

Part 14-16-4 Use Regulations

4-1 GENERAL

4-1(A) LISTED USES

Table 4-2-1 indicates allowable land uses in individual zone districts, with abbreviations as described in Subsection 14-16-4-1(C). Use-specific Standards in Section 14-16-4-3 provide additional uses, restrictions, or review procedures.

- 4-1(A)(1) A blank cell in TABLE 4-2-1 indicates that the use is not allowed in that zone district.
- 4-1(A)(2) Definitions of each land use may allow another land use listed in the table as incidental to the defined use. Otherwise, multiple uses are allowed on a property pursuant to Subsection 14-16-4-1(D).
- 4-1(A)(3) Additional uses of property or restrictions on the use of property in a particular zone district may be contained in Sections 14-16-2-3 through 14-16-2-6 (Zone Districts) or in an Overlay zone applicable to the property in Part 14-16-3.
- 4-1(A)(3)(a) Allowable uses in the MX-FB Zone District are pursuant to Subsection 14-16-2-4(E)(3)(c) (Use Regulations).
- 4-1(A)(3)(b) The NR-SU zone district allows primary uses not allowed in any other zone district as indicated in Subsection 14-16-2-5(E)(2) (Use and Development Standards). Accessory uses listed as allowable in the NR-SU zone district in Table 4-2-1 may be approved in conjunction with a primary NR-SU use if they are found to be compatible with or complementary to the proposed primary use and shall be subject to any use-specific or other standards deemed appropriate and necessary by the relevant decision-making body. Uses approved for each property and any related standards are documented in the approved Site Plan for that property on file with the City Planning Department.
- 4-1(A)(3)(c) Uses are regulated in the NR-PO sub-zones as follows:
1. NR-PO-A: Uses may be specified in Master Plans or Site Plans beyond those listed by Table 4-2-1, as approved by the City Parks and Recreation Department pursuant to Subsection 14-16-2-5(F)(3)(a) (Sub-zone A: City-owned or Managed Parks).
 2. NR-PO-B: Uses may be specified in Master Plans, Resource Management Plans, or Site Plans beyond those listed by Table 4-2-1, as approved by the Open Space Division of the City Parks and Recreation Department pursuant to Subsection 14-16-2-5(F)(3)(b) (Sub-zone B: Major Public Open Space).
 3. NR-PO-C: Allowable uses are listed in Table 4-2-1.
 4. NR-PO-D: The BioPark is regulated by a Master Plan, which specifies allowable uses associated with the ABQ BioPark Zoo, Aquarium, Botanic Gardens, and Tingley Beach facilities, as approved by the City Cultural Services Department.

4-1(A)(3)(d) Allowable uses in the PD zone district are pursuant to Subsection 14-16-2-6(A)(4) (Allowable Uses). Uses approved for each property and any related standards are documented in the approved Site Plan for that property on file with the City Planning Department.

4-1(A)(3)(e) Allowable uses in the PC zone district are pursuant to Subsection 14-16-2-6(B)(4) (Allowable Uses). Allowable uses and any related standards are documented in the approved Framework Plan for the PC zone district on file with the City Planning Department.

4-1(B) UNLISTED USES

When a proposed land use is not explicitly listed in Table 4-2-1, the Zoning Enforcement Officer (ZEO) shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same use. In making this determination, the ZEO shall consider the scale, character, traffic impacts, storm drainage impacts, utility demands, and potential impacts of the proposed use on surrounding properties. The ZEO's interpretation shall be made available to the public on the City Planning Department website and shall be binding on future decisions of the City until the ZEO makes a different interpretation or this IDO is amended to treat the use differently.

4-1(C) ABBREVIATIONS

4-1(C)(1) A "P" in a cell of Table 4-2-1 indicates that the use is Permissive Primary (i.e. a primary use allowed by right in that zone district), subject to compliance with any Use-specific Standards referenced in the right-hand column of that line of the table.

4-1(C)(2) A "C" in a cell of Table 4-2-1 indicates that the use is Conditional Primary (i.e. a primary use allowed only after the applicant obtains a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)) and subject to any Use-specific Standards referenced in the right-hand column of that line of the table.

4-1(C)(3) An "A" in a cell of Table 4-2-1 indicates that the use is Permissive Accessory (i.e. allowed as an accessory use compatible with a Permissive Primary or Conditional Primary use on the lot), and is subject to any Use-specific Standards referenced in the right-hand column of that line of the table.

4-1(C)(4) A "CA" in a cell of Table 4-2-1 indicates that the use is Conditional Accessory (i.e. an accessory use allowed only after the applicant obtains a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)) and subject to any Use-specific Standards referenced in the right-hand column of that line the table.

4-1(C)(5) A "CV" in a cell of Table 4-2-1 indicates that the use is allowed in a structure that has been vacant for a period of 5 or more years, only after the applicant obtains a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) and subject to any Use-specific Standards referenced in the right-hand column of that line of the table.

4-1(C)(6) A "T" in a cell of Table 4-2-1 indicates that the use is allowed as a temporary use, subject to any Use-specific Standards referenced in the right-hand column of the table and as permitted pursuant to Section 14-16-6-5(I) (Temporary Use Permit).

4-1(D) MULTIPLE USES

- 4-1(D)(1) A development may include multiple primary uses, including a combination of residential and non-residential uses, provided that each use is listed as an allowable Permissive Primary use or a Conditional Primary use in that zone district, that a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is obtained for any Conditional Primary use, all Use-specific Standards applicable to each use are met, and the development complies with all applicable density, dimensional, impervious surface, development, and performance standards in Part 14-16-5 (Development Standards).
- 4-1(D)(2) In Mixed-use and Non-residential zone districts, accessory uses may be on a lot abutting the primary use.

4-1(E) PREVIOUSLY ALLOWED USES

- 4-1(E)(1) Each use that exists on the effective date of this IDO that is required by this IDO to obtain a Conditional Use Approval, but that was a permissive use or an approved conditional use prior to the effective date of this IDO is deemed to have a Conditional Use Approval to continue operation in structures and on land areas where the operation was conducted prior to the effective date of this IDO and to expand operations without the need to obtain a Conditional Use Approval, provided that the expansion complies with all Use-specific Standards and other requirements of this IDO (other than the requirement for a Conditional Use Approval).
- 4-1(E)(2) Each use that exists on the effective date of this IDO that was a permissive use or an approved conditional use prior to the effective date of this IDO and that is not allowed in the IDO zone district where it is located is a nonconforming use. See Section 14-16-6-8 (Nonconformities).

4-1(F) REQUIRED STATE LICENSES OR PERMITS

All uses required by the State of New Mexico or by another public or quasi-public or regulatory agency to have an approval, license, or permit to operate are required by the City of Albuquerque to have that State approval, license, or permit in effect at all times, and failure to do so constitutes a violation of this IDO.

4-1(G) SEPARATION OF USES

Where a specific use is required to be separated from a protected use by a minimum distance, and the specific use complies with those standards, the later arrival of a protected use located within the minimum spacing distance does not make the specific use subject to the spacing requirement nonconforming, subject to the discontinuance provisions of Subsection 14-16-6-8(C)(2) (Discontinuance of Nonconforming Use), and does not limit the ability of the specific use to expand if such expansion would have been allowed before the arrival of the protected use.

4-2 ALLOWABLE USES

Table 4-2-1: Allowable Uses
 P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
 CV = Conditional if Structure Vacant for 5 years or more T = Temporary Blank Cell = Not Allowed

Zone District >>	Residential						Mixed-use				Non-Residential						Use-specific Standards		
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	A		B	C
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family detached	P	P	P	P	P		P												4-3(B)(1)
Dwelling, mobile home			P																
Dwelling, cluster development	P	P		P	P		P												4-3(B)(2)
Dwelling, cottage development	P	P	P	P	P		P												4-3(B)(3)
Dwelling, two-family detached (duplex)		P		P	P		P												4-3(B)(4)
Dwelling, townhouse				P	P	P	P	P	P										4-3(B)(5)
Dwelling, live-work				C	C	P	P	P	P	CA	CA								4-3(B)(6)
Dwelling, multi-family					P	P	P	P	P										4-3(B)(7)
Group Living																			
Assisted living facility or nursing home				C	P	P	P	P	P										
Community residential facility, small	P	P		P	P	P	P	P	P										4-3(B)(8)
Community residential facility, medium					P	P	P	P	P										4-3(B)(8)
Community residential facility, large						P	P	P	P										4-3(B)(8)
Group home, small				C	P	P	P	P											4-3(B)(9)
Group home, medium				C	C	C	P	P	P										4-3(B)(9)
Group home, large					C			C	C										4-3(B)(9)
Sorority or fraternity					P	C	P	P	P										
CIVIC AND INSTITUTIONAL USES																			
Adult or child day care facility			C	C	C	P	P	P	P	P	P	A	A						
BioPark																	P (in D)		4-3(C)(8)
Cemetery														P					
Community center or library	C	P		P	P	P	P	P	P	C	C	C	C		P		C		4-3(C)(1)
Correctional facility														P					
Daytime gathering facility									C	C	C	C	C						4-3(C)(2)
Elementary or middle school	C	C		C	P	P	P	P	P	P	P	CV			P		C		4-3(C)(3)
Fire or police station														P					
High school	C	C		C	C	P	P	P	P	P	P	C			P				4-3(C)(4)
Hospital								P	P	P	P								4-3(C)(5)
Museum or art gallery				CV	CV	C	P	P	P	P	P	P	P		P	A			4-3(C)(6)
Overnight shelter									C	C	C	C	C						4-3(C)(7)
Parks and open space	P	P		P	P	P	P	P	P	P	P	C	C	A	P	P	P		4-3(C)(8)

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Zone District >>	Residential						Mixed-use				Non-Residential					Use-specific Standards				
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU		A	B	NR-PO	C
Religious institution	P	P		P	P	P	P	P	P	P	P	P	P	CV	CV					4-3(C)(9)
Sports field							CV	C	P	P	P	P	P	C		P			C	
University or college						CV	CV	C	P	P	P	P	CV	CV						
Vocational school						CV	P	P	P	P	P	P	P	P						
COMMERCIAL USES																				
Agriculture and Animal-related																				
Community garden	P	P	P	P	P	P	P	P	P	P	P	C	C		A	A	A			4-3(D)(1)
Equestrian facility	P															P	C			4-3(D)(2)
General agriculture	P										C	P	P			P	A			4-3(D)(3)
Kennel	C							C	C		P	P	P							4-3(D)(4)
Nursery	P								A		P	P	P		A	A				
Veterinary hospital	C						C	P	P	P	P	P	P							4-3(D)(5)
Other pet services	C						C	P	P	P	P									
Food, Beverage, and Indoor Entertainment																				
Adult entertainment											P	P	P							4-3(D)(6)
Auditorium or theater						A	A	A	P	P	P	P	P							4-3(D)(7)
Bar							C	C	P	P	P	P	P							4-3(D)(8)
Catering service									P	P	P	P	P							
Health club or gym			A		A	A	P	P	P	P	P	P	A							4-3(D)(9)
Nightclub									P	P	P	P								4-3(D)(8)
Residential community amenity	P	P	P	P	P	P	P	P	P	P									C	4-3(D)(10)
Restaurant							C	P	P	P	P	P	P							4-3(D)(8)
Tap room or tasting room							C	C	P	P	P	P	P							4-3(D)(8)
Other indoor entertainment							C	P	P	P	P	P	P		P				C	4-3(D)(11)
Lodging																				
Bed and breakfast	A	CA		A	A	P	P													4-3(D)(12)
Campground or recreational vehicle park														P		A	C			4-3(D)(13)
Hotel or motel							P	P	P	P	P	P	P							4-3(D)(14)
Motor Vehicle-related																				
Car wash								P	P	P	P	P	P							4-3(D)(15)
Heavy vehicle and equipment sales, rental, fueling, and repair											P	C	P	P						4-3(D)(16)
Light vehicle fueling station								C	P	P	P	P	P							4-3(D)(17)
Light vehicle repair								P	P	P	P	P	P							4-3(D)(18)
Light vehicle sales and rental								C	P	P	P	P	P							4-3(D)(19)
Outdoor vehicle storage											C	C	P	P			A			4-3(D)(20)
Paid parking lot			A		A	A	C	P	P	A	P	P	P	P	A	A	A			4-3(D)(21)
Parking structure			A		A	A	CA	P	P	P	P	P	P	P	A					4-3(D)(21)
Offices and Services																				
Bank							P	P	P	P	P	P	CV							4-3(D)(22)
Blood services facility									C	C	C	P	P	P						

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Club or event facility							C	P	P	P	P	P	P	CV		P	P	C	4-3(D)(23)
Commercial services								P	P	P	P	P	P	P					
Construction contractor facility and yard										C	C	P	P	P					4-3(D)(24)
Crematorium															P				
Medical or dental clinic							P	P	P	P	P	P	P	P					4-3(D)(25)
Mortuary								C	P	P	P	P	C		A				
Office							P	P	P	P	P	P	P	P					
Personal and business services, small							P	P	P	P	P	P	P	P					4-3(D)(26)
Personal and business services, large									P	P	P	P	P	P					4-3(D)(26)
Research or testing facility							P	P	P	P	P	P	P	P					4-3(D)(27)
Self-storage								C	C	P	P	P	P	P			A		4-3(D)(28)
Outdoor Recreation and Entertainment																			
Amphitheater										C	C	C	C	C	A	P	A	C	
Balloon Fiesta Park events and activities																P			4-3(D)(29)
Drive-in theater									C	C	C	C	C						4-3(D)(30)
Fairgrounds															P				
Residential community amenity	P	P	P	P	P	P	P	P	P	P								A	
Stadium or racetrack															P	P			
Other outdoor entertainment	CA	CA	CA	CA	CA	CA	A	A	A	A	P	P	P	A		P		P	4-3(D)(31)
Retail Sales																			
Adult retail										P		P	P	P					4-3(D)(6)
Bakery goods or confectionery shop							CV	P	P	P	P	P	P	P					
Building and home improvement materials store									C	C	P	P	P	C					4-3(D)(32)
Farmers' market	T		T	T	T	T	T	P	P	P	P	P	CV	CV		P	A	CA	4-3(D)(33)
General retail, small			A			A	A	P	P	P	P	P	P	P					4-3(D)(34)
General retail, medium									P	P	P	C	C						4-3(D)(34)
General retail, large									C	C	P	P							4-3(D)(34)
Grocery store								P	P	P	P		P	P					4-3(D)(35)
Liquor retail							C	A	P	P	P	C	C	C					4-3(D)(36)
Pawn shop								C	P	P	P	P	P	P					4-3(D)(37)
Transportation																			
Airport															P				4-3(D)(38)
Freight terminal or dispatch center												C	P	P					
Helipad									CA	CA	A	P	P	P	A				4-3(D)(39)
Park-and-ride lot						C	C	C	P	C	C	P	C	C	A	A			4-3(D)(40)

