

§ 14-16-2-16 C-1 NEIGHBORHOOD COMMERCIAL ZONE.

This zone provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas.

(A) **Permissive Uses.** Permissive uses, provided there is no outdoor storage or activity except parking and as specifically allowed below:

- (1) Antenna, up to 65 feet in height.
- (2) Institution:
 - (a) Church or other place of worship, including incidental recreational and educational facilities. Incidental uses allowed include but are not limited to an emergency shelter operated by the church on the church's principal premises which is used regularly for public worship, notwithstanding special limitations elsewhere in this Zoning Code.
 - (b) Club, provided there is no liquor license.
 - (c) Library.
 - (d) Museum.
 - (e) Schools, including a private school which serves to provide basic education to children as is provided in public schools in grades K through 12, and excluding all other private schools.
- (3) Office.
- (4) Office machines and equipment sales and repair.
- (5) Park-and-ride temporary facilities.
- (6) Public utility structure, provided its location is in accord with an adopted facility plan and a site development plan for building permit purposes has been approved by the Planning Commission.
- (7) Residential uses permissive in the R-3 Zone with the following requirements and exceptions:
 - (a) Relationship to Sector Development Plans.
 1. Where SU-2 zones refer to the C-1 zone and specify regulations for residential uses that impose different restrictions and/or development standards than those contained in this section, the provisions of the SU-2 zones shall prevail.
 2. Where SU-2 zones refer to the C-1 zone but do not specify provisions for the regulation of residential uses, residential development shall be regulated by section (B)(6) below.
 - (b) Site, or any portion thereof, shall be located within 660 feet from the right-of-way line of a Major or Enhanced Transit Corridor or within a Community or Major Activity Center as designated by the Comprehensive Plan, or be located within a designated Metropolitan Redevelopment Area (MRA).

- (c) Houses are not allowed.
- (d) Residential uses may be part of a vertical mix of uses (e.g., residential over commercial or residential over office).
- (e) Where residential uses are proposed, the following regulations shall apply:
 - 1. Area: minimum of 0.5 acres.
 - 2. Height: Pursuant to the R-3 Zone, including mixed use buildings with a residential component, may use the R-3 height limits and are not capped by § 14-16-2-16(C).
 - 3. Number of dwelling units: Maximum 30 dwelling units per acre; however, residential structures constructed in applicable sites located within 660 feet of the centerline of San Mateo Blvd., Central Ave. and Montgomery Blvd. may have up to 50 dwelling units per acre.
 - 4. Density: The total square footage of all buildings shall achieve a minimum floor area ratio of 0.3.
 - 5. Usable open space: Pursuant to the R-3 Zone. At least 50% of the required open space shall be provided in the form of shared or aggregate open space.
 - 6. Parking requirements and allowances:
 - a. One space/unit;
 - b. Shared Parking: As provided in § 14-16-3-1(E)(6)(b) except that parking for residential uses is eligible for a shared parking exception.
 - c. On-street parking credit: one space per available, adjacent on-street parking space.
 - 7. Approval process: Site Development Plan for Building Permit approval by the Environmental Planning Commission for sites five acres in size and larger. Site development plan approval by the Planning Director or his/her designee for sites under five acres in size.
 - 8. For new residential development, in addition to the applicable General Regulations in the City Zoning Code, the following regulations must also be met:
 - a. Building Frontage and Articulation. The following regulations shall apply to all facades fronting a street:
 - i. The design standards of § 14-16-3-18(C)(2)(a), (b), (c), (d) and (e) shall apply.
 - ii. The design standards of § 14-16-3-18 (D)(2), except section (h), shall apply.
 - iii. A minimum of 30% of the ground floor shall have windows. For facades with doors, the percentage of windows may be reduced to 20%.

