**17.04.040 VARIANCES**

17.04.040.01 VARIANCES. Variance from the strict application of design standards may be allowed in cases where unusual conditions exist, or a variance would provide an improved design. Financial gain, loss or monetary savings cannot be considered solely as a basis for a variance request. See section 17.01.090.02.02 of the Unified Development Code for procedures on processing a variance.

**17.5 Definitions**

**17.05.010 General Provisions.** Where no definition exists for a term, the Community Development Director shall have the authority to define the term. Once defined, the Community Development Director shall maintain a list of such terms until the Unified Development Code is amended to include such definitions.

17.05.010.01 A.

ABUTTING. To physically touch or border upon, or to share a common property line but not overlap.

ABSTRACT OF TITLE. A document showing the condensed history of the title of property and containing portions of all conveyances or other pertinent instruments relating to the estate or interest in the property, and all liens, charges, encumbrances, and releases.

ACCESSORY STRUCTURE. A structure detached from and subordinate to the main structure and located on the same lot or parcel of land with the main structure, the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or use of the land.

ACCESSORY USE. A use that is incidental and subordinate to the primary use of the land.

ACRE-FOOT. The amount of water upon an acre covered one foot deep, equivalent to forty-three thousand five hundred and sixty (43,560) cubic feet. (NMSA 1978, § 72-5-19)

ADDITION. An extension or increase in floor area or height of a building or structure.

ADULT USE. Any adult bookstore, adult hotel or motel, adult motion picture arcade or theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by and emphasis on matter depicting, describing, or relating to anatomical areas.

AGENT. Any person authorized by written statement to act on behalf of the property owner or applicant.

ALTER (ALTERATION). Any change, addition, or modification in construction or occupancy.

ALTERATION, COSMETIC. See "Repair".

ANIMAL. Animal means any vertebrate member of the animal kingdom, excluding man.

APARTMENT. Two or more rooms with private bath and kitchen facilities comprising an independent dwelling unit in a building containing more than two (2) dwellings for rent.

ATTACHED SINGLE-FAMILY DWELLING. Any dwelling in a structure containing at least two, but not more than four, attached single-family dwellings all of which are on separate ground-level parcels.

AWNING. A roof-like cover that is attached to, and projects from, the wall of a building for the purpose of shielding from the elements.

17.05.010.02 B.

BALCONY. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade, or parapet.

BAY WINDOW. A window or group of windows that project outward from a room.

BILLBOARD. See Off-site sign.

BLOCK. Property bounded on one side by a street and on the other sides by a street, railroad right-of-way, waterway, unsubdivided areas or other definite barriers.

BUILDING. Any structure having a roof supported by columns or walls.

17.05.010.03 C.

CENTERLINE. The line halfway between the street right-of-way lines.

CITY CLERK. An appointed officer of the city as so designated by the Governing Body.

CLEAR SIGHT TRIANGLE. An area of unobstructed vision at street intersection between three (3) and eight (8) feet above the ground, and within a triangular area at the street corner, which is bounded by the street property lines of the corner and a line connecting the points twenty-five (25) feet distant from the intersection of the property lines of such lot.

COMMERCIAL USE. An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee that requires a business license or registration by the City.

COMMISSION. The Planning Commission of the City of Tucumcari.

CONDITIONAL USE PERMIT. A use or occupancy of a structure or a use of land, included in each zoning district, requiring approval on an individual basis by the Planning Commission, and are subject to the limitations and conditions specified therein.

CONSTRUCT (CONSTRUCTION). To build, reconstruct, install, extend, better, alter, rebuild, repair, or improve a new or existing building or structure.

CONTIGUOUS. Adjacent to or separated only by an alley, street, or other public right-of-way.

CONVEYANCE. A written instrument by which a title, estate, or interest in property is transferred.

CONVENIENCE COMMERCIAL. A small-scale commercial use providing goods and/or services generally necessary or desirable for everyday living that requires a business license or registration by the City.

COUNTY. County of Quay.

COURT (COURTYARD). A space, open and unobstructed to the sky, located at or above ground level on a lot, bounded on three or more sides by walls of a building.

CUL-DE-SAC. A short street intersecting another street and permanently terminating in a vehicular turnaround.

CULTURAL RESOURCES. Those resources that possess qualities or significance in national, state, or local history, architecture, archaeology, and culture that are present in districts, sites, structures, and objects that possess integrity of location, design, setting, materials, workmanship, and association.