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4-2: Allowable Uses

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	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	A		B NR-PO	C
Railroad yard												C	P	P					4-3(D)(41)
Transit facility						C	C	C	P	P	P	P	P	P					
INDUSTRIAL USES																			
Manufacturing, Fabrication, and Assembly																			
Artisan manufacturing							C	P	P	P	P	P	P	P					4-3(E)(1)
Light manufacturing										A	P	P	P	P					4-3(E)(2)
Heavy manufacturing														P					4-3(E)(3)
Natural resource extraction															P				4-3(E)(4)
Special manufacturing														C					4-3(E)(5)
Telecommunications, Towers, and Utilities																			
Geothermal energy generation	A	A	A	A	A	A	A	A	A	A	A	P	P	P		A	A		4-3(E)(6)
Solar energy generation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	4-3(E)(7)
Utility, electric	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	4-3(E)(8)
Utility, other major	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	
Wind energy generation							A	A	A	A	A	A	A	C	A	A	A		4-3(E)(9)
Wireless Telecommunications Facility																			
Architecturally integrated	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			4-3(E)(10)
Co-location	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Freestanding							P	P	P	P	P	P	P	P	A				
Roof-mounted			A		A	A	A	A	A	A	A	A	A	A	A				
Public utility co-location	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Waste and Recycling																			
Recycling drop-off bin facility						A	A	A	A	A	P	P	P	P					4-3(E)(11)
Solid waste convenience center															P				4-3(E)(12)
Salvage yard												C	C	P					4-3(E)(13)
Waste and/or recycling transfer station															P				4-3(E)(14)
Wholesaling and Storage																			
Above-ground storage of fuels or feed													C	P					
Outdoor storage							CA	C	C	C	A	P	P						4-3(E)(15)
Warehousing								C	C	C	P	P	P	P					4-3(E)(16)
Wholesaling and distribution center								C	C	C	P	P	P	P					4-3(E)(17)
ACCESSORY AND TEMPORARY USES																			
ACCESSORY USES																4-3(F)(1)			
Agriculture sales stand	A	A	A	A	A	A	A	A	A	A	A	A	CA	CA			A		4-3(F)(2)
Animal keeping	A	A	A	A	A	A	A	A	A	A	A	A	A	A			CA		4-3(F)(3)
Automated Teller Machine (ATM)			A		A	A	A	A	A	A	A	A	A	A		T	T		
Drive-through or drive-up facility							CA	A	CA	CA	A	A	A						4-3(F)(4)
Dwelling unit, accessory		A		A	A	A	A	A	A		A	A	A	A	A		A		4-3(F)(5)

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Zone District >>	Residential						Mixed-use				Non-Residential						Use-specific Standards		
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO			
Land Uses	A	B	C	A	B	C	A	B	C	A	B	C	A	B	C	A	B	C	
Dwelling unit, accessory without kitchen	CA	CA		CA	A	A	A	A	A		A	A	A	A	A		A		4-3(F)(5)
Family care facility	A	A	A	A	A	A	A	A	A										4-3(F)(6)
Family home daycare	CA	CA	A	CA	A	A	A												4-3(F)(7)
Garden	A	A	A	A	A	A	A	A	A		A	A	A				A		
Hobby breeder	A	A	A	A															4-3(F)(8)
Home occupation	A	A	A	A	A	A	A	A	A										4-3(F)(9)
Independent living facility				A	A	A	A	A	A										4-3(F)(10)
Mobile food truck	A	A	A	A	A	A	A	A	A	A	A	A	A	A					4-3(F)(11)
Mobile vending cart							A	A	A	A	A	A	A					A	4-3(F)(12)
Outdoor animal run	A							CA	CA		CA		A	A					4-3(F)(13)
Outdoor dining area							CA	A	A	A	A	A	A	A					4-3(F)(14)
Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours									A	A	A	A	A						
Parking of non-commercial vehicle	A	A	A	A	A	A	A												4-3(F)(15)
Parking of recreational vehicle, boat, and/or recreational trailer	A	A	A	A	A	A	A												4-3(F)(16)
Second kitchen in a dwelling	A	A	A	A	A	A	A												4-3(F)(17)
Other use accessory to non-residential primary use							A	A	A	A	A	A	A	A				A	4-3(F)(18)
Other use accessory to residential primary use	A	A	A	A	A	A	A	A	A										4-3(F)(19)
TEMPORARY USES																			
Circus									T		T	T	T						4-3(G)(1)
Construction staging area, trailer, or office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		4-3(G)(2)
Dwelling unit, temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		4-3(G)(3)
Fair, festival, or theatrical performance	T	T	T	T	T	T	T	T	T	T	T				T	T	T		4-3(G)(4)
Garage or yard sale	T	T	T	T	T	T	T												4-3(G)(5)
Hot air balloon takeoff/landing	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	4-3(G)(6)
Open air market							T	T	T	T	T							T	4-3(G)(7)
Park-and-ride facility, temporary						T	T	T	T	T	T	T	T	T				T	4-3(G)(8)
Real estate office or model home	T	T	T	T	T	T	T	T	T	T	T	T	T	T					4-3(G)(9)
Seasonal outdoor sales							T	T	T	T	T	T	T						4-3(G)(10)
Temporary use not listed			T			T	T	T	T	T	T	T	T	T				T	4-3(G)(11)

4-3 USE-SPECIFIC STANDARDS**4-3(A) GENERAL**

- 4-3(A)(1) Each activity required to have a license, permit, or approval to operate from the state or federal government or any other governmental or quasi-governmental entity, or required to have a City business license to operate, shall maintain that license, permit, or approval in effect at all times, and shall comply with the requirements of that license, permit, or approval.
- 4-3(A)(2) All uses shall comply with City ordinances regulating noise, odors, vibration, glare, heat, and other nuisance conditions affecting other properties, as well as the requirements of Section 14-16-5-13 (Operation and Maintenance) unless specifically exempted from one or more of those requirements.
- 4-3(A)(3) All uses and associated regulations approved through SU-1, PD, PC, or a specific Site Plan processes prior to the effective date of this IDO shall remain valid.

4-3(B) RESIDENTIAL USES**4-3(B)(1) Dwelling, Single-family Detached**

- 4-3(B)(1)(a) In the R-1 zone district, only 1 single-family detached dwelling is allowed per lot unless the units are part of a cottage development, in which case the provisions of Subsection 14-16-4-3(B)(3) apply.
- 4-3(B)(1)(b) If the single-family detached dwelling meets the definition of a manufactured home, and the dwelling is not located in an R-MC zone district, the manufactured home shall meet the following standards:
1. Each manufactured home shall comply with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC. Sec. 5401).
 2. When used as a residence, only 1 manufactured home may be located on a lot.
 3. Each manufactured home shall be installed on a permanent foundation with an anchorage and tie-down constructed to meet the requirements of Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code) or the manufactured home installation code.
 4. All development standards applicable to other detached single-family dwellings in the zone district where the manufactured home is located shall apply to this use.
- 4-3(B)(1)(c) If the single-family detached dwelling meets the definition of a manufactured home, and the dwelling is located in an R-MC district, the provisions of Subsection (a) above do not apply, and the provisions of Subsection 14-16-2-3(C) (Residential – Manufactured Home Community Zone District (R-MC)) shall apply.

4-3(B)(2) Dwelling, Cluster Development

- 4-3(B)(2)(a) Minimum project size for this use is 1 acre.

- 4-3(B)(2)(b) Zone district lot and setback requirements, including contextual standards in Subsection 14-16-5-1(C)(2), shall apply to the project site as a whole, but not to individual dwellings.
- 4-3(B)(2)(c) The number of dwelling units is determined by dividing the site area by the minimum lot size allowed in the zone rounded down to the nearest whole number but shall not exceed 50, except in the Los Duranes – CPO-6, where the number of dwelling units shall not exceed 20.
- 4-3(B)(2)(d) The cluster development project site shall include a common open space set aside for agriculture, landscaping, on-site ponding, outdoor recreation, or any combination thereof allowed in the zone district, and for the use and enjoyment of the residents.
 - 1. The common open space area shall be 30 percent of the gross area of the project site or 100 percent of the area gained through lot size reductions, whichever is greater.
 - 2. The common open space shall have a minimum length and width of 35 feet.
 - 3. The common open space may be walled or fenced but shall be partially visible from a public right-of-way through openings in, and/or with trees visible above, the wall or fence.
 - 4. No structure is allowed in the common open space except if necessary for its operation and maintenance.
 - 5. Common open space may be dedicated to the City as Major Public Open Space if accepted by the Open Space Division of the City Parks and Recreation Department.
- 4-3(B)(2)(e) The cluster development shall be designated on a Site Plan and plat with each dwelling on an individual subdivided lot and the common open space on a separate subdivided lot or easement.
- 4-3(B)(2)(f) Maintenance for common open space areas is the responsibility of the property owner, unless those areas are dedicated the City. See Section 14-16-5-13(B) (Maintenance Standards).
- 4-3(B)(2)(g) If the zone district allows two-family detached (duplex) dwellings, a cluster development may include that dwelling type.

4-3(B)(3) Dwelling, Cottage Development

- 4-3(B)(3)(a) Minimum project size for a cottage development is 1 acre, and the maximum project size is 2 acres.
- 4-3(B)(3)(b) Zone district lot and setback requirements, including contextual standards in Subsection 14-16-5-1(C)(2), shall apply to the project site as a whole, but not to individual dwellings.
- 4-3(B)(3)(c) The development may contain a shared indoor community space for all residents in the development to use for activities, cooking, and/or dining.
- 4-3(B)(3)(d) Homeowners association or other recorded documents shall require that any the sale of individual dwelling units also include

an associated interest in shared or common lands, structures or facilities and shall require the buyer's continued responsibility for its share of those responsibilities.

4-3(B)(3)(e) Each project site shall maintain a landscape buffer at least 10 feet wide, meeting the requirements of Section 14-16-5-6 (Landscaping, Buffering, and Screening) along each side and rear lot line, and no portion of any primary or accessory structure may be located in that buffer area.

4-3(B)(3)(f) Maximum project density shall be measured in square feet of residential gross floor area, rather than in the number of dwelling units. The total residential gross floor area shall be no more than the total residential gross floor area that would be allowed on an equal size property in the same zone district platted into standard lots, calculated based on a standard dwelling unit size of 2,000 square feet. If the development includes community building space, such building area is not included in the maximum square footage calculation.

Example:

On a 1 acre site in the R-A zone district, which has a minimum lot size of 10,890 square feet (1/4 acre) and allows 1 dwelling unit per lot, 4 dwelling units would be allowed on the site based on the zone district.

To calculate the maximum square footage allowed on the site, multiply the 4 dwelling units allowed by 2,000 square feet. The site would be allowed 8,000 square feet of gross floor area that can be used for dwellings.

Any combination of dwelling units of different sizes that total no more than 8,000 square feet, would be allowed. For example, 8 dwelling units of 1,000 square feet each would be allowed.

4-3(B)(3)(g) The maximum size of each dwelling unit is 1,200 square feet of gross floor area.

4-3(B)(3)(h) In the R-A and R-1 zone districts, the minimum size of each dwelling unit is 650 square feet of gross floor area.

4-3(B)(3)(i) In the R-A and R-1 zone districts, 30 percent of the gross area of the project site shall be usable open space. Open balconies and rooftop decks shall not count toward this requirement.

4-3(B)(3)(j) If the zone district allows two-family detached (duplex) or townhouse dwellings, a cottage development may include those dwelling types.

4-3(B)(4) Dwelling, Two-family Detached (Duplex)

4-3(B)(4)(a) Where this use is allowed and the 2 dwelling units are on separate lots, interior side setbacks required by the zone district shall not apply to any lot line where the 2 units share a common wall.

4-3(B)(4)(b) This use is prohibited in the R-1 zone district, except in R-1A where 1 two-family detached dwelling is permissive on 2 lots where the

building straddles the lot line and each dwelling unit is on a separate lot.

4-3(B)(5) Dwelling, Townhouse

- 4-3(B)(5)(a) For townhouse developments containing more than 6 dwelling units on a common lot, minimum usable open space shall be provided as follows:
1. Efficiency or 1 bedroom: 200 square feet per unit.
 2. 2 bedrooms: 250 square feet per unit.
 3. 3 or more bedrooms: 300 square feet per unit.
 4. In UC-MS-PT areas, the minimum usable open space required shall be 50 percent of the requirements in Subsections 1 through 3 above.
- 4-3(B)(5)(b) The required side setbacks required by Part 14-16-5 (Development Standards) shall apply to the end units of each townhouse dwelling, and shall not apply to interior side lot lines where townhouse dwelling units share a common interior wall.
- 4-3(B)(5)(c) For properties on which the rear lot line abuts an R-A or R-1 zone district, no townhouse dwelling may contain more than 3 dwelling units.
- 4-3(B)(5)(d) In any Mixed-use zone district west of the Rio Grande on properties abutting a Major or Premium Transit Corridor, allowable uses in the Commercial category are required along at least 50 percent of the ground floor of the façade facing the Major or Premium Transit Corridor.

4-3(B)(6) Dwelling, Live-work

- 4-3(B)(6)(a) The business operator must obtain and maintain in effect at all times any city or state permit or license required for the operation of this use, including a business registration permit from the City.
- 4-3(B)(6)(b) The building and lot may be used for both a residence and a business that does not qualify as a home occupation being conducted by a resident of the building.
- 4-3(B)(6)(c) The building and lot may not be used for the following business activities identified in Table 4-2-1: any use in the Agricultural or Animal-related category; any use in the Food, Beverage, and Indoor Entertainment category; any use in the Motor Vehicle-related category; any use in the Industrial Uses category except artisan manufacturing or outdoor storage; commercial services; construction contractor facility and yard; crematorium; mortuary; adult retail; or liquor retail.
- 4-3(B)(6)(d) A wall sign no more than 8 square feet in size or as allowed by the underlying zoning, whichever is greater, located no higher than the top of the ground floor of the building is allowed.

4-3(B)(7) Dwelling, Multi-family

- 4-3(B)(7)(a) In addition to meeting all applicable standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening), this use shall provide the following landscaping somewhere on the lot:
1. At least 1 tree per ground floor dwelling unit, and at least 1 tree per second floor dwelling unit; no additional trees are required for additional dwelling units on the third or higher floors.
 2. At least 50 percent of the trees required by Subsection 1 above shall be deciduous canopy-style shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.
 3. In DT-UC-MS-PT areas, only ground floor dwelling units are used to calculate the required street trees.
- 4-3(B)(7)(b) In any Mixed-use zone district west of the Rio Grande on properties abutting a Major or Premium Transit Corridor, allowable uses in the Commercial category are required along at least 50 percent of the ground floor of the façade facing the Major or Premium Transit Corridor.
- 4-3(B)(7)(c) In the MX-L and MX-M zone districts in the North I-25 – CPO-9, this use is prohibited on the ground floor.
- 4-3(B)(7)(d) This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) if located on the ground floor of any building in the Downtown or Volcano Heights Urban Center areas.

4-3(B)(8) Community Residential Facility, Small, Medium, or Large

- 4-3(B)(8)(a) This use must comply with all applicable local, state, and federal regulations.
- 4-3(B)(8)(b) Each community residential facility occupying a structure originally designed for a use in the Household Living category shall comply with the Development Standards in Part 14-16-5 applicable to the zone district in which it is located.
- 4-3(B)(8)(c) This use shall be located a minimum of 1,500 feet from any other community residential facility or group home.
- 4-3(B)(8)(d) The total number of community residential facilities and group homes shall not exceed 30 in each City Council District.

4-3(B)(9) Group Home, Small, Medium, or Large

- 4-3(B)(9)(a) This use must comply with all applicable local and state regulations.
- 4-3(B)(9)(b) This use shall be located a minimum of 1,500 feet from any other community residential facility or group home.
- 4-3(B)(9)(c) The total number of community residential facilities and group homes shall not exceed 30 in each Council District.

4-3(C) CIVIC AND INSTITUTIONAL USES**4-3(C)(1) Community Center or Library**

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(C)(2) Daytime Gathering Facility

This use shall be located a minimum of 1,500 feet from any other daytime gathering facility.

4-3(C)(3) Elementary or Middle School

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(C)(4) High School

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(C)(5) Hospital

In the MX-M zone district, this use is limited to no more than 20 overnight beds and may not include ambulance transportation to or from the facility.

4-3(C)(6) Museum or Art Gallery

In any Residential or MX-T zone district, this use shall not exceed 10,000 square feet of gross floor area.

4-3(C)(7) Overnight Shelter

This use shall be located a minimum of 1,500 feet from any other overnight shelter.