- iv. Upper floors shall have a minimum of 20% glazing.
 - v. The primary entry to the building shall be oriented toward the street or within 50 feet of a central courtyard.
 - b. Alleys: Existing alleys should remain in place to provide access to a site.
 - c. Building Placement:
 - i. Buildings shall be set back 0 to 15 feet from property lines adjacent to a street.
 - ii. Side and rear setbacks shall be pursuant to the underlying zone.
 - d. Pedestrian Access: Residential uses shall provide direct pedestrian connections from the residential building(s) to all street sidewalks and to other building(s) on the premise or project site. See § 14-16-3-1(H).
 - e. Landscaping:
 - i. Building setbacks not used for pedestrian activity shall have a minimum landscape area of 50%. Asphalt is not a permitted material within the setback area.
 - ii. Landscaping on roof decks may be counted toward the required area landscaping as regulated by § 14-16-3-10.
 - f. Parking Placement: Parking shall be located to the rear or to the side of a building, in a common parking area located interior to the block, or in a combination of the above. Parking is not permitted between a building and the street on which it fronts. Parking areas between a building and a side street are limited to 64 feet in width and shall have landscaped buffers facing the streets with a minimum depth of four feet and a screen wall with a minimum height of 36 inches. Wall material shall be as regulated by § 14-16-3-19(C).
 - g. Signage: Signage shall be as regulated by the O-1 zone, with the following exceptions:
 - i. Building-mounted signs shall be limited to 25 square feet.
 - ii. No more than one wall-mounted sign per building façade.
 - iii. Freestanding signs are not permitted on premises of under five acres.
 - iv. The maximum height of freestanding signs is eight feet.
 - 9. Redevelopment of existing structures that results in a net 25% increase in square footage shall comply with the preceding regulations as determined by the Planning Director or his or her designee.
- (8) Retail sales of the following goods, plus incidental retailing of related goods and incidental service or repair:

- (a) Arts and crafts objects, supplies, plus their incidental creation provided there is little or no reproduction of substantially identical objects.
- (b) Auto parts and supply.
- (c) Books, magazines, newspapers, stationery, provided that no such material is advertised to be forbidden to be sold to minors.
- (d) Christmas trees, including outside sales, provided the use is limited to 45 days in one calendar year.
- (e) Clothing, shoes, dry goods.
- (f) Cosmetics, notions, hobby supplies.
- (g) Drugs, medical supplies.
- (h) Flowers and plants, including minor and incidental outdoor sales.
- (i) Food and drink for consumption on premises, provided:
 - 1. There shall be no drive-in restaurant, and
 - 2. Alcoholic drink may be sold only under a restaurant license for sale of beer and wine, as provided by Section 60-6A-4 NMSA 1978. The sale of beer and wine under a restaurant license, however, is prohibited within 500 feet of a community residential program or hospital for treatment of substance abusers pursuant to § 14-16-3-12(A)(11) ROA 1994.
- (j) Furniture, household furnishings, and appliances.
- (k) Gasoline, oil, liquefied petroleum gas, including outside sales, provided:
 - 1. Location: the site shall be located on a collector or higher-ranking street.
 - 2. Site design.
 - a. Number of fueling positions. The permissive number of above-ground fuel dispenser units shall be limited to four, with up to eight vehicle fueling positions (one per side), provided the on-site vehicle stacking requirements of § 14-16-2-16 (A)(8)(k)(2)(d) are met.
 - b. Vehicle access points. Vehicle access points shall accommodate all vehicle types expected to enter the site. Each street that provides access to the site shall have either (a) two travel lanes in each direction, or (b) a center turn lane with access to the site. To maintain pedestrian and traffic circulation, no more than one vehicle access point shall be located along any one street for sites at the intersection of any two streets. Sites located mid-block and accessed by a single street shall have no more than two access points. Access points shall be located as far from public street intersections as possible, but no closer than 20 feet from adjacent properties unless shared with an adjacent property owner.

- c. Public alleys. Site access points may open to a public alley, provided that the alley subsequently intersects with a street as described in § 14-16-2-16(A)(8)(k)(2)(a) above, and site adjacency requirements for alley access as described in § 14-16-2-16(A)(8)(k)(2)(f) below are met. Access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street, and shall be a maximum of 25 feet wide. Unimproved alleys shall be paved to meet city standards if used to access site.
 - d. Vehicle stacking. Sites shall be designed so that for every fueling position there is an on-site vehicle stacking space for one vehicle in addition to the vehicle parked at the fueling position. Vehicle stacking spaces shall be a minimum of 10 feet in width by 20 feet in length and shall be distinct from on-site vehicle drive aisles and parking spaces. Multiple required vehicle stacking spaces may be located behind the first fueling position in a row of fueling positions.
 - e. Fuel delivery. Sites shall be designed so that wholesale fuel delivery occurs away from on-site vehicle drive aisles and site access points.
 - f. Adjacency. Where a site is contiguous to a residential zone, the additional buffer landscape and opaque wall regulations in § 14-16-3-10(E)(4) of the Zoning Code shall apply. Where a site is separated from a residential zone by an alley which is to be used to service a vehicle access point as described in § 14-16-2-16(A)(8)(k)(2)(b), additional buffer landscaping regulations outlined in § 14-16-3-10(E)(4), subsections (a), (b) and (d) shall apply on the site side of the alley. Additionally, bollards or a wall a minimum of three feet in height shall be erected along the side of the landscape buffer which abuts the alley to protect the landscaping from vehicles turning into the site from the alley.
3. Redevelopment of existing sites. Redevelopment of existing sites is exempt from § 14-16-2-16(A)(8)(k)(1) and (2) of this section, provided that the site was used for sale of gasoline, oil or liquefied petroleum gas within the 12 months preceding the application for building permit.
- (l) Hardware, building materials, provided it is in a completely enclosed building.
 - (m) Jewelry.
 - (n) Musical instruments and supplies.
 - (o) Pets, provided there is no outside pen. One outside exercise run is permitted, provided it is enclosed with a solid wall or fence at least six feet high, and no more than one animal is permitted in the run at any one time.
 - (p) Photograph equipment.
 - (q) Sporting goods.
- (9) Radio and television station.
- (10) Services:

- (a) Automobile, bicycle and motorized bicycle (moped) repairing, but no body work. Repairing shall be done within a completely enclosed building at least 20 feet from any residential zone.
- (b) Banking, loaning money, including pawn. Drive-in facilities permitted on the condition the vehicle movement plan is approved by the Traffic Engineer.
- (c) Barber, beauty.
- (d) Car washing.
- (e) Day care center.
- (f) Dry cleaning, laundry, clothes pressing, provided:
 - 1. Only nonflammable or noncombustible materials are used in the cleaning process.
 - 2. The number of persons employed in the establishment is limited to three, excluding pressers, office, clerical, or delivery personnel.
 - 3. That portion of the structure in which any cleaning process is done is at least 50 feet from any residential zone.
- (g) Games, electronic and pinball, provided:
 - 1. They are within a completely enclosed building; and
 - 2. If the games are within 100 feet of a residential zone there shall be no more than four game machines per business.
- (h) Health Gymnasiums.
- (i) Instruction in music, dance, fine arts, crafts, modeling; training of dogs which are not boarded on the premises.
- (j) Interior decorating.
- (k) Medical or dental laboratory.
- (l) Parking lot, as regulated in the O-1 zone.
- (m) Pet grooming.
- (n) Photography, photocopy, except adult photo studio.
- (o) Repair of shoes, household equipment.
- (p) Small animal clinic.
- (q) Tailoring, dressmaking.
- (r) Taxidermy.

(11) Sign, off-premise, as in § 14-16-3-5 of this Zoning Code, and further provided:

(a) Location.

1. Only wall signs and free-standing signs are permitted in the Established or Redeveloping Areas.
2. Only wall signs are permitted in the Developing or Semi-Urban Areas.
3. No sign shall be nearer than 300 feet to any other off-premise sign.
4. No free-standing sign erected after January 1, 1976, shall be nearer than 100 feet to any preexisting on-premise sign.
5. No sign shall be nearer than 12 feet to any public street right-of-way.
6. No sign shall be nearer than 150 feet to any conforming residential property.

(b) Size. Sign area of any sign shall not exceed 72 square feet. An additional add-on sign area of six square feet is permitted.

(c) Height. Sign height shall not exceed 15 feet, except the height of an add-on sign may be up to but shall not exceed 18 feet.

(d) Illumination. No sign shall be illuminated.

(e) Motion. Signs or sign parts shall not move.

(12) Sign, on-premise, as provided in § 14-16-3-5 of this Zoning Code, and further provided:

(a) Location.

1. A sign shall not overhang into the public right-of-way, except wall signs may protrude up to one foot into the public right-of-way.
2. Building-mounted signs extending above the roof shall be permitted only if they are a continuation of the plane of a facade or of a projecting sign.
3. Projecting signs shall not project horizontally more than four feet.

(b) Number.

1. No limit on number of wall signs.
2. In the Established or Redeveloped Areas, one free-standing sign or projecting sign shall be permitted for each street frontage of each premises, or joint sign premises, provided the street frontage is at least 100 feet wide. A portable sign may also be permitted pursuant to the General Signage Regulations.
3. In the Developing Semi-Urban, or Rural and Open Areas:
 - a. Projecting signs as in division 2. above.