17.05.010.04 D.

DAYS. Shall mean calendar days unless otherwise specifically stated.

DECISION MAKING BODY. Is the person or persons authorized to act on certain entitlement applications submitted to the City. The decision making body will be either the Community Development Director, the Planning Commission, or the City Commission [Governing Body] depending on the application type being acted on.

DEED. A duly attested written instrument, under seal, conveying real property or interest therein.

DENSITY. Shall mean the number of dwelling units per gross acre.

DIRECTOR. Shall mean the City of Tucumcari Community Development Director or his designated representative.

DISCLOSURE STATEMENT. Statement required to be given to persons acquiring an interest in subdivided land in accordance with applicable State law.

DOMESTIC WELL. A well for household use, or lawn and garden, not to exceed a total of one acre and or stock use permitted under NMSA §72-12-1.

DRIVE-THROUGH. A window, door, or mechanical device where customers may order goods or services from a motor vehicle.

DWELLING. Any building used as a residence for one family, but not including hotels, motels, recreational vehicles, boarding or lodging houses, or trailers (with or without wheels).

DWELLING UNIT. One (1) dwelling.

17.05.010.05 E.

EASEMENT. A grant by the property owner to the public, a corporation, or person(s), of the use of a portion of land for specific purposes.

EAVE. See "Roof Overhang."

EROSION CONTROL STRUCTURE. Any man-made device constructed for the purpose of preventing or controlling erosion.

EXCAVATION. The movement or removal of earth for any purpose that requires a building permit.

EXISTING BUILDING. Any building legally erected prior to adoption of this Ordinance, or one for which a legal building permit has been issued.

EXISTING USE. Any use that has been legally initiated and is in operation prior to adoption of this Ordinance, or one that has been legally approved and has not expired.

17.05.010.06 F.

**FAMILY.** An individual or two or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, excluding servants, living together in a dwelling unit.

**FENCE.** Any solid or open barrier above ground intended to enclose or mark a boundary.

**FLOODWAY.** Any area that will be flooded by high water from a 25-year frequency storm.

**FLOOD FRINGE.** Any area that will be flooded by high water from a 50-year frequency storm.

**FLOOD PLAIN.** Any area that will be flooded by high water from a 100-year frequency storm.

**FLOOR AREA.** The area of all stories of a building beneath a roof, excluding exterior eaves.

**FREEWAY ORIENTED BUSINESS.** A commercial establishment that caters primarily to travelers on United States Interstate 40.

**FUTURE STREET LINE.** A line, established by the governing body, running more or less parallel to the centerline of an existing or proposed street for the purpose of delineating the future boundaries of public right-of-way.

17.05.010.07 G.

**GARAGE.** An enclosed building, or portion of a building, used or intended to be used for the parking and storage of vehicles.

**GEOHYDROLOGIC REPORT.** A report on subsurface water availability.

**GRADE.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk, within five (5) feet of a building or structure.

**GROOMING PARLOR.** Any establishment maintained for the purposes of performing cosmetological services for animals.

**GROUP HOME.** A boarding home for the sheltered care of persons with special needs that in addition to providing food or shelter, may also provide some combination of personal care, social or counseling services, and transportation. The number of sheltered care residents in a group home is limited to a maximum of six (6).

**GOVERNING BODY.**

(1) *City Commission.* The City Commission of Tucumcari, New Mexico.

(2) *County Commission.* The Board of County Commissioners of Quay County, New Mexico.

**GUEST HOUSE.** An attached or detached building that provides living quarters for guests and contains no kitchen or cooking facilities, is clearly subordinate and incidental to the principal residence on the same lot, and is not rented or leased.

17.05.010.08 H.

**HEIGHT.** The vertical distance above a reference datum measured to the highest point of a structure. Height shall be measured from the lowest grade adjacent to the structure. Chimneys, vents, utility service structures and similar objects shall not be included in the measurement of vertical dimensions.

**HOME BUSINESS (HOME OCCUPATION).** A business operated and maintained within a dwelling.

**HOUSEHOLD.** Any social or family unit comprised of those living in the same dwelling or on the same premises.

**HYDROLOGIC REPORT.** A report on surface water availability and surface flows.

17.05.010.09 I.

INDIVIDUAL LIQUID WASTE DISPOSAL SYSTEM (ILWDS). A system for discarding domestic liquid waste. Examples of an ILWDS include, but are not limited to: septic tank systems; aerobic disposal systems; and evapo-transpiration systems.