4-3(C)(8) Parks and Open Space**4-3(C)(8)(a) Subzone A (City-owned or City-operated Parks)**

1. Parks and recreational facilities, including associated community buildings, lighting, parking areas, trails, play areas, playgrounds, exercise stations, basketball courts, restrooms, drinking water facilities, picnic shelters, storage sheds and enclosures, and any other structures or improvements approved by the City Parks and Recreation Department are allowed.
2. Parks are prohibited in certain areas within the Airport Protection Overlay Zone, pursuant to Section 14-16-3-3.

4-3(C)(8)(b) Subzone B (City-owned or City-operated Major Public Open Space)

Areas designated as Major Public Open Space must comply with standards in the City Facility Plan for Major Public Open Space for the following types of facilities:

1. Open Space Preserve
2. Protected Undeveloped Open Space
3. Open Space Facilities
4. Open Space Trails
5. Special Use Area

4-3(C)(8)(c) Subzone C (Privately Owned and Managed Parks and Open Spaces)

1. Parks, multi-use trails, play areas, playgrounds, exercise stations, basketball courts, restrooms, drinking water facilities, picnic shelters, storage sheds/enclosures, and other facilities generally included in parks (collectively referred to as “recreational facilities” for the purposes of this Subsection 14-16-4-3(C)(8)(c)) that are designed for routine use by the public (rather than organized sports) and designated to accommodate no more than 25 persons per acre of site area at any one time are allowed.
2. Ball fields, fields for organized sports, nighttime lighting facilities, spectator bleachers or seating, parking areas for more than 25 cars, and any facility or improvement intended to be used by a group of more than 25 people at any one time require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).
3. Other facilities included in a City-approved Site Plan for the property are allowed provided that the property owner complies with any conditions attached to that approval.
4. Recreational facilities (including but not limited to play areas, playgrounds, and basketball courts) that are open for public use shall be built to City Parks and Recreation standards and subject to review and approval by City Parks and Recreation Department for compliance.
5. Recreational facilities that are not open for public use, including but not limited to play areas, playgrounds, and basketball courts, shall be built to any ADA standards applicable to private recreational facilities. Such facilities, particularly playgrounds, shall be enclosed with a wall or fence 5 feet or higher and accessed via a locked gate. Signage at the entrance of the recreational area shall indicate the entity with ownership and maintenance responsibilities, and lighting must be provided so that the sign is visible after dark. The facility

shall comply with the standards in Section 14-16-5-7 (Walls and Fences) and Section 14-16-5-8 (Outdoor Lighting).

6. Dog parks shall be subject to regulations in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control).
7. Trails built in the NR-PO-C sub-zone may be paved or unpaved, except that multi-use trails must be paved. All trails shall be built to City standards as required by the Development Process Manual (DPM). The trails shall be maintained by the property owner or homeowners association. Signs shall be posted every ½ mile or at every intersection, whichever is closer, that indicate ownership and/or management and current contact information.
8. Parks, but not open space, are prohibited in certain areas within the Airport Protection Overlay Zone, pursuant to Section 14-16-3-3.

4-3(C)(8)(d) Subzone D (BioPark)

Uses specified in the BioPark Master Plan as approved by the City Cultural Services Department are allowed.

4-3(C)(9) Religious Institution

- 4-3(C)(9)(a) Incidental uses, including but not limited to recreational, educational, and overnight shelter facilities, are allowed, provided that the following conditions are met:
1. All incidental facilities must be operated by the religious institution.
 2. Overnight shelters must comply with all applicable state and local regulations for overnight shelters.
- 4-3(C)(9)(b) In the R-A, R-1, and R-T zone districts, this use is limited to facilities with a total of 40,000 square feet of gross floor area or less.
- 4-3(C)(9)(c) In the MX-T zone district, this use is limited to facilities with a total of 60,000 square feet of gross floor area or less.

4-3(D) COMMERCIAL USES

4-3(D)(1) Community Garden

- 4-3(D)(1)(a) The maximum size of this use is 3 contiguous acres.
- 4-3(D)(1)(b) This use shall be limited to the propagation and cultivation of plants.
- 4-3(D)(1)(c) Accessory structures such as hoop houses, shade structures, and storage sheds are allowed, but no such structure shall be more than 8 feet in height or located closer than 10 feet to a property line, and the total area covered by structures shall not exceed 25 percent of the site area.
- 4-3(D)(1)(d) Operation of power equipment or generators shall not occur between the hours of 10:00 P.M. and 7:00 A.M.

- 4-3(D)(1)(e) The site drainage and maintenance must prevent water and fertilizer from draining onto adjacent property that is not part of the contiguous land in urban agricultural use.
- 4-3(D)(1)(f) Food products may be grown in soil native to the site if a composite sample of the native soil, consisting of no less than 5 individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the New Mexico direct-contact standards for lead; and the applicant demonstrates any of the following:
 1. That the site has only been put to residential or agricultural use in the past through maps, deeds, prior permits, or a combination of those sources.
 2. A composite sample of the native soil, consisting of no less than 5 individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are at or below the thresholds listed in Table 4-3-1.

Table 4-3-1: Soil Testing Standards		
Chemical Name	CASRN	Soil Exposure Direct Contact Residential Maximum (mg/kg)
Arsenic, Inorganic	7440-38-2	5.5
Cadmium (Diet)	7440-43-9	98
Mercuric Chloride (and other Mercury salts)	7487-94-7	32
Lead and Compounds	7439-92-1	400
Mercury (elemental)	7439-97-6	3.1
Molybdenum	7439-98-7	550
Nickel Soluble Salts	7440-02-0	2100
Selenium	7782-49-2	550
Zinc and Compounds	7440-66-6	32000

4-3(D)(2) Equestrian Facility

This use shall be located at least 330 feet from any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(D)(3) General Agriculture

Livestock and birds are allowed, provided the lot has an area of at least 1 acre and the following standards are met:

- 4-3(D)(3)(a) The number of cattle or horse does not exceed 1 for each 10,000 square feet of open lot area, and the number of sheep and goats does not exceed 1 sheep or goat for each 4,000 square feet of open lot area, or equivalent combination. Animals under 4 months old are not counted.
- 4-3(D)(3)(b) Animals shall be so controlled that they cannot graze on any other premises.

4-3(D)(3)(c) Any building, pen, or corral for agricultural animals or birds shall be at least 50 feet from any residential dwelling.

4-3(D)(4) Kennel

4-3(D)(4)(a) In the MX-L and MX-M zone districts, this use shall be conducted within a building.

4-3(D)(4)(b) In the MX-L and MX-M zone districts, any building that contains this use shall not be located within 25 feet of any Residential zone district or lot containing a residential component in any Mixed-use zone district.

4-3(D)(4)(c) In the NR-C, NR-LM and NR-GM zone districts:

1. This use must be conducted in a building; within an area enclosed on all sides by a wall or fence at least 6 feet high, which must be opaque when it faces or abuts any zone district other than NR-C, NR-LM, or NR-GM; or a combination of these 2 options.
2. When located in a building, this use shall not be located within 25 feet of any Residential zone district or lot containing a Residential use in a Mixed-use zone district.
3. Any outdoor elements of this use shall not be located within 50 feet of any Residential zone district or lot containing a Residential use in a Mixed-use zone district.

4-3(D)(5) Veterinary Hospital

4-3(D)(5)(a) In the MX-L and MX-M zone districts, treatment of large animals, including but not limited to cattle, horses, sheep, goats, or pigs weighing over 100 pounds, is prohibited. Only treatment of dogs, cats, other domestic pets, and small animals is allowed.

4-3(D)(5)(b) In the MX-M and NR-C zone districts, outside exercise runs are allowed, provided they are enclosed with an opaque wall or fence at least 6 feet high. Outside areas for occupancy by animals overnight are prohibited.

4-3(D)(6) Adult Entertainment or Adult Retail

These uses are prohibited in the following locations:

4-3(D)(6)(a) Within 500 feet of any Residential zone district; lot containing any Residential use in any Mixed-use zone district; religious institution; or elementary, middle, or high school.

4-3(D)(6)(b) Within of 1,000 feet of another premises containing an adult entertainment or adult retail use.

4-3(D)(7) Auditorium or Theater

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(D)(8) Bar, Nightclub, Restaurant, and Tap Room

4-3(D)(8)(a) Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(D)(8)(b) These uses may include the retailing of related goods, such as shirts, caps, recipe books, mugs, and glasses as an incidental activity.

4-3(D)(8)(c) A restaurant use must comply with Part 9-10-1 of ROA 1994 (Solid Waste Collection), in particular the City's minimum specifications for waste enclosures for restaurant and food services to include a sanitary sewer drain.

4-3(D)(8)(d) In the MX-T zone district, these uses are limited to 10,000 square feet of gross floor area.

4-3(D)(8)(e) In the Old Town HPO-5, the following standards apply.

1. Bars and nightclubs are prohibited.
2. Restaurants are permissive in any Mixed-use zone district, regardless of whether the use is permissive in the zone district citywide. [See also https://tinyurl.com/OldTownSignTapRoom](https://tinyurl.com/OldTownSignTapRoom)
3. Where allowed, tap rooms must be accessory to a restaurant.

4-3(D)(9) Health Club or Gym

In the MX-T zone district, this use shall not exceed 10,000 square feet of gross floor area.

4-3(D)(10) Residential Community Amenity

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(D)(11) Other Indoor Entertainment

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(D)(12) Bed and Breakfast

4-3(D)(12)(a) Guest stays are limited to a maximum of 30 consecutive days.

4-3(D)(12)(b) The use shall appear outwardly to be a single-family dwelling, with no evidence of business use other than allowed signs.

4-3(D)(12)(c) If allowed only as an accessory use, the owner of the Bed and Breakfast shall reside on-site as their permanent residence.

4-3(D)(12)(d) If this use is located in any Residential zone district, 1 non-illuminated sign up to 8 square feet in area is allowed per premises.

- 4-3(D)(12)(e) If located in any Residential zone district, only the following persons may eat meals in the bed and breakfast:
1. The resident household and their personal guests.
 2. Resident guests.
 3. Guests of resident guests.
 4. Guests participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved seating capacity of the facility. Special events on the premises that involve a total number of participants in excess of the approved dining area seating capacity shall be limited to 6 days in any calendar year.

4-3(D)(13) Campground or Recreational Vehicle Park

- 4-3(D)(13)(a) Minimum project size for a campground or recreational vehicle park is 1 acre.
- 4-3(D)(13)(b) The maximum gross density within a campground shall be 25 camp sites per acre. Land that is not accessible to campers shall not be included in the calculation of gross density.
- 4-3(D)(13)(c) All recreational vehicles or tents parked or attached to the ground for use as an overnight accommodation shall be on a camp site.
- 4-3(D)(13)(d) Each camp site shall provide parking spaces of adequate size to accommodate the vehicles allowed at the site. Each parking space shall be constructed so that no portion of the vehicle it is designed for shall extend onto any drive aisle within the campground.
- 4-3(D)(13)(e) Camp sites shall be set back a minimum of 20 feet from each lot line.
- 4-3(D)(13)(f) Camp sites shall be screened on all sides by an opaque wall or vegetative screen at least 6 feet high unless they are set back at least 100 feet from any public right-of-way.
- 4-3(D)(13)(g) This use shall be serviced by a private street system providing safe and convenient access to all camp sites or RV spaces, which shall be paved as required for off-street parking regulations in the DPM.
- 4-3(D)(13)(h) Water-flush toilets and urinals shall be provided, and shall not be more than 300 feet from any camp site without an individual sewer connection.
- 4-3(D)(13)(i) Toilets and lavatories shall be provided as required by Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code).
- 4-3(D)(13)(j) On any side of the premises adjacent to any Residential zone district, an opaque wall or fence at least 6 feet high is required.

4-3(D)(14) Hotel or Motel

- 4-3(D)(14)(a) In the MX-T zone district, this use is limited to a maximum of 15 guest rooms.

4-3(D)(14)(b) Additional standards in Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations) may apply.

4-3(D)(15) Car Wash

4-3(D)(15)(a) A car wash building and any associated outdoor uses shall not be located within 50 feet of any Residential zone district or any lot containing a Residential use in any Mixed-use zone district.

4-3(D)(15)(b) Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(15)(c) Notwithstanding Subsection (a) above, this use is prohibited adjacent to Major Public Open Space.

4-3(D)(15)(d) This use is prohibited in the following mapped areas as noted.

1. Downtown Neighborhood Area – CPO-3
2. Sawmill/Wells Park – CPO-11

This use is prohibited in the MX-L zone district.

4-3(D)(16) Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair

4-3(D)(16)(a) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(16)(b) The lot must be graded and surfaced pursuant to DPM standards and shall be maintained in a level and serviceable condition.

4-3(D)(16)(c) This use must be screened as required by Subsection 14-16-5-6(G)(4) (Outdoor Storage Areas for Vehicles, Equipment, and Materials). The Planning Director may require a taller wall, fence, or vegetative screen to provide an adequate buffer for an abutting Residential zone district or lot containing a Residential use in any Mixed-use zone district from the reasonably anticipated visual or noise impacts of this use.

4-3(D)(16)(d) Vehicle repair shall be conducted within a building.

4-3(D)(16)(e) Any building that contains vehicle repair shall not be located within 25 feet of any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(D)(16)(f) For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.

4-3(D)(16)(g) If located within 330 feet of any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(16)(h) This use is prohibited within 330 feet of Major Public Open Space.

4-3(D)(17) Light Vehicle Fueling Station

4-3(D)(17)(a) No inoperable vehicles shall be stored outside a building at any time.

4-3(D)(17)(b) This use must comply with stormwater quality requirements found in the DPM.

- 4-3(D)(17)(c) This use shall not be located where the only vehicle access to the lot is from a local street.
- 4-3(D)(17)(d) Each street that provides access to the lot shall have either 2 travel lanes in each direction or a center turn lane with access to the site.
- 4-3(D)(17)(e) Uses located on a corner lot with access from both streets shall have no more than one access point per frontage. Uses located mid-block or with access from only one street shall have no more than 2 access points from that street.
- 4-3(D)(17)(f) Access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership.
- 4-3(D)(17)(g) Site access from a paved alley connecting to a public street is allowed provided that the access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street.
- 4-3(D)(17)(h) For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.
- 4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).
- 4-3(D)(17)(j) If located abutting or across an alley from any Residential zone district or lot containing a Residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least 6 feet high is required.
- 4-3(D)(17)(k) In UC-AC-MS-PT-MT areas and the MX-H zone district, any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet.
- 4-3(D)(17)(l) In UC-MS-PT areas, an opaque wall or vegetative screen at least 3 feet high shall be provided along all street frontages.
- 4-3(D)(17)(m) This use is prohibited within 330 feet of Major Public Open Space.
- 4-3(D)(17)(n) This use is regulated as noted in the following mapped areas.
 - 1. Downtown Neighborhood Area – CPO-3
 - a. This use is prohibited in the MX-M zone district.
 - b. This use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) in the MX-L zone district.
 - 2. East Gateway Area
 - This use is prohibited in the following mapped areas.



3. Sawmill/Wells Park – CPO-11

This use is prohibited in the MX-L zone district.

4-3(D)(18) Light Vehicle Repair

4-3(D)(18)(a) Outdoor storage of inoperative vehicles is limited to 2 vehicles at any time, and no inoperative vehicle shall be parked outdoors for more than 14 consecutive days in a 12-month period.

4-3(D)(18)(b) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(18)(c) Painting and major automotive repair shall be conducted within a building.

4-3(D)(18)(d) Any building that contains painting or major automotive repair shall not be located within 25 feet of any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(D)(18)(e) This use is prohibited within 330 feet of Major Public Open Space.

4-3(D)(18)(f) This use is prohibited in the MX-L zone district in the Downtown Neighborhood Area – CPO-3.

4-3(D)(19) Light Vehicle Sales and Rental

4-3(D)(19)(a) Where allowed, accessory outdoor vehicle display, storage or incidental maintenance or servicing areas must be screened from any adjacent Residential zone district or residential component of any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening).

4-3(D)(19)(b) In the MX-H zone district, outdoor display or storage of vehicles, or incidental maintenance and servicing of vehicles outdoors is prohibited.

4-3(D)(19)(c) In other zone districts where this use is allowed, accessory outdoor display, storage, and sales areas are prohibited within 50 feet of any Residential zone district or lot containing a Residential use in any Mixed-use zone district, and are prohibited within any required front setback area.

4-3(D)(19)(d) This use is prohibited in the MX-L zone district in the Downtown Neighborhood Area – CPO-3.

4-3(D)(20) Outdoor Vehicle Storage

All outdoor areas where vehicles are stored must be screened from any adjacent Residential zone district or lot containing a Residential use in any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening).

4-3(D)(21) Paid Parking Lot or Parking Structure

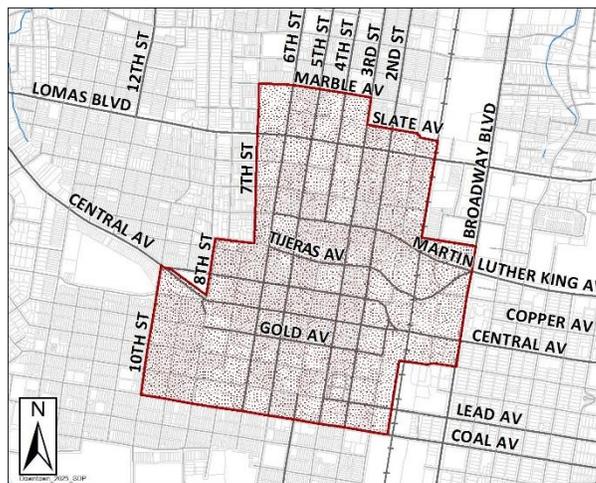
4-3(D)(21)(a) This use must comply with all standards in Section 14-16-5-5 (Parking and Loading).

4-3(D)(21)(b) This use is limited to the parking of motor vehicles and any allowable temporary use of the property. No repair of motor vehicles, sales of motor vehicles, or other uses are allowed on the property.

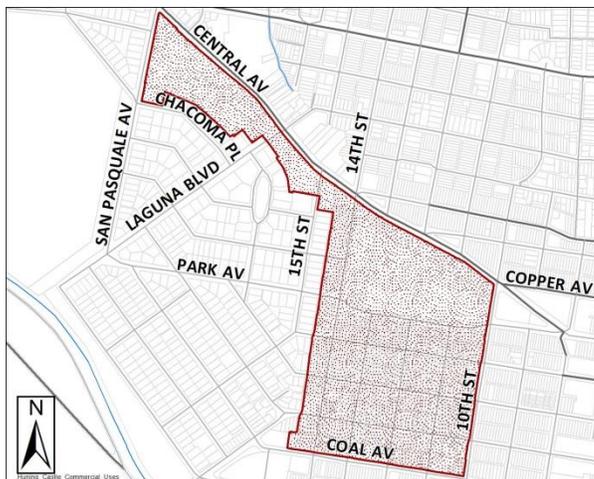
4-3(D)(21)(c) Minor accessory structures, including but not limited to waste container and dumpster enclosures, bike lockers, bike share facilities, and an attendant/payment booth, are allowed on the property, but shall not be located in any required setback area.

4-3(D)(21)(d) Paid parking lots are regulated as noted in the following mapped areas:

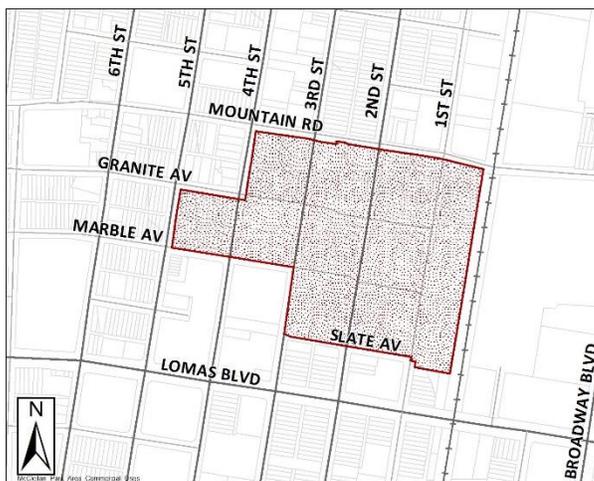
1. Barelas – CPO-1
Paid parking lots are prohibited in the Barelas – CPO-1.
2. Downtown Area
Paid parking lots are prohibited in the following mapped area.



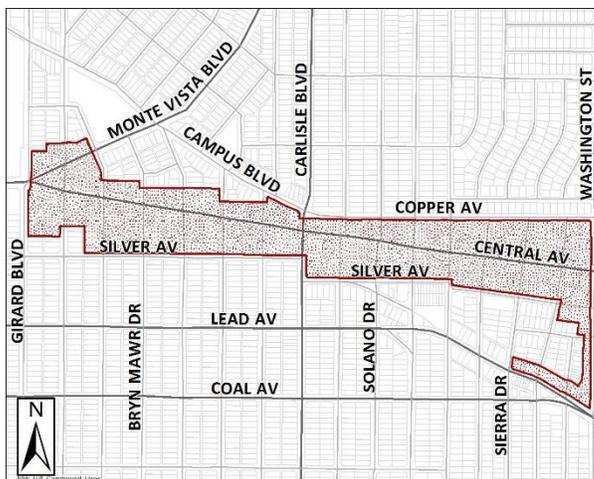
3. Downtown Neighborhood Area – CPO-3
Paid parking lots are prohibited in the Downtown Neighborhood Area – CPO-3.
4. Huning Castle Reynolds Addition Area
Paid parking lots are prohibited in any Mixed-use or Non-residential zone district in the following mapped area.



- 5. Los Duranes – CPO-6
Paid parking lots are prohibited in the Los Duranes – CPO-6.
- 6. Martineztown/Santa Barbara – CPO-7
Paid parking lots are prohibited in the Martineztown/Santa Barbara – CPO-7.
- 7. McClellan Park Area
Paid parking lots require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) in the following mapped area.



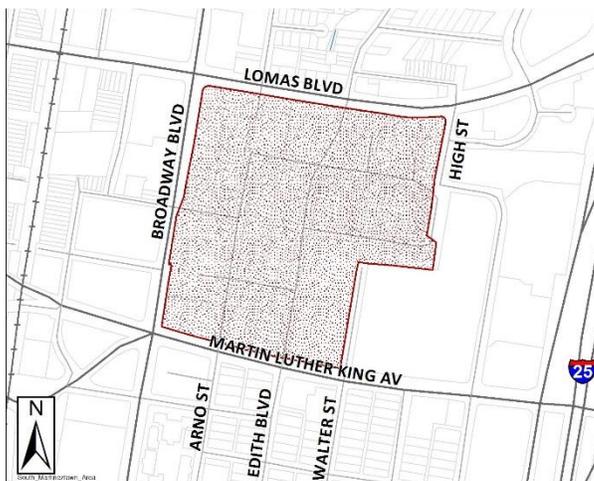
- 8. Nob Hill/Highland Area
Paid parking lots are prohibited in the following mapped area.



- 9. South Broadway Area
Paid parking lots are prohibited in the following mapped area.



- 10. South Martineztown Area
Paid parking lots are prohibited in the following mapped area.



4-3(D)(22) Bank

The following standards apply only to small loan businesses:

4-3(D)(22)(a) Small loan businesses may not be located within 1 mile of any other small loan business.

4-3(D)(22)(b) If a small loan business is abandoned, discontinued, or ceases operation for a period of 12 consecutive months, it shall not be reestablished at that location if it is within 1 mile of any other small loan business.

4-3(D)(22)(c) Small loan businesses shall maintain a valid license under the New Mexico Small Loan Business Act from the New Mexico Regulations and Licensing Department at all times. Small loan businesses shall submit to the Zoning Enforcement Officer proof on an annual basis that they have renewed their license with the New Mexico Regulations and Licensing Department.

4-3(D)(23) Club or Event Facility

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(D)(24) Construction Contractor Facility and Yard

4-3(D)(24)(a) This use may be conducted outside of a building.

4-3(D)(24)(b) All outdoor areas where construction equipment or goods or vehicles are parked or stored or work is conducted must comply with requirements in Section 14-16-5-6 (Landscaping, Buffering, and Screening).

4-3(D)(25) Medical or Dental Clinic

4-3(D)(25)(a) Facilities that dispense methadone as a primary activity are prohibited in the following locations:

1. Within 330 feet of any other facility that dispenses methadone as a primary activity.
2. Within 330 feet of a lot containing a religious institution.
3. Within 500 feet of an R-1 zone district.
4. Within 500 feet of a lot containing an elementary, middle, or high school.

4-3(D)(25)(b) Facilities that are considered a syringe exchange facility pursuant Article 9-15 of ROA 1994 (Syringe Exchange Facility Location) are allowed as part of this use, but are prohibited in the following locations:

1. Within 500 feet of any other syringe exchange facility.
2. Within 500 feet of a lot containing a religious institution.
3. Within 500 feet of a Residential zone district or a residential component of a Mixed-use zone district.
4. Within 1,000 feet of a lot containing an elementary, middle, or high school.

4-3(D)(25)(c) If located in an MX-T or MX-L zone district, this use shall not exceed 10,000 square feet of gross floor area.

4-3(D)(26) Personal and Business Services, Small or Large

4-3(D)(26)(a) The following provisions apply only to bail bond businesses:

1. The lot shall not be accessed from a street designated as a local street in the LRTS Guide.
2. Bail bond businesses may not be located on the same parcel as another bail bond business.
3. Unless located within 500 feet of a courthouse, a bail bond business may not be located closer than 1 mile to any other bail bond business.
4. If a bail bond business is abandoned, discontinued, or ceases continuous operation for more than 12 consecutive months, it shall not be reestablished at that location if it is within 1 mile of any other bail bond business, unless it is located within 500 feet of a courthouse.

4-3(D)(26)(b) The following provisions apply if the use includes dry cleaning of clothes and is located in any Mixed-use zone district:

1. Only nonflammable or noncombustible materials may be used in the cleaning process.
2. The portion of the structure in which any cleaning process is done must be at least 50 feet from any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(D)(27) Research or Testing Facility

4-3(D)(27)(a) Any facility using hazardous materials or procedures subject to additional review, licensing, or approval by state or federal law, or emitting electromagnetic radiation or other radiation, shall comply with all state and federal requirements regarding the storage, handling, transfer, use, and safety of those materials, procedures, or radiation, and shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(27)(b) If located in an MX-T or MX-L zone district, this use shall not exceed 10,000 square feet of gross floor area.

4-3(D)(27)(c) Facilities that require Conditional Use Approval pursuant to Subsection (a) above are prohibited in the MX-T or MX-L zone districts.

4-3(D)(28) Self-storage

4-3(D)(28)(a) All storage shall be within a building. No outdoor storage of goods or vehicles is allowed.

4-3(D)(28)(b) An opaque wall or fence at least 6 feet and no more than 8 feet high, or a vegetated buffer at least 50 feet in width, shall be

provided along any lot line that abuts any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(D)(28)(c) Security fencing shall not include razor wire or barbed wire.

4-3(D)(28)(d) Public access to any storage units within 100 feet of any Residential zone district or lot containing a Residential use in any Mixed-use zone district is not allowed between 10:00 P.M. and 7:00 A.M.

4-3(D)(28)(e) In the MX-L, MX-M, MX-H, and MX-FB zone districts, and on lots in the NR-C zone district within a UC-AC-MS-PT area, access to individual storage units shall be through interior corridors; direct access to individual units from outdoor areas is not allowed.

4-3(D)(28)(f) In the NR-C zone district outside of UC-MS-PT areas, exterior doors to individual storage units shall not face any abutting street frontage, or, if the site is located on a corner parcel, shall not face the primary street frontage.

4-3(D)(29) Balloon Fiesta Park Events and Activities

Uses and conditions on operations are governed by the Balloon Fiesta Master Plan, as amended.

4-3(D)(30) Drive-in Theater

4-3(D)(30)(a) This use shall be enclosed with an opaque wall, fence, or vegetated buffer at least 6 feet and no more than 8 feet high.

4-3(D)(30)(b) A screen located less than 500 feet from an arterial street shall be located, oriented, or shielded so that the picture surface cannot be seen from the arterial street.

4-3(D)(31) Other Outdoor Entertainment

4-3(D)(31)(a) This use shall include fencing or other measures meeting the standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening) and designed to prevent balls or other objects from the activity from passing beyond the property line and onto any surrounding properties not owned by the owner or operator of the use.

4-3(D)(31)(b) Rifle range (public or private) and flying of kites are prohibited in the Air Space and Runway Protection Sub-areas. See Section 14-16-2-7.1.C (Airport Protection Overlay Zone Use Regulations).

4-3(D)(32) Building and Home Improvement Materials Store

4-3(D)(32)(a) All outdoor storage, display, and sales areas must be screened from any adjacent Residential zone district or lot containing a Residential use in any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening).

4-3(D)(32)(b) If this use also meets the definition of a large retail facility, the Use-specific Standards in Subsection 14-16-4-3(D)(34) (General Retail) for large retail facilities also apply.

4-3(D)(33) Farmers' Market

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious institutions in that zone district, pursuant to Subsection 14-16-4-3(C)(9)(b) or 14-16-4-3(C)(9)(c).

4-3(D)(34) General Retail

See also <https://tinyurl.com/OldTownSignTapRoom>

4-3(D)(34)(a) Outdoor Display or Storage

1. This use may not include an outdoor storage or display area unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A) and the use is screened from any adjacent Residential zone district or lot containing a Residential use in any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening), except as regulated by Subsection 2 below for the Old Town – HPO-5.
2. In the Old Town – HPO-5, the following standards apply:
 - a. Outdoor retail sales and related display of “handcrafted items” is allowed provided that the installation is on specified portions of the public sidewalk and allowed in accordance with Section 13-3-2-4 of ROA 1994 (Old Town Solicitations).
 - b. Limited outdoor display of retail goods is allowed provided:
 - i. The display of retail goods on tables, cases, racks, kiosks, boards, or blankets is prohibited.
 - ii. The display of retail goods on second-story railings is prohibited.
 - iii. The area of any one surface of an individual item or the total (cumulative) surface area of more than one item displayed by any one business shall not be greater than 15 square feet.
 - c. The display of chile ristras is not restricted.

4-3(D)(34)(b) Large Retail Facilities

For general retail uses that meet the definition of a large retail facility, the following standards apply:

1. General

These standards address the build-out of a large site in order to guide the transition over time from more auto-oriented "big box" type retail development with large parking lots to finer-scaled, pedestrian-oriented, mixed-use development.
2. Access
 - a. The City Engineer may require that the intersection of the primary driveway be signalized, in which case the signal shall be provided at the applicant's expense.