INFRASTRUCTURE. The basic facilities and services needed to sustain development.

INOPERABLE MOTOR VEHICLE. Any motor vehicle that by reason of dismantling, disrepair, or other cause is incapable of being propelled under its own power.

17.05.010.10 J.

17.05.010.11 K.

KENNEL. Any establishment where animals are boarded, kept, or maintained, except guard dog sites, state inspected veterinary hospitals, pet shops, grooming parlors, refuges and shelters.

17.05.010.12 L.

LEGAL NON-CONFORMING. Any building, structure, or portion thereof, or use of building or land that does not conform to the regulations contained in the Unified Development Code that lawfully existed on the effective date of the regulations to which it does not conform.

LEASE. To rent or charter land.

LIQUID WASTE. Domestic waste water containing human excreta or other water-carried waste.

LOT. A tract or parcel of land platted and placed on the County Clerk's record in accordance with laws and ordinances, generally as a portion of a subdivision intended for development purposes.

LOT AREA. The net lot area of a parcel of land.

LOT, CORNER. Any lot located at the intersection of, and having frontage on two (2) or more streets.

LOT COVERAGE. The portion of land that is occupied by buildings and structures, including accessory buildings and structures, expressed as a percentage of the total lot area. Lot Coverage does not include driveways, sidewalks, non-structured parking, and similar pavement.

LOT DEPTH. The minimum linear measurement along a line that is perpendicular to the front lot line.

LOT LINE. One property line that defines a parcel.

LOT LINE, FRONT. The lot line at the narrowest street frontage of a parcel.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line; or in the case of a highly irregular lot, a straight line not less than ten (10) feet long within the lot, parallel to the front lot line, and at the maximum distance from the front lot line shall be the rear lot line.

LOT LINE, SIDE. Any lot line that is not a front or rear lot line.

LOT, THOROUGH. See "Parcel, Double Frontage."

LOT WIDTH. The distance between two side lot lines measured at the front set back line.

17.05.010.13 M.

MANUFACTURED HOME. As defined by New Mexico Statutes Annotated § 3-21A-2, is a single-family dwelling with a heated area of at least thirty-six (36) feet by twenty-four (24) feet and at least eight hundred sixty-four (864) square feet in area constructed in a factory to the standards of the United States Department of Housing and Urban Development (HUD), the National Manufactured Housing Construction and Safety Act of 1974, and the Housing and Urban Development Zone Code II or the

Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act, New Mexico Annotated Chapter 60, Article 14.

MASTER PLAN. A comprehensive plan or any of its parts, adopted by the governing body, for the physical development of the area within the planning and platting jurisdiction of the city for the general purpose of guiding and accomplishing coordinated and harmonious development.

MOBILE HOME. As defined by New Mexico Statutes Annotated § 3-21-A-3, is a moveable or portable housing structure larger than forty (40) feet in body length, eight (8) feet in width, or eleven (11) feet in height, designed for and occupied by no more than one family for living and sleeping purposes, but does not include structures built to the standards of any municipal building code and other technical codes.

MOBILE HOME PARK. A development designed to accommodate mobile homes on established mobile home stands. The mobile home stands are rented or leased, and may also include rental of a mobile home. Mobile home parks include certain common facilities that are maintained by the mobile home park owner.

MOBILE HOME SUBDIVISION. A subdivision designed to accommodate mobile homes on established mobile home stands on individual lots. Mobile home subdivisions include certain common facilities that are maintained by the lot owners.\_

MONUMENT. One or more of the following:

(1) BENCH MARK. A brass cap, set in a base which meets city standard, with the elevation (mean sea level datum, 1929) and the land surveyor's registration number inscribed thereon.

(2) PERMANENT SURVEY MONUMENT. A brass cap set in a base which meets city standards, or a standard Bureau of Land Management monument marking sectionalized corners, containing coordinates referenced to the New Mexico Coordinate System and the land surveyor's registration number prescribed thereon.

(3) SUBDIVISION CONTROL MONUMENT. A monument, as defined by the New Mexico minimum standards for surveying, that marks all perimeter corners of a subdivision, including angle points, points of curvature and points of tangency.