-
- b. Large retail facilities shall meet 1 of the following requirements, based on the size of the facility.
 - i. Large retail facilities containing at least 50,000 square feet but no more than 90,000 square feet of gross floor area are required to be located adjacent to and have primary and full access to a street designated as a collector or higher and having at least 2 through traffic lanes.
 - ii. Large retail facilities containing over 90,000 square feet but no more than 125,000 square feet of gross floor area are required to be located adjacent to and have primary and full access to a street designated as a collector or higher and having at least 4 through traffic lanes.
 - iii. Large retail facilities containing over 125,000 square feet of gross floor area are required to be located within 700 feet of the intersection of 2 roadways, both of which are designated as at as a collector or higher and shall have full access to these roadways. One of the adjacent roadways shall have at least 4 through traffic lanes and another adjacent roadway shall have at least 6 through traffic lanes or shall be designated a limited access principal arterial and have a minimum of 4 lanes.
 - 3. Site Division

The site shall be designed with internal block sizes that are walkable and support land use changes over time, according to the following standards:

 - a. The entire site shall be planned or platted according to the block dimensions established for Activity Centers in the DPM and summarized in Subsection 14-16-5-4(E)(3) (Block Dimensions), except as provided in Subsections g and h below.
 - b. Primary buildings shall be screened from adjacent streets by smaller buildings, retail liner suites, or 20 foot wide landscape areas with a double row of trees.
 - c. Primary and secondary driveways (or platted roadways) that separate the blocks shall be at least 60 feet and no more than 85 feet wide and shall include all of the following:
 - i. Two (2) 10-foot travel lanes.
 - ii. Two (2) 6-foot landscaped buffers with shade trees spaced approximately 30 feet on center.
 - iii. Two (2) 8-foot pedestrian walkways constructed of material other than asphalt.

- iv. Pedestrian-scale lighting that is a maximum of 16 feet in height.
 - v. Standup curb.
 - d. Two (2) parallel or angle parking rows or a combination of the 2 on both sides of the driveway rights-of-way are allowed but not required.
 - e. Parking shall be distributed on the site to minimize visual impact from the adjoining street. Parking shall be located on at least 2 sides of a building and shall not dominate the building or street frontage.
 - f. Every third double row of parking shall have a minimum 10 feet wide continuous walkway dividing the row that meets all of the following requirements:
 - i. The walkway shall be either patterned or colored material other than asphalt and may be at grade.
 - ii. The walkway shall be shaded by means of trees, a trellis or similar structure, or a combination thereof. Tree wells, planters, or supports for shading devices may encroach on the walkway up to 3 feet.
 - iii. In no case shall the walkway be diminished to less than 5 feet at any point.
 - g. One (1) block can be expanded to approximately 800 feet by 400 feet if a primary building (including retail suite liners) covers more than 80 percent of the gross square footage of the block.
 - h. If the site dimensions result in irregular block sizes, blocks of different dimensions are allowed provided that all of the following are met:
 - i. The block sizes achieve the intent of this Subsection 14-16-4-3(D)(34)(b).
 - ii. The narrow side of the block abuts the street that provides the primary access.
 - iii. The center of the long side has a major entrance, including a forecourt.
4. Façade Design
- Large retail facilities shall meet all of the following standards:
- a. Façades that contain a primary pedestrian entrance and façades facing a public street or plaza or an internal driveway shall contain retail suite liners, display windows, or a recessed patio at a minimum depth of 20 feet, or a combination of all 3, along 50 percent of the length of the façade.

- i. Where patios are provided, at least 1 of the recessed walls shall contain a window for ease of surveillance and the patio shall contain shading and seating.
 - ii. Where retail suite liners are provided, they shall be accessible to the public from the outside.
 - b. Every 30,000 square feet of gross floor area shall be designed to appear as a minimum of 1 distinct building mass with different expressions. The varied building masses shall have a change in visible roof plane or parapet height. Massing and articulation are required to be developed so that no more than 100 feet of a wall may occur without a vertical offset of at least 24 inches.
- 5. Signage
 - All signage shall be designed to be consistent with and complement the materials, color, and architectural style of buildings on the site.
 - a. All freestanding signs shall be monument style, with a maximum height of 15 feet.
 - b. Building-mounted signs shall consist of individual channel letters. Illuminated plastic panel signs are prohibited.

4-3(D)(34)(c) General retail, small is allowed as a permissive primary use in the MX-T zone district in the Old Town – HPO-5.

4-3(D)(35) Grocery Store

4-3(D)(35)(a) For grocery stores larger than 50,000 square feet of gross floor area, the Use-specific Standards in Subsection 14-16-4-3(D)(34)(b) (Large Retail Facilities) also apply.

4-3(D)(35)(b) In the MX-L zone, this use is limited to establishments of no more than 15,000 square feet of gross floor area.

4-3(D)(35)(c) In the MX-M zone, this use is limited to establishments of no more than 70,000 square feet of gross floor area.

4-3(D)(36) Liquor Retail

4-3(D)(36)(a) Alcohol sales for off-premises consumption is allowed provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(D)(36)(b) Alcohol sales for on-premises consumption is also allowed as an incidental activity provided that the establishment complies with all New Mexico state law requirements.

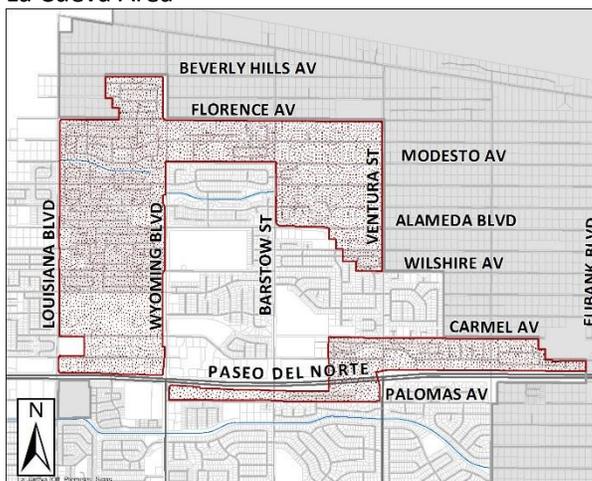
4-3(D)(36)(c) Notwithstanding other provisions in this Subsection 14-16-4-3(D)(36), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the

use to the nearest Residential or NR-PO zone district or lot containing a group home.

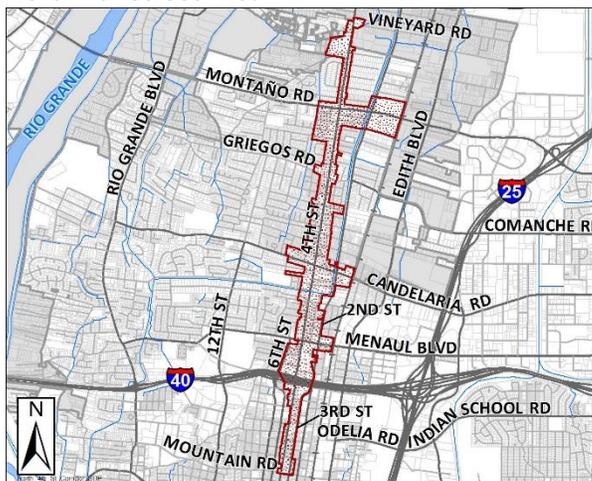
4-3(D)(36)(d) In the MX-T zone district, this use is limited to 10,000 square feet of gross floor area.

4-3(D)(36)(e) In the MX-L zone district, this use is prohibited, except in the following mapped areas, where it is allowed as accessory to a grocery store.

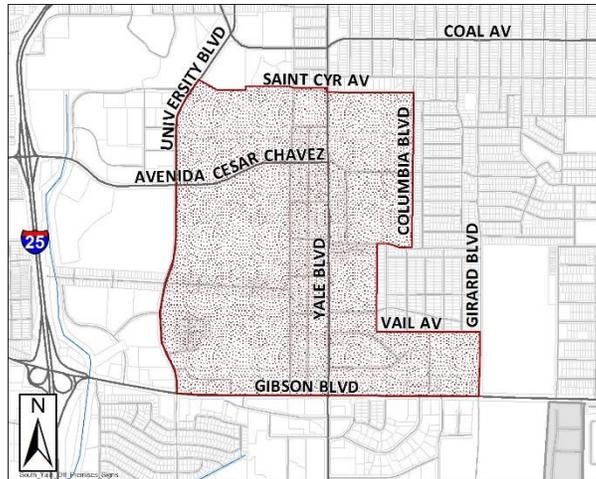
1. Downtown Neighborhood Area – CPO-3
2. East Downtown – CPO-4
3. East Downtown – HPO-1
4. La Cueva Area



5. North 4th Street Area

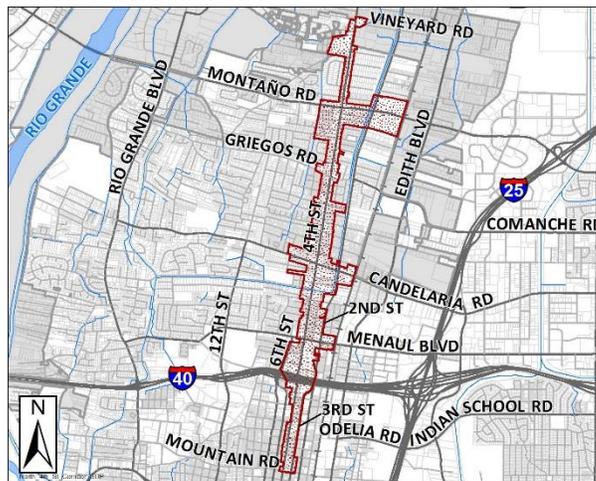


6. South Yale Area

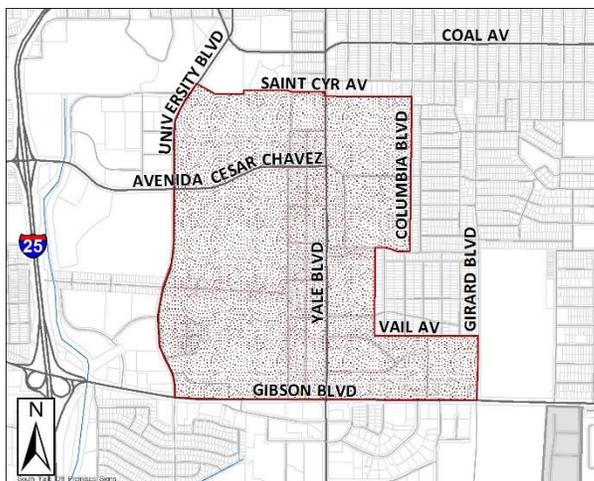


4-3(D)(36)(f) In the MX-M zone district, this use is permissive, except in the following mapped areas, where it is prohibited unless accessory to a grocery store as noted.

1. Downtown Neighborhood Area – CPO-3
2. East Downtown – CPO-4
3. East Downtown – HPO-1
4. North 4th Street Area

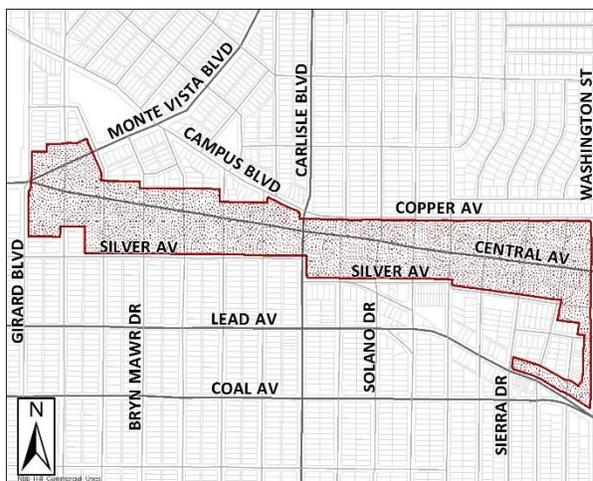


5. South Yale Area



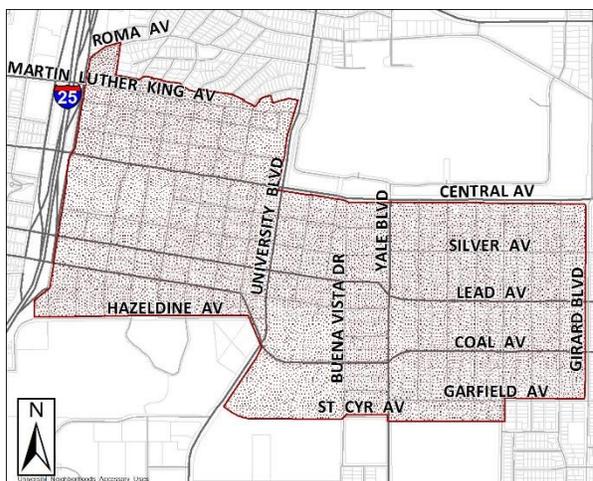
4-3(D)(36)(g) Nob Hill/Highland Area

This use is prohibited in the following mapped area.



4-3(D)(36)(h) University Neighborhoods Area

This use is prohibited in the MX-M zone district in the following mapped area unless associated with a grocery store west of University Boulevard.



4-3(D)(37) Pawn Shop

4-3(D)(37)(a) This use shall not be located within 1 mile of another pawn shop location.

4-3(D)(37)(b) If a pawn shop use is abandoned, discontinued, or ceases continuous operation for more than 12 consecutive months, it shall not be reestablished at that location if it is within a 1 mile radius of the location of any other pawn shop.

4-3(D)(38) Airport

See Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations) for Use-specific Standards for private airport aircraft landing fields, airport runways, and taxiways.

4-3(D)(39) Helipad

4-3(D)(39)(a) This use shall comply with all applicable state and federal regulations regarding design, location, construction, and public safety.

4-3(D)(39)(b) This use must be located at least 500 feet from any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(D)(39)(c) Helicopter landing and takeoff operations for all uses other than emergency medical service or law enforcement are prohibited between 10 P.M. and 7 A.M.

4-3(D)(39)(d) See Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations) for Use-specific Standards for private helicopter landing fields.

4-3(D)(39)(e) In any Non-residential zone district, this use is permissive for emergency medical service or law enforcement.

4-3(D)(39)(f) In any Non-residential zone district, all helipads for purposes other than emergency medical service or law enforcement require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(40) Park-and-Ride Lot

This use must comply with all standards in Section 14-16-5-5 (Parking and Loading).

4-3(D)(41) Railroad Yard

No portion of this use where railroad equipment or supporting motor vehicles operate may be located within 100 feet of any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(E) INDUSTRIAL USES**4-3(E)(1) Artisan Manufacturing**

4-3(E)(1)(a) All activities must be conducted within a building.

4-3(E)(1)(b) If located in any Mixed-use zone district, this use shall not exceed 10,000 square feet of gross floor area.

4-3(E)(2) Light Manufacturing

- 4-3(E)(2)(a) Except as specified in Subsection (b) below, all activities in this use must be conducted in a building unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A) to conduct specific activities outside of enclosed structures.
- 4-3(E)(2)(b) An outdoor storage area incidental to the light manufacturing use is allowed but must be screened from view from each property boundary as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).
- 4-3(E)(2)(c) This use may include a sales/display room for items manufactured on the property.
- 4-3(E)(2)(d) The property containing this use shall meet edge buffer requirements in Subsection 14-16-5-6(E).
- 4-3(E)(2)(e) If this property is located with frontage on an arterial or collector street, the primary building on the site shall be placed between the primary street frontage and any allowed outside storage, service, or work areas.
- 4-3(E)(2)(f) Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(E)(3) Heavy Manufacturing

- 4-3(E)(3)(a) This use must comply with air quality permitting requirements found in Part 9-5 of ROA 1994 (Air Quality and Environmental Health Control).
- 4-3(E)(3)(b) This use may be conducted outside of a building.
- 4-3(E)(3)(c) This use may include a sales/display room for items manufactured on the property.
- 4-3(E)(3)(d) An outdoor storage area incidental to this use is allowed but must be screened from view from each property boundary as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).
- 4-3(E)(3)(e) This use is prohibited in the following locations:
1. Within 330 feet of Major Public Open Space.
 2. Within 660 feet of a lot containing a religious institution or elementary, middle, or high school.
 3. Within 1,000 feet of a lot containing a residential use other than an accessory dwelling unit used as a caretakers dwelling for a non-residential property.

4-3(E)(4) Natural Resource Extraction

- 4-3(E)(4)(a) This use must obtain all applicable state and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

- 4-3(E)(4)(b) This use must comply with air quality permitting requirements found in Part 9-5 of ROA 1994 (Air Quality and Environmental Health Control).
- 4-3(E)(4)(c) Extraction working areas shall be set back at least 200 feet from each boundary of the site adjacent to any Residential zone district, and at least 100 feet from each boundary of the site with any other zone district.
- 4-3(E)(4)(d) This use is prohibited in the following locations:
1. Within 330 feet of Major Public Open Space.
 2. Within 1,000 feet of a lot containing a religious institution; elementary, middle, or high school; or residential use other than an accessory dwelling unit used as a caretakers dwelling for a non-residential property.
- 4-3(E)(4)(e) Within the Airport Protection Overlay Zone, mining only is permissive in the Noise Contour Sub-area. See Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations).

4-3(E)(5) Special Manufacturing

- 4-3(E)(5)(a) This use must obtain all applicable state and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.
- 4-3(E)(5)(b) This use must comply with air quality permitting requirements found in Part 9-5 of ROA 1994 (Air Quality and Environmental Health Control).
- 4-3(E)(5)(c) This use shall also comply with the Use-specific Standards in Subsection 14-16-4-3(E)(3), applicable to Heavy Manufacturing uses.

4-3(E)(6) Geothermal Energy Generation or Device

- 4-3(E)(6)(a) This use must obtain all applicable state and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.
- 4-3(E)(6)(b) All uses and facilities shall be subject to those terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended.
- 4-3(E)(6)(c) Underground geothermal energy devices may be located anywhere on the property.
- 4-3(E)(6)(d) Where this use is listed as Permissive Primary, it may include utility-scale or private energy generation. Where this use is listed as Permissive Accessory, it must be for private energy generation.

4-3(E)(7) Solar Energy Generation or Device

This use is allowed per Section 47-3-4 NMSA 1978. Other state and federal rules may apply.

4-3(E)(8) Utility, Electric

- 4-3(E)(8)(a) All uses and facilities shall be subject to those terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended.
- 4-3(E)(8)(b) Where this use includes geothermal or solar energy generation, the provisions of Subsections 14-16-4-3(E)(6) or 14-16-4-3(E)(7) apply.
- 4-3(E)(8)(c) Electric Generation Facilities, as identified in the Facility Plan for Electric System Transmission and Generation, are of a larger scale and more industrial in nature. This facility type is only permitted in the NR-GM zone.

4-3(E)(9) Wind Energy Generation or Device

- 4-3(E)(9)(a) All wind energy devices shall be located at least as far from each property boundary as the height of the device (including any tower on which it is mounted).
- 4-3(E)(9)(b) Rooftop-mounted wind energy devices shall only be allowed on structures with a valid building permit.
- 4-3(E)(9)(c) In any Mixed-use, NR-C, NR-BP, NR-SU, and NR-PO zone district, this use may exceed the maximum building height in the zone district by no more than 30 feet, unless a Variance is obtained under Subsections 14-16-6-6(N) (Variance – ZHE) or 14-16-6-6(M) (Variance – EPC).
- 4-3(E)(9)(d) In the NR-LM and NR-GM zone districts, this use may exceed the maximum building height by no more than 60 feet unless a Variance is obtained under Subsections 14-16-6-6(N) (Variance – ZHE) or 14-16-6-6(M) (Variance – EPC).

4-3(E)(10) Wireless Telecommunications Facility

The following regulations shall apply to all WTFs in any zone district, unless specified otherwise:

4-3(E)(10)(a) Concealment Required

1. All proposed WTFs, excluding co-locations of antennas on existing unconcealed towers and public utility co-locations, shall use concealed technology.
2. The WTF shall be the least visually and physically intrusive as possible and shall have the least adverse visual effect on the environment and its character, existing vegetation, and nearby residences.
3. A WTF is considered concealed if the Planning Director determines that the facility is:
 - a. Aesthetically integrated with existing buildings, structures, and landscaping to blend in with the nature and character of the built and natural environment, considering height, color, style, massing, placement, design, and shape.

- b. Located to avoid a dominant silhouette of the WTF on escarpments and mesas and to preserve views within VPO zones.
 - c. Located on existing vertical structures, including utility poles and public utility structures to the maximum extent practicable.
 - d. Located in areas where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening of the WTF.
 - e. Located so as not be a readily visible or identifiable as a WTF.
4. To minimize visibility, roof-mounted WTFs are prohibited in the R-A, R-1, R-T, R-MC, and NR-PO-A zone districts.
 5. Consistent with federal law, these concealment requirements shall not be administered so as to have the effect of prohibiting the provision of wireless telecommunications services.

4-3(E)(10)(b) Maximum Height

1. Single-carrier WTFs: 65 feet.
2. Co-locations on any existing unconcealed WTF tower or existing structure: 75 feet.

4-3(E)(10)(c) Setbacks and Separation

1. Freestanding WTFs are prohibited in the following locations:
 - a. Within 100 feet of the property line of any Residential zone district.
 - b. Within 50 feet of an existing right of way.
 - c. Within any setback required by the underlying zone district.
2. This use shall be located a minimum of 1,000 feet from any other freestanding WTFs, as measured from the wall or fence of each freestanding WTF. This requirement does not apply to freestanding small-cell WTFs.

4-3(E)(10)(d) Lighting and Signage

1. Only security lighting or lighting required by a state and/or federal agency is allowed, provided all of the following conditions are met:
 - a. The location and cut-off angle of the light fixture shall be such that it does not shine directly on any public right-of-way or any lot containing a residential use.
 - b. The lighting shall not have an off-site luminance greater than 1,000 foot lamberts at any point, and shall not have an off-site luminance greater than 200 foot lamberts measured from any private property in any Residential zone district.

2. Only signage required by state or federal law is allowed.

4-3(E)(10)(e) Abandonment

All WTFs that are not in use for 3 consecutive months shall be removed by the WTF owner within the following 3 months. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation. If there is no vegetation on a WTF site, the site shall be returned to its preconstruction condition. The facility owner shall notify the City when removal of the facility occurs.

4-3(E)(10)(f) Interference

Every WTF shall meet the regulations of the Federal Communications Commission, or any successor of that agency, regarding physical and electromagnetic interference.

4-3(E)(10)(g) Health Issues

Every WTF shall meet health and safety standards for electromagnetic field emissions as established by the Federal Communications Commission or any successor of that agency, and any other federal or state agency.

4-3(E)(10)(h) Co-locations and Public Utility Co-location

1. Co-locations and public utility co-locations are encouraged. Co-location on a concealed WTF shall maintain the concealed nature of the facility. Otherwise, such co-locations or public utility co-locations are not subject to the concealment requirements prescribed by Subsection 4-3(E)(10)(a) above, but shall be done in the least visibly intrusive manner, to blend in with the existing structure and its surroundings.
2. Unless specified otherwise in this IDO, public utility co-locations are allowed in any zone districts except within the Old Town – HPO-5.
3. When mounted on a public utility structure, the equipment cabinet(s) shall be not more than 3 feet by 4 feet by 18 inches deep, at least 10 feet and no more than 20 feet high.
4. No new freestanding WTF shall be allowed unless the Planning Director or his/her designee determines, upon the applicant's demonstration, that no existing tower, structure, or public utility structure can be used in lieu of new construction to accommodate the applicant's proposed WTF. Evidence that demonstrates that co-location or public utility co-location cannot be used in lieu of new construction to reasonably accommodate the proposed WTF shall consist of an affidavit with supporting exhibits submitted by the applicant addressing all of the following:
 - a. That no existing tower, structure, or public utility structure within a ½ mile radius meets the minimum engineering requirements and/or lacks available space to support the proposed WTF.

- b. That co-location or public utility co-location of the proposed WTF would cause unavoidable electromagnetic interference with the antenna(s) on the existing towers, structures or public utility structures, or the antenna(s) on the existing towers, structures, or public utility structures would cause interference with the applicant's proposed WTF.
- c. That there are other limiting factors that render existing towers, structures, or public utility structures within the ½ mile radius unsuitable.
- d. That the owners of existing towers, structures, or public utility structures within the ½ mile radius will not allow the applicant to place its WTF on that facility, or such owners are requiring payments for such placement that substantially exceed commercially reasonable prices.

4-3(E)(10)(i) Landscaping and Screening

1. All freestanding WTFs shall be surrounded by an opaque wall or fence at least 6 feet and not more than 9 feet high.
2. All freestanding WTFs shall include vegetation that is planted and maintained to screen ground equipment facilities from public view, as shown on a landscaping plan approved by the Planning Director.
3. Freestanding small-cell WTFs are not subject to the landscaping requirements in Subsections 1 and 2 above, but must comply with the following requirements:
 - a. Equipment shall be screened by a wall, fence, or other method, including but not limited to a telco box, artificial rock, or decorative feature that fully screens the equipment with opaque material.
 - b. Equipment and screening materials shall not block pedestrian pathways and sidewalks.

4-3(E)(10)(j) Location near View Corridors

Only co-locations, public utility co-locations, and architecturally integrated WTFs are allowed within 660 feet of either of the following:

1. Any right-of-way identified as part of an existing or future trail system that is located on a major arroyo or other drainage facility.
2. The following streets: Alameda Boulevard, Central Avenue, Coors Boulevard, Griegos Road, Interstate Highway 25, Interstate Highway 40, Paseo del Norte, Rio Grande Boulevard, Sunport Boulevard, Tramway Boulevard, and Unser Boulevard.

4-3(E)(10)(k) Location near Major Public Open Space

Only co-locations, public utility co-locations, and architecturally integrated WTFs are allowed within 1,320 feet of the property line

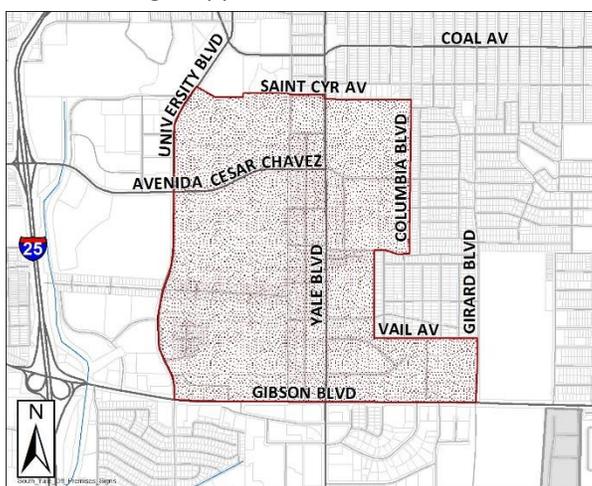
of any Major Public Open Space or the Petroglyph National Monument.

4-3(E)(10)(I) Location in HPO zones and Historic Districts

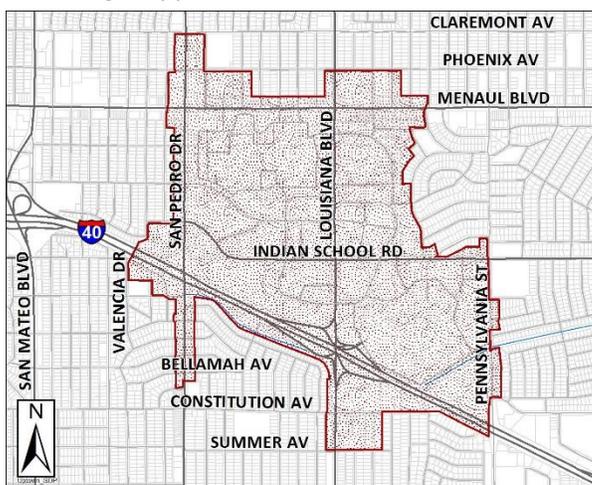
1. Only architecturally integrated WTFs are allowed within any HPO zone, except that within the Old Town – HPO-5 all WTFs are prohibited.
2. Only architecturally integrated WTFs are allowed on properties listed on the State Register of Cultural Properties or the Federal Register of Historic Places.

4-3(E)(10)(m) Location in Other Areas

1. South Yale Area
Freestanding WTFs are prohibited in the MX-M zone district in the following mapped area.



2. Uptown Area
Only architecturally integrated WTFs are allowed in the following mapped area.



4-3(E)(11) Recycling Drop-off Bin Facility

This use is prohibited within 330 feet of Major Public Open Space.

4-3(E)(12) Solid Waste Convenience Center

This use is prohibited within 330 feet of Major Public Open Space.

4-3(E)(13) Salvage Yard

4-3(E)(13)(a) All activities shall be conducted within a building or within an area enclosed on all sides by an opaque wall, fence, retaining wall, or vegetative screen at least 6 feet high. Additional requirements in Section 14-16-5-6 (Landscaping, Buffering, and Screening) may apply.

4-3(E)(13)(b) Inoperative light vehicles or heavy equipment may not extend above the height of the opaque wall, fence, retaining wall, or vegetative screen, unless those items are located at least 100 feet inside the required wall, fence, or vegetative screen.

4-3(E)(14) Waste and/or Recycling Transfer Station

This use is prohibited within 330 feet of Major Public Open Space.

4-3(E)(15) Outdoor Storage

4-3(E)(15)(a) This use shall comply with the provisions in Section 14-16-5-6 (Landscaping, Buffering, and Screening).

4-3(E)(15)(b) In any zone district except for NR-GM, the height of any items stored outside shall not exceed the height of any screening wall, fence, or vegetation, unless the item is located at least 100 feet inside the screening wall, fence, or vegetative screen.

4-3(E)(16) Warehousing

Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(E)(17) Wholesaling and Distribution Center

4-3(E)(17)(a) This use is limited to 50,000 square feet of gross floor area in the following locations:

1. The MX-M and MX-H zone districts.
2. The NR-C zone district within a UC-MS-PT area.

4-3(E)(17)(b) Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(F) ACCESSORY USES**4-3(F)(1) General**

4-3(F)(1)(a) All accessory uses must operate within an enclosed structure unless outside operation or features are inherent in the use or specified otherwise in this IDO.

4-3(F)(1)(b) Accessory uses and approved conditional accessory uses run with the land, and are not personal to an operator.

4-3(F)(1)(c) No accessory use may begin, and no structure for the accessory use may be erected, before the primary use of the property. No

accessory use may continue after the primary use of the property to which it is accessory ends.

- 4-3(F)(1)(d) An approval for an accessory use may not be granted if there is no evidence of a City building permit for a primary building on the site or alternative evidence of a City business license for operation of a primary building on the site.

4-3(F)(2) Agriculture Sales Stand

- 4-3(F)(2)(a) This use may be operated outside an enclosed structure.
- 4-3(F)(2)(b) This use is limited to 1 per lot.
- 4-3(F)(2)(c) In any zone district except R-A, this use must be located behind the front façade of the primary building or residence.
- 4-3(F)(2)(d) In any Residential zone district, 1 non-illuminated sign is allowed, provided it does not exceed 4 square feet in the R-A zone district or 2 square foot in any other Residential zone district.
- 4-3(F)(2)(e) The sales area associated with this use may not exceed 400 square feet in the R-A zone district. In any other zone district where this use is allowed, this use may not exceed 50 square feet, unless accessory to a community garden, in which case this use may not exceed 100 square feet.

4-3(F)(3) Animal Keeping

- 4-3(F)(3)(a) The use shall comply with all applicable City, state, and federal regulations related to animal care and protection.
- 4-3(F)(3)(b) Animal species and number shall be regulated pursuant to Article 9-2 of ROA 1994 (Humane and Ethical Animal Rules and Treatment or (HEART) Ordinance), enforced by the City Animal Welfare Department.
- 4-3(F)(3)(c) This use may be operated outside an enclosed structure. Animals shall be contained on the property by a wall, fence, vegetated screen, retaining wall, pen, or enclosure that complies with requirements in Section 14-16-5-7 (Walls and Fences).
- 4-3(F)(3)(d) In any Residential or Mixed-use zone district, keeping cows and horses on a property shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), provided that all of the following requirements are met:
1. The property contains at least ½ acre of gross land area.
 2. The number of animals does not exceed 1 cow or horse for each 10,000 square feet of open lot area, or equivalent combination. Animals under 4 months old are not counted.
- 4-3(F)(3)(e) Where general agriculture is allowed in any Non-residential zone district, keeping cows and horses is allowed as incidental to that use, pursuant to any Use-specific Standards in Subsection 14-16-4-3(D)(3).