MOTOR VEHICLE. Any land vehicle that is self-propelled or intended to be self-propelled.

MULTI-FAMILY DWELLING. Two or more attached single-family dwellings.

MULTIGENERATIONAL. Any number of persons related by blood, common ancestry, marriage, guardianship, or adoption. (§3-21-1 G. NMSA 1978)

17.05.010.14 N.

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT). The duly authorized state agency that has jurisdiction over the construction and maintenance of all state and federal highways in New Mexico.

NON-CONFORMING. Any existing building, structure, or portion thereof, or use of building or land that does not conform to the regulations contained in the Unified Development Code at the time of the adoption or amendment of such Code.

NUISANCE. An activity or use that is annoying, unpleasant, or noxious, including but not limited to those uses and activities addressed in the Uniform Development Code, that creates an interference with the enjoyment and use of property.

17.05.010.15 O.

OCCUPANCY. The use of land, buildings, or structures.

OPEN SPACE. An area reserved for public use, not to include dedication of public streets and right-of-way.

OUTDOOR LIGHTING FIXTURE. An artificial illuminating device, whether permanent or temporary, used for outdoor illumination or advertisement, including searchlights, spotlights, and floodlights, whether for architectural lighting, parking lot lighting, billboards, or street lighting.

17.05.010.16 P.

PARAPET. The extension of the main wall above the roof line.

PARCEL. Any tract of land not dedicated for public or common use.

PARCEL, DOUBLE FRONTAGE (THROUGH PARCEL/LOT). A parcel that fronts on two streets located on generally opposite sides of the parcel from one another.

PARCEL, SINGLE TIER. A parcel that has a rear yard abutting a limited access street, a physical barrier, or a non-residential use or zoning designation, and to which vehicular access through the rear of the lot is usually prohibited.

PEDESTRIAN WAY. A right-of-way dedicated to public use that cuts across a block to facilitate pedestrian access to adjacent streets and properties.

PERSON. Any individual, estate, trust, receiver, association, club, corporation, company, firm, partnership, joint venture, syndicate, utility or other entity.

PLANNING COMMISSION. The Planning Commission of the City of Tucumcari.

PLAT. A map, chart, survey, plan or replat certification by a registered land surveyor which contains a description of subdivided land with ties to monuments or other points of reference acceptable to the Planning Commission, the plat to be placed on record.

(1) PRELIMINARY PLAT. A map of a proposed subdivision prepared by a New Mexico registered land surveyor showing the proposed layout of the subdivision, rights-of-way, easements, and a legal description as regulated by the Subdivision Regulations of the City of Tucumcari. Preliminary plats shall be heard by the Tucumcari Planning Commission for recommendation, and by the Governing Body for final decision.

(2) FINAL PLAT. A map, survey or plat, or replat certified by a New Mexico registered land surveyor which contains a description of the subdivided land with ties to permanent monuments prepared in a form suitable for recording at the Quay County clerk's office. Final plats shall be heard by the planning commission for a recommendation, and by the Governing Body for final decision.

PROFESSIONAL OFFICE. The office of a member of recognized profession maintained for the conduct of that profession and provided that no merchandise or merchandising services are sold on the premises, except as are incidental or accessory to the principal use. A profession is a vocation, occupation, or employment requiring training or advanced study in a specialized field; any occupation requiring licensing by the state and maintenance of professional standards applicable to the field.

PROPERTY. Any parcel of land within the City of Tucumcari that is not a street or highway.

PUBLIC DRAINAGE SYSTEM. The path that storm runoff or other flow will follow from the furthest upstream parcels of land to city limits.

PUBLIC FLOOR AREA. That area of a commercial service or business use, maintained for use and enjoyment by the public, and/or patrons of the establishment, excluding any kitchens, bar-backs, or

storage areas.

**PUBLIC USE.** Government owned facilities that the general public has access to, such as parks, schools, administrative buildings, recreational, cultural, and service buildings, but not including public land or buildings devoted solely to storage and maintenance of equipment and material, or the disposal of refuse.

**PURCHASER.** Any person or his successor in interest who purchases or leases land within a subdivision from a subdivider.

17.05.010.17 Q.

**QUASI-PUBLIC USE.** Institutional, academic, and community services owned or operated by a non-profit, religious, or charitable institution including private hospitals and cemeteries, that provide educational, cultural, recreational, religious, or other similar types of services.