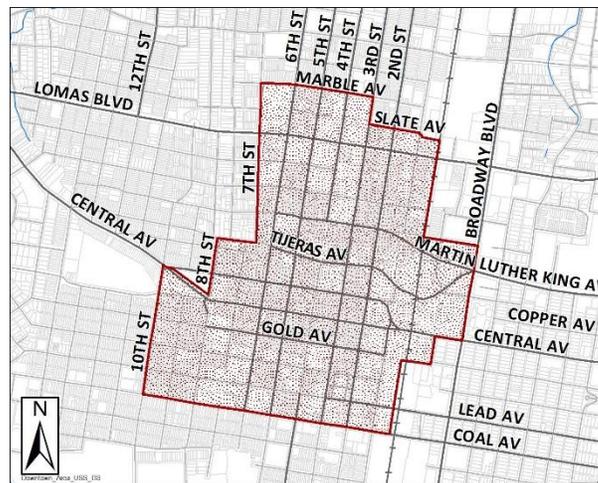
- 4-3(F)(3)(f) In the NR-C, NR-BP, NR-LM, and NR-GM zone districts, this use is limited to the keeping of guard dogs, and is subject to an approved permit from the City Animal Welfare Department.

4-3(F)(4) Drive-through or Drive-up Facility

- 4-3(F)(4)(a) Each stacking lane is limited to a maximum order board area of 50 square feet. The face of the order boards shall be oriented away from public streets to the maximum extent practicable.
- 4-3(F)(4)(b) This use shall comply with the provisions of Section 14-16-5-5 (Parking and Loading) and Section 14-16-5-9 (Neighborhood Edges).
- 4-3(F)(4)(c) Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).
- 4-3(F)(4)(d) Notwithstanding Subsection (a) above, this use is prohibited adjacent to Major Public Open Space.
- 4-3(F)(4)(e) This use is prohibited in the following mapped areas as noted.

1. Downtown Area

This use is prohibited in the following mapped area.



2. Downtown Neighborhood Area – CPO-3

- a. This use is prohibited in the MX-L zone district unless accessory to a use other than a restaurant or any use in the Retail Sales category.
- b. This use is prohibited in the MX-M zone district.

3. East Downtown – CPO-4

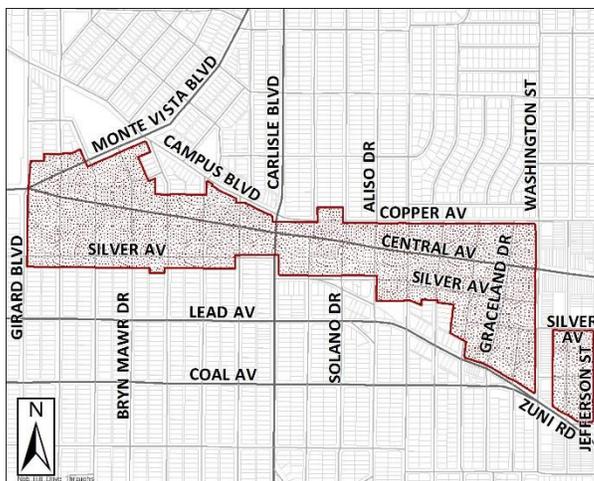
This use is prohibited in the East Downtown – CPO-4.

4. East Downtown – HPO-1

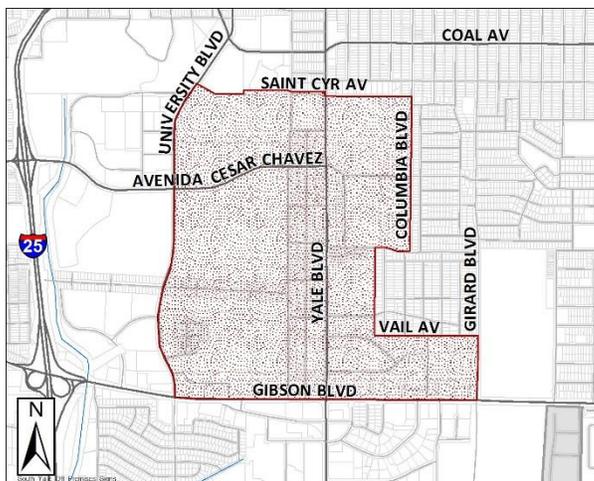
This use is prohibited in the East Downtown – HPO-1.

5. Nob Hill Area

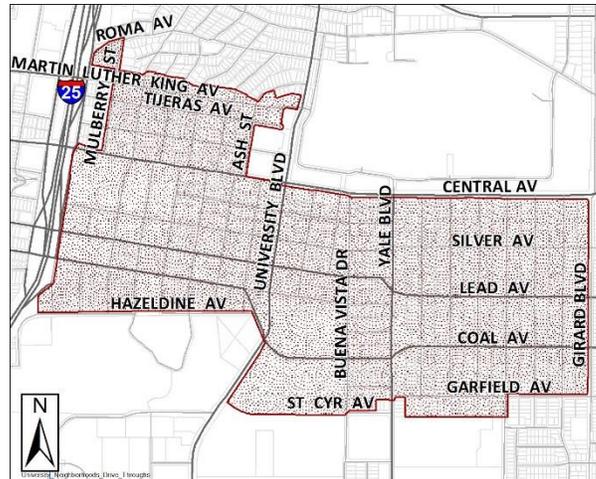
This use is prohibited in the following mapped areas.



6. Sawmill/Wells Park – CPO-11
This use is prohibited in the MX-L and NR-LM zone districts in the Sawmill/Wells Park – CPO-11.
7. South Yale Area
This use is prohibited in the MX-L and MX-M zone districts in the following mapped area.

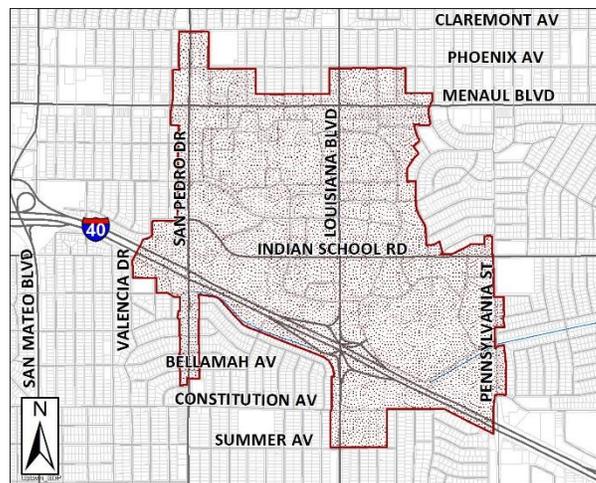


8. University Neighborhoods Area
This use is prohibited in any Mixed-use zone district in the following mapped area.



9. Uptown Area

This use is prohibited in the following mapped area (which includes all of the Uptown Urban Center as mapped in the ABC Comp Plan, as amended) unless accessory to a use other than a restaurant.

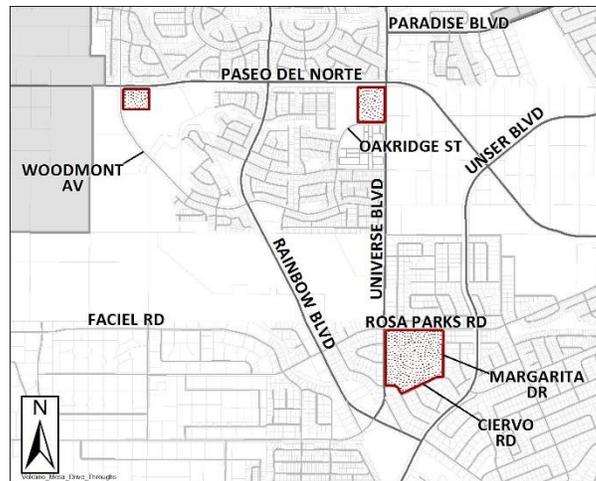


10. Volcano Heights Urban Center

This use is prohibited in the Mixed-use zone districts in this Center as mapped in the ABC Comp Plan, as amended.

11. Volcano Mesa – CPO-12

This use is prohibited, unless accessory to a use other than restaurant, in the 3 areas mapped below.

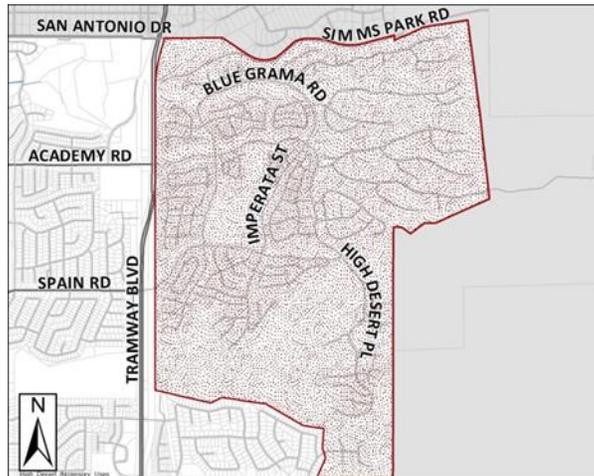


4-3(F)(5) Dwelling Unit, Accessory (With or Without Kitchen)

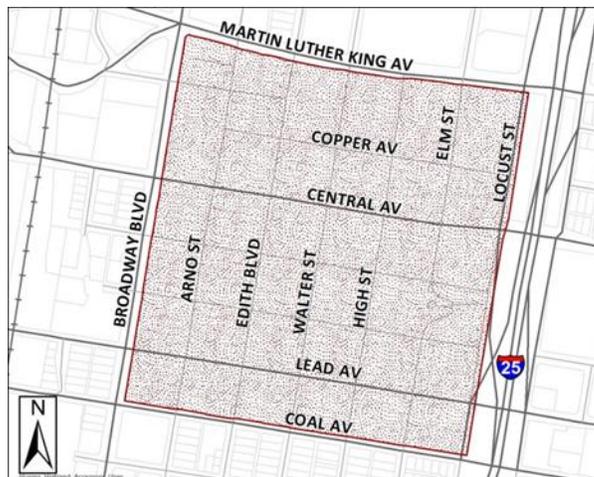
- 4-3(F)(5)(a) One (1) accessory dwelling unit is allowed per lot.
- 4-3(F)(5)(b) When an accessory dwelling unit is attached to a primary dwelling, only 1 dwelling unit entrance may face the front lot line.
- 4-3(F)(5)(c) In any Residential or Mixed-use zone district, a detached accessory dwelling unit shall be located behind the rear wall of a primary building. On corner lots, the accessory dwelling unit shall have the same minimum street side setback requirement as the primary building.
- 4-3(F)(5)(d) A detached accessory dwelling unit shall comply with any applicable provisions of Subsection 14-16-5-11(C)(2) (Garages
- 4-3(F)(5)(e) A garage that is accessed from the side (i.e. the garage door is perpendicular to the front façade of the primary building), the street-facing façade of the garage shall be articulated to resemble the façade of the primary building and shall include at least 5 linear feet of windows.
- 4-3(F)(5)(f) Rear-loaded residential garages shall be set back a minimum of 3 feet from an alley or street.
- 4-3(F)(5)(g) Accessory Buildings).
- 4-3(F)(5)(h) When accessory to a Permissive Primary use in any Non-residential zone district, this use is limited to lodging for 1 caretaker of the property.
- 4-3(F)(5)(i) Accessory dwelling units with kitchens are prohibited in the R-1 zone district, with exceptions in the following mapped areas, where they are allowed as a permissive or conditional accessory use, as noted below. Where it is a conditional accessory use, a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is required.
 - 1. Barelás – CPO-1
Accessory dwelling units are a conditional accessory use in the Barelás – CPO-1.

2. Downtown Neighborhood Area – CPO-3
 Accessory dwelling units are a permissive accessory use in the Downtown Neighborhood Area – CPO-3 if all of the following requirements are met.
 - a. The accessory dwelling unit shall not exceed 650 square feet of gross floor area. A garage or shed attached to an accessory dwelling unit shall not count toward this size limit.
 - b. A detached accessory dwelling unit shall not exceed the height of the primary dwelling or 18 feet, whichever is less.

3. High Desert Area
 Accessory dwelling units are a permissive accessory use in the following mapped area. An accessory dwelling unit shall not exceed 750 square feet of gross floor area. A garage or shed attached to the accessory dwelling unit shall not count toward this size limit.



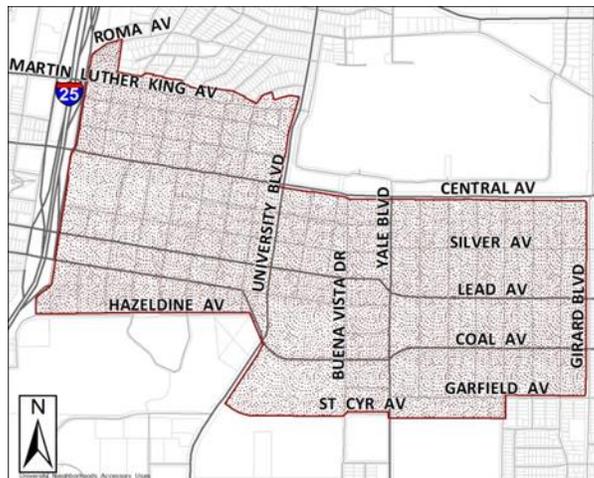
4. Huning Highland Area
 Accessory dwelling units are a conditional accessory use in the following mapped area.



5. Sawmill/Wells Park – CPO-11
Accessory dwelling units are a permissive accessory use on lots with a minimum of 7,000 square feet in the R-1 zone district in the Sawmill/Wells Park – CPO-11.
6. South Broadway Area
Accessory dwelling units are a conditional accessory use in the following mapped area.



7. University Neighborhoods Area
Accessory dwelling units are a conditional accessory use in the following mapped area.



8. Volcano Mesa – CPO-12
Accessory dwelling units are a permissive accessory use in the Volcano Mesa – CPO-12. An accessory dwelling unit shall not exceed 750 square feet of gross floor area. A garage or shed attached to the accessory dwelling unit shall not count toward this size limit.

4-3(F)(6) Family Care Facility

- 4-3(F)(6)(a) The operator of this use must obtain and maintain in effect at all times any city or state permit or license required for the operation of this use.
- 4-3(F)(6)(b) Only members of the residing household may provide care.
- 4-3(F)(6)(c) Any outdoor play area shall be enclosed by an opaque wall, fence, or vegetative screen at least 6 feet in height.
- 4-3(F)(6)(d) No sign is allowed.

4-3(F)(7) Family Home Daycare

- 4-3(F)(7)(a) The operator of this use must obtain and maintain in effect at all times any city or state permit or license required for the operation of this use.
- 4-3(F)(7)(b) Only members of the residing household may provide care.
- 4-3(F)(7)(c) Any outdoor play area shall be enclosed by an opaque wall, fence, or vegetative screen at least 6 feet in height.
- 4-3(F)(7)(d) Only a sign meeting the requirements for a home occupation is allowed.

4-3(F)(8) Hobby Breeder

- 4-3(F)(8)(a) The operator of this use must comply with all applicable city, state, and federal regulations and permitting procedures that govern the breeding of animals, including Article 9-2 of ROA 1994 (HEART Ordinance), enforced by the City Animal Welfare Department.
- 4-3(F)(8)(b) This use may be operated outside an enclosed structure.

4-3(F)(9) Home Occupation

- 4-3(F)(9)(a) The operator must obtain and maintain in effect at all times any city or state permit or license required for the operation of this use, including a business registration permit from the City.
- 4-3(F)(9)(b) The following uses from Table 4-2-1 and activities are not allowed as home occupations:
 - 1. Any use in the Agricultural or Animal-related category.
 - 2. Any use in the Food, Beverage, and Indoor Entertainment category.
 - 3. Any use in the Motor Vehicle-related category.
 - 4. Any use in the Industrial Uses category.
 - 5. Commercial services.
 - 6. Construction contractor facility and yard.
 - 7. Crematorium.
 - 8. Mortuary.
 - 9. Adult retail.
 - 10. Liquor retail.

11. Any use involving the storage or use of hazardous materials.
 12. Home-based food production or brewing of beverages for sale.
- 4-3(F)(9)(c) No more than 25 percent of the floor area of the dwelling unit where the operator of the home occupation(s) resides may be devoted to the home occupation(s), except that in the MX-T district up to 50 percent of the floor area of the dwelling unit may be devoted to home occupations. If more than one home occupation is conducted in the dwelling, these limits shall apply to all home occupations collectively, not individually.
- 4-3(F)(9)(d) Only members of the residing family may be employed to work on-site.
- 4-3(F)(9)(e) Only goods and services created on the premises may be sold on the premises.
- 4-3(F)(9)(f) All business activities shall be conducted in the primary building or an allowed accessory structure.
- 4-3(F)(9)(g) The outside appearance of the dwelling or unit shall not show evidence of the use, except that one non-illuminated sign is allowed. In any Residential zone district, the maximum size of the sign is regulated by Table 5-12-1. In any Mixed-use zone district, the sign may not exceed 2 square feet.
- 4-3(F)(9)(h) No provision for off-street parking or loading facilities, other than requirements for the residence in the applicable dwelling district, shall be allowed. No part of the minimum required yard shall be used for such off-street parking or loading purposes. No additional driveway to serve home occupations shall be allowed.
- 4-3(F)(9)(i) The home occupation shall not regularly attract more than 2 individuals simultaneously and shall not generate significantly greater traffic volume than would normally be expected in the residential area in which the home occupation is conducted.
- 4-3(F)(9)(j) Commercial vehicle visits to the property shall be limited to no more than 10 per consecutive 7-day period.
- 4-3(F)(9)(k) Customer visits and deliveries to the home occupation shall not occur between 10:00 P.M. and 7:00 A.M.

4-3(F)(10) Independent Living Facility

This use is only allowed when accessory to an assisted living facility or nursing home.

4-3(F)(11) Mobile Food Truck

- 4-3(F)(11)(a) For purposes of this Subsection 14-16-4-3(F)(11), "operation" of a mobile food truck includes any activity involved with food preparation or sales.
- 4-3(F)(11)(b) Mobile food trucks may remain in place for the following periods of time:

1. Indefinitely, if they do not occupy any required off-street parking spaces for the primary land use of the property.
 2. Up to 7 consecutive days, if they do not occupy more than 10 percent of the required off-street parking spaces for the primary land use on the property.
 3. For the amount of time specified on an approved Temporary Use Permit, if they occupy more than 10 percent of required off-street parking spaces for the primary land use on the property.
- 4-3(F)(11)(c) The mobile food truck operator must provide trash receptacles and remove them after use.
- 4-3(F)(11)(d) If more than 5 mobile food trucks are located on one lot, approval of a Site Plan – Administrative demonstrating adequate public access and safety and vehicle circulation must be approved by the City.
- 4-3(F)(11)(e) Mobile food trucks shall comply with all applicable City, state, and federal requirements, including but not limited to Part 9-6-5 of ROA 1994 (Health, Safety & Sanitation Code) and Part 9-9-4 of ROA 1994 (General Noise).
- 4-3(F)(11)(f) Mobile food trucks in the public right-of-way shall comply with Section 8-5-1-42 of ROA 1994 (Traffic Code).
- 4-3(F)(11)(g) This use is allowed to operate on private property in any Residential zone district, provided:
1. The mobile food truck has written permission from the property owner for use of the site and allowed location on the site, a copy of which shall be kept and maintained in the Mobile food truck and made available for review by any City inspector at all times during the operation of the mobile food truck at the site.
 2. The mobile food truck does not operate on the same residential property more than 12 days in any calendar year.
- 4-3(F)(11)(h) This use is allowed to operate on private property in any Mixed-use or Non-residential zone district, provided:
1. The mobile food truck and any associated tables, chairs, displays, umbrellas, or the like, do not physically occupy or obstruct access to any parking stalls necessary to meet the minimum parking requirements for any on-premises land uses, unless the mobile food truck is operating outside of the hours of operation of on-premises uses.
 2. The mobile food truck and any associated tables, chairs, displays, umbrellas, or the like, do not obstruct any designated ingress or egress from the property, or any designated drive-aisle.
 3. The mobile food truck has written permission from the property owner for use of the site and allowed location on the

site, a copy of which shall be kept and maintained in the mobile food truck and made available for review by any City inspector at all times during operation of the mobile food truck at the site.

4. The use is located on a paved surface.

4-3(F)(12) Mobile Vending Cart

4-3(F)(12)(a) All applicable Environmental Health and other City regulations shall apply to the operation of Mobile vending carts.

4-3(F)(12)(b) This use may be operated outside an enclosed structure.

4-3(F)(13) Outdoor Animal Run

4-3(F)(13)(a) This use may be operated outside an enclosed structure.

4-3(F)(13)(b) Where outdoor animal runs are allowed, they must be screened from any adjacent property in any Residential zone district or any lot containing a Residential use in any Mixed-use zone district by an opaque wall, fence, or vegetative screen at least 6 feet in height, made of materials similar in color and materials to those used on the primary building.

4-3(F)(13)(c) No animals shall be allowed to occupy the outdoor run between 10:00 P.M. and 7:00 A.M.

4-3(F)(14) Outdoor Dining Area

4-3(F)(14)(a) The outdoor dining area shall be accessory to the immediately abutting primary use, and the items sold for consumption in the outdoor dining area shall be sold in the immediately abutting primary use.

4-3(F)(14)(b) A decorative wall, fence, or similar barrier between 3 and 4 feet in height shall be erected and maintained along the perimeter of the use, which shall be located at least 6 feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.

4-3(F)(14)(c) If the use is located on a public sidewalk:

1. The owner or operator of the immediately abutting primary use shall be required to obtain a sidewalk encroachment permit from the City.
2. The depth of the area enclosed by a wall, fence, or barrier shall not be greater than 50 percent of the width of the sidewalk, measured from back of curb to the building edge closest to the sidewalk, and shall leave a clear pedestrian passage area at least 6 feet in width.
3. The area enclosed by a wall, fence, or barrier shall not contain any utility vault.
4. Before and after the immediately abutting primary business's hours of operation, all furniture, equipment, and goods shall

be removed from the sidewalk area or otherwise secured to prevent movement by natural elements or by unauthorized persons.

4-3(F)(14)(d) The use shall not include any open flames or other safety or health hazards, with the exception of tabletop candles.

4-3(F)(15) Parking of Non-commercial Vehicle

4-3(F)(15)(a) This section shall not apply to the parking of commercial vehicles on a temporary basis to provide a commercial service incidental to a residential use, such as delivery, repair, and utility installation and/or repair.

4-3(F)(15)(b) This use may occur outside an enclosed structure.

4-3(F)(15)(c) This use must be accessory to another permissive or approved conditional primary use on or adjacent to the property.

4-3(F)(15)(d) All motor vehicles that are not parked inside a building must be operative and must not be wholly or partially dismantled. Inoperative and dismantled vehicles shall comply with the provisions of Article 8-5 of ROA 1994 (Stopping, Standing, and Parking).

4-3(F)(15)(e) The parking of a recreational vehicle, boat, or recreational trailer is governed by the provisions of Subsection 14-16-4-3(F)(16).

4-3(F)(16) Parking of Recreational Vehicle, Boat, and/or Recreational Trailer

4-3(F)(16)(a) This use may occur outside an enclosed structure.

4-3(F)(16)(b) The vehicle must be parked in 1 of the following areas:

1. Inside an enclosed structure.
2. Outside in a side or rear yard.
3. Outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.

4-3(F)(16)(c) No part of the vehicle may extend over any public sidewalk or into any required corner clear sight triangle.

4-3(F)(16)(d) A vehicle may be parked anywhere on the premises during active loading or unloading.

4-3(F)(16)(e) No parked vehicle may be used for dwelling purposes, except one recreational vehicle may be used for dwelling purposes for a maximum of 14 days in any calendar year on any lot.

4-3(F)(16)(f) Cooking is not allowed in any vehicle at any time.

4-3(F)(16)(g) Butane or propane fuel shall not be used in any vehicle at any time.

4-3(F)(16)(h) Use of electricity or propane fuel is allowed when necessary to prepare a recreational vehicle for use.

4-3(F)(16)(i) A vehicle may not be permanently connected to sewer lines, water lines, or electricity. A vehicle may be connected to electricity temporarily for charging batteries and other purposes if the

receptacle and the connection from the recreational vehicle have been inspected and a permit issued by the City as meeting the adopted electrical code. The individual taking out the permit must call for an inspection of the electrical wiring when ready for inspection, and standard inspection fees will be charged.

4-3(F)(16)(j) The vehicle may not be used for storage of goods, materials, or equipment other than those items considered part of the unit or essential for its immediate use.

4-3(F)(17) Second Kitchen within a House

4-3(F)(17)(a) This use must be accessory to a single-family or two-family detached dwelling.

4-3(F)(17)(b) The kitchen must be incidental to occupancy of the entire house in common by members of 1 family, and 2 distinct dwelling units may not be created.

4-3(F)(18) Other Use Accessory to Non-residential Primary Use

4-3(F)(18)(a) This use may be operated outside an enclosed structure.

4-3(F)(18)(b) Unless accessory to a religious institution, the use must be intended primarily for the use of occupants of the building.

4-3(F)(18)(c) Unless accessory to a religious institution, the use is limited to a maximum of 10 percent of the gross floor area of the primary building.

4-3(F)(18)(d) In any Mixed-use zone district, this use must be accessory to a primary use in any use category other than Residential.

4-3(F)(19) Other Use Accessory to Primary Residential Use

4-3(F)(19)(a) The use must be intended for the exclusive use of residents of the premises on which the accessory use is located, and their invited guests.

4-3(F)(19)(b) This use may be operated outside an enclosed structure.

4-3(F)(19)(c) In any Mixed-use zone district, this use must be accessory to a primary use in the Residential use category.

4-3(G) TEMPORARY USES

Temporary uses require a Temporary Use Permit pursuant to Subsection 14-16-6-5(l) unless specified otherwise in the Use-specific Standards below.

4-3(G)(1) Circus

4-3(G)(1)(a) A Site Plan – Administrative demonstrating adequate parking, vehicle circulation, and toilet facilities for anticipated employees and attendees is required to be approved by the City pursuant to Subsection 14-16-6-5(G) prior to any activity related to the use.

4-3(G)(1)(b) The tent and other facilities are required to be approved by the Fire Marshall as having met the requirements of Article 14-2 of ROA 1994 (Fire Code) prior to any activity related to the use.

- 4-3(G)(1)(c) This use is allowed for a period not to exceed 10 days in any calendar year, and may operate (including erection and dismantling of equipment) between the hours of 7:30 A.M. and 10:30 P.M.
- 4-3(G)(1)(d) One (1) temporary sign of not more than 100 square feet is allowed from the time equipment erection begins until dismantling of equipment ends.
- 4-3(G)(1)(e) This use must be located at least 300 feet from any Residential zone district or residential component of any Mixed-use zone district.

4-3(G)(2) Construction Staging Area, Trailer, or Office

- 4-3(G)(2)(a) This use may not begin, and any structure for the use may not be installed, more than 30 consecutive days before site construction begins.
- 4-3(G)(2)(b) This use may only be located on the lot for the following timeframes:
1. If associated with a construction project, from 30 consecutive days before construction begins to 30 consecutive days after issuance of a certificate of occupancy for a structure, or 30 consecutive days after construction finishes if no certificate of occupancy is required.
 2. If specified in a special event permit approved by the City, from 7 consecutive days before to 7 consecutive days after the approved event.
 3. If neither Subsection 1 nor 2 above applies, then not longer than a period of 30 consecutive days.
- 4-3(G)(2)(c) This use may not occur in any required front yard area or between the front façade of a primary building and the street, but a trailer may be parked anywhere on the site for a period of up to 3 consecutive days for active loading and unloading.
- 4-3(G)(2)(d) The body of the trailer shall be set back at least 5 feet from any lot line and 8 feet from the building or structure under construction.
- 4-3(G)(2)(e) If work on the project has been dormant for a period of 6 or more months, the trailer must be removed, unless an extension is granted by the Planning Director based on an anticipated construction restart date.
- 4-3(G)(2)(f) Where temporary dwelling units are allowed, the construction trailer or office may be used as a temporary dwelling unit provided it meets all applicable building and occupancy requirements for a temporary dwelling unit.

4-3(G)(3) Dwelling Unit, Temporary

- 4-3(G)(3)(a) This use must be associated with a permissive primary use, approved conditional use, or allowed temporary use on the

property and located in a structure on the same premises as the activity or construction that it serves.

4-3(G)(3)(b) This use may only be located on the lot for the following timeframes:

1. If associated with a construction project, from 30 consecutive days before construction begins to 30 consecutive days after issuance of a certificate of occupancy (for a structure) or 30 days after construction finishes (if no certificate of occupancy is required).
2. If associated with a special event approved by the City or permitted under this IDO, from 7 consecutive days before to 7 consecutive days after the event, or as stated in any approval for the event approval issued by the City.
3. If neither Subsection 1 nor 2 above applies, then not longer than a period of 30 consecutive days.

4-3(G)(4) Fair, Festival, or Theatrical Performance

Limited to 7 consecutive days and to 45 days in any calendar year unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A).

4-3(G)(5) Garage or Yard Sale

4-3(G)(5)(a) The duration of any sale shall not exceed 3 consecutive days.

4-3(G)(5)(b) For low-density residential development: no more than 2 sales within a 12-month period.

4-3(G)(5)(c) For multi-family residential development: no more than 4 sales within a 12-month period.

4-3(G)(6) Hot Air Balloon Takeoff and/or Landing

Hot air balloon takeoff and/or landing are prohibited in the Air Space and Runway Protection Sub-areas of the Airport Overlay Zone. See also Section 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations).

4-3(G)(7) Open Air Market

May only be operated for up to 60 consecutive days.

4-3(G)(8) Park-and-Ride Facility, Temporary

This use shall be limited to the time period specified in any agreement with the property owner.

4-3(G)(9) Real Estate Office or Model Home

4-3(G)(9)(a) This use may not begin, and any structure containing the use may not be installed, more than 30 consecutive days before site construction begins.

4-3(G)(9)(b) This use must terminate, and any structure containing the use must be removed from the site, no later than 30 consecutive days after issuance of the certificate of occupancy for the last unit or portion of the development is issued.

4-3(G)(9)(c) If work on the project has been dormant for a period of 6 months or more, the structure containing this use must be removed unless an extension is granted by the Planning Director based on an anticipated construction restart date.

4-3(G)(9)(d) One (1) wall, window, or yard sign of up to 4 square feet is allowed.

4-3(G)(9)(e) Where temporary dwelling units are allowed, the structure containing this use may also be used as a temporary dwelling unit provided it meets all applicable building and occupancy requirements for a temporary dwelling unit.

4-3(G)(10) Seasonal Outdoor Sales

This use is limited to a total of 45 days in any calendar year.

4-3(G)(11) Temporary Use Not Listed

This use may be approved on a case-by-case basis if the City Planning Department determines that the use has a demonstrable public purpose, will not create material adverse impacts on surrounding area, and will not exceed 45 consecutive days. A traffic management plan may be required.

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