17.05.010.18 R.

**RECREATIONAL VEHICLE (RV).** A vehicle, with or without wheels, that is less than eight (8) feet wide and less than forty (40) feet long, with or without motive power that is designed and built by the manufacturer as a temporary human habitation to be used upon the highway. These vehicles are subject to the New Mexico State Motor Vehicle Licensing Laws.

**RELIGIOUS FACILITY.** A building used for worship by a congregation, excluding buildings used exclusively for residential, educational, recreational, or other uses not normally associated with worship. Includes, but is not limited to: churches; chapels; mosques; temples; cathedrals; and similar designations.

**REPAIR.** The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance. Such work does not: include structural alteration; require excavation; change the general appearance of the structure; increase or decrease the floor area; increase or decrease the height; or alter the occupancy of the structure.

**REPLAT.** To prepare and record a new plat replacing all or a portion of a previously recorded plat that has been vacated.

**ROOF OVERHANG.** That portion of a roof that extends beyond the exterior wall.

17.05.010.19 S.

**SCREENING.** A method of visually shielding or obscuring any abutting or nearby structure, use, or mechanical device from another by fencing, walls, berms, or densely planted vegetation.

**SETBACK.** The shortest distance between a structure and the property line.

**SETBACK LINE.** A line that parallels the property line and is no closer to the property line than the setback.

**SHIELDED LIGHTING FIXTURE.** A lighting fixture that light is projected downward and not horizontally at the lowest point of the fixture.

**SIGN.** Any structure, object, display, verbiage, illustration, emblem, and/or logo used to direct or attract attention to an object, person, institution, organization, business, service, or even. A sign may include, but not be limited to, words, numbers, symbols, posters, pictures, and any other objects or characters similar in nature used to attract attention.

**SIGN, BUILDING MOUNTED.** Any sign that is permanently attached to a building face or a structure that is attached to a building face. Building mounted signs may include, but are not limited to, channel

letters, box signs, signs painted on walls, signs on canopies, marquees, and projecting signs.

*SIGN, FREE-STANDING.* Any sign that is not attached to a building or non-signage structure on a lot. Free-standing signs may be monument style or pole mounted.

*SIGN, FREEWAY.* A free-standing sign that is permitted for businesses that are within five hundred (500) feet of and primarily rely on or utilize United States Interstate 40 for business purposes.

*SIGN, OFF-SITE (BILLBOARD).* Any sign that advertises goods, services, events, persons, places, or things not available on the property on which it is located.

*SIGN, ROOF.* Any sign that is installed or constructed on or extends above the roof line of a building or the parapet.

*SIGN, TEMPORARY.* Any sign that is not displayed for more than seventy-five (75) days. Temporary signs may include, but is not limited to, banners, pennants, and portable signs.

*SINGLE-FAMILY DWELLING.* A dwelling designed for use by one family.

*SKETCH PLAT.* A preliminary sketch drawing of a subdivision plat conforming with the requirements stated herein, and used in the pre-application procedure prior to submission of the preliminary plat.

*SOIL SURVEY.* A national cooperative soil survey conducted by the United States Department of Agricultural in cooperation with the State Agricultural Experiment Station and other federal and state agencies, or any other survey containing information of comparable quality and detail approved by the local Soil and Water Conservation District.

*SOLID WASTE.* Any solid or semi-solid discarded material, not including waterborne waste in a sewage system.

*STATE ENGINEER.* The duly authorized Office of the State Engineer of New Mexico that has jurisdiction over surface and ground water rights.

*STATE ENVIRONMENT DEPARTMENT.* The duly authorized agency of the State of New Mexico with jurisdiction over water quality, water delivery systems, liquid waste disposal systems, and solid waste.

*STREET.* Property acquired or dedicated to and accepted by the city as right-of-way, other than an alley, for the principal means of public access to abutting property. The term includes the following:

(1) *ARTERIAL STREET.* A street designed and used primarily for serving large volumes of traffic.

(2) *MINOR ARTERIAL STREET.* A street which carries traffic from local streets to the arterial streets and highways.

(3) *LOCAL STREET.* A street which is primarily for access to abutting properties and carries low volume traffic.

(4) *MARGINAL ACCESS STREET.* A local street that is parallel and adjacent to an arterial street, and provides access to abutting properties and protection from through traffic. May also be known as a "frontage road."

(5) *ALLEY.* A public thoroughfare which affords only secondary or service access to the rear of an abutting property.

*STRUCTURAL ALTERATION.* Any change to supporting members of a building or structure, such as bearing walls, columns, beams, gliders, or foundation.

*STRUCTURE.* Anything constructed or erected that requires a permanent location on the ground, or

something that is attached to something having a permanent location on the ground.

**SUBDIVIDE.** The division of land into two or more parts by platting, or by metes and bounds.

**SUBDIVIDER.** Any person creating a subdivision, including the owner, equitable owner or any authorized representative.

**SUBDIVISION.** The division of any lot or tract of land into three or more parcels for the purpose of sale or lease. *SUBDIVISION* does not include the following:

- (1) Any residual land retained by the subdivider after *SUBDIVISION* but which has not been divided for *SUBDIVISION* purposes;
- (2) The sale or lease of apartments, offices, stores or similar space within a building;
- (3) Any division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
- (4) Any division of land created by court order, except court orders involving land grant adjudications; and
- (5) The leasing of land for grazing or farming activities; and
- (6) The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased.
- (7) The division of land pursuant to the New Mexico Condominium Act (§ 47-7A-1 et seq. NMSA 1978).

17.05.010.20 T.

**TERRAIN MANAGEMENT PLAN.** The subdivider's proposal for the control of floods, drainage, and erosion, and measures required for adapting proposed development to the existing soil characteristics and topography.

**TIME OF PURCHASE OR LEASE.** The time of signing any document obligating the person signing the document to purchase land or lease land as a lessee.

**TITLE.** The evidence of a person's right to property or the right itself.

**TOPOGRAPHY.** The physical land surface relief describing the terrain elevation and slope.

**TOURIST KITSCH.** Tourist Kitsch is an architecture style that is usually defined by: large or exaggerated proportions; bright, bold colors; and often iconic design. Two examples of Tourist Kitsch architecture in Tucumcari are the La Cita Restaurant and Teepee Curios, both on Route 66.

**TRAILER.** A vehicle without motor power designed to be drawn by a motor vehicle for carrying persons or property, or a temporary or permanent human habitation, including, trailer coach, trailer home, mobile home, cargo trailer, semi-trailer, and house trailer, whether with or without wheels and whether attached to or incorporated into a structure; and that part of any self-propelled vehicle which is designed to be used as a temporary or permanent human habitation, where it is attached or incorporated into a self-propelled vehicle, or removed therefrom, where it is attached to or incorporated in a structure.

17.05.010.21 U.

**USE.** The conduct of any activity, or the performance of a function or operation, on a site, or in a building or facility.

17.05.010.22 V.

VACATION OF PLAT. To formally remove a plat from record, as recorded in the office of the County Clerk.

VEHICLE. A machine propelled by power other than human power, designed to travel along the ground, and transport people or property, or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies, or wagons.

VESTING, VESTED. A project that has valid construction permits, if required and excluding grading permits, and 25% of the cost of construction has been invested in construction of the project, excluding the cost of land and any permits.

17.05.010.23 W.

WATER COURSE. Any river, creek, spring, stream, arroyo, draw, wash, or any other like body having definitive banks and evidencing at least the occasional flow of water.

17.05.010.24 X.

17.05.010.25 Y.

YARD. That portion of a lot between an adjacent property line and a required set back.

YARD, FRONT. The yard located between the front property line and the required front yard set back.

YARD, SIDE. The yard located between the adjacent side property line and the required side yard set back. A lot may have two (2) or more side yards depending on the lot configuration.

YARD, SIDE, CORNER. A side yard that is located adjacent to a public right of way.

YARD, REAR. A yard located between the rear property line and the required rear yard set back.

17.05.010.26 Z.

ZONING. The division of an area into districts and the public regulation of character and intensity of use of the land and improvements thereon.

ZONING DISTRICT. The designated zoning of a parcel of land in accordance with the Unified Development Code.

PASSED, APPROVED, AND ADOPTED THIS 11<sup>TH</sup> DAY OF OCTOBER, 2007.

CITY OF TUCUMCARI, NEW MEXICO

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Antonio Apodaca, Mayor

ATTEST:

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Jeannette Maddaford, City Clerk