- b. No free-standing signs on premises of under five acres, except a portable sign may also be permitted pursuant to the General Signage Regulations.
 - c. One free-standing sign shall be permitted on premises of five acres or more, provided the street frontage is at least 100 feet wide.
 4. One canopy sign per entrance or exit shall be permitted.
 - (c) Size.
 1. Size of Free-Standing or Projecting Signs. Sign area for a free-standing or projecting sign shall not exceed the following area:
 - a. 75 square feet if the most important street abutting the lot is a local street.
 - b. 100 square feet if the most important street abutting the lot is a collector street, arterial street, or freeway.
 2. Size, Building-Mounted Signs, Except Projecting Signs:
 - a. A building-mounted sign on premises or joint sign premises where there is no free-standing on- or off-premise sign shall not exceed the following:
 - i. Twenty percent of the area of the facade to which it is applied, if the sign is not wholly visible from an abutting arterial or collector street or freeway; or
 - ii. Twenty-five percent of the area of the facade to which it is applied, if the sign is wholly visible from an abutting arterial or collector street or freeway.
 - b. A building-mounted sign, on a premises or joint sign premises where there is a free-standing or projecting on-premise sign or any off-premise sign, shall not exceed one-half the percentage of facade area listed in division a. above.
- (d) Height.
 1. Height of a free-standing sign shall not exceed 26 feet, except a sign that is within 200 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, may be up to but shall not exceed 26 feet above the freeway at its closest point.
 2. Height of a building-mounted sign shall not exceed five feet above the height of the building, or it shall not exceed 30 feet, whichever is lower.
- (e) Illumination, Motion, Lettering. No regulations, apart from the general sign regulations.
- (f) Exceptions.
 1. Permitted building-mounted sign area from the front and sides of the principal building of the business may be transferred from the building to a customer service area of the same business on the same premises, provided the height of

such signs shall not exceed 15 feet and setback shall be at least ten feet; such signing shall not be considered free-standing.

2. Any exceptions allowed for shopping centers, in order to provide adequate signing in special situations, shall be as provided under § 14-16-3-2 of this Zoning Code. Such a sign exception must be specifically defined in the Planning Commission resolution. Shopping centers approved prior to the effective date of this Zoning Code shall comply with sign regulations in this article, unless an exception is specifically defined in a Planning Commission resolution.
- (13) Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed, or work on the project has been dormant for a period of six or more months, and further provided that it is limited to a period of one year unless the time is extended by the Planning Director.
 - (14) Uses or activities in a tent, if the uses or activities are listed elsewhere in this subsection, provided:
 - (a) The tent may not be erected for more than seven days at a time and may not be erected more than two times a year on a given premises; and
 - (b) There is sufficient paved off-street parking available on the premises to meet the parking requirements for all uses on the premises, including the activity in the tent. The Zoning Enforcement Officer shall approve the site plan for the tent, which shall demonstrate adequate parking and vehicle circulation, prior to erection of the tent; and
 - (c) There are toilet facilities on the premises available to the users of the tent; and
 - (d) The City Fire Marshal or his authorized representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
 - (15) Wireless Telecommunications Facility, provided that the requirements of § 14-16-3-17 of this Zoning Code are met, and as specifically allowed below:
 - (a) A concealed wireless telecommunications facility, up to 65 feet in height.
 - (b) A collocated free-standing wireless telecommunications facility, up to 75 feet in height.
 - (c) A face-mounted wireless telecommunications facility.
 - (d) A roof-mounted free-standing wireless telecommunications facility, up to 20 feet above the parapet of the building on which it is placed.
 - (e) A wireless telecommunications facility, the antennas of which are all mounted on an existing vertical structure.

(B) Conditional Uses.

- (1) Antenna, over 65 feet in height.
- (2) Apartment, as permitted in division (A)(7) above, if there are more than 30 dwelling units per acre but not more than 50 dwelling units per acre. Conditional use applications shall be considered on the basis of a site plan.

- (3) Auto, trailer, and truck rental, service, storage, provided at least the following is complied with:
 - (a) The lot is graded and surfaced as follows:
 1. Blacktop or equal. Two inches of asphaltic concrete on a prime coat and a four inch compacted subgrade, or a surface of equal or superior performance characteristics.
 2. Such paving shall be maintained level and serviceable.
 - (b)
 1. A fence or wall which prevents vehicles from extending beyond the property line shall be erected. However, if the wall or fence plus retaining wall would have an effective height of over eight feet on the residential side, the Zoning Hearing Examiner shall decide the required height; such decision shall be made by the same process and criteria required for a conditional use.
 2. In a parking structure there shall be a six foot high solid wall on every parking level, where the structure is within 19 feet of privately owned land in a residential zone.
 - (c) Trucks and trailers parked outdoors for rental or storage, provided:
 1. Such vehicles shall not exceed 35 feet in length, 12 feet in height, or a registered gross vehicle weight capacity of 26,000 lbs. The body of trailers shall not be over 14 feet long unless it is a recreational vehicle.
 2. No such vehicles shall be truck tractors or road tractors.
 3. Parked or stored vehicles shall not cover more than 25% of the premises.
 4. Special restrictions on types and number of such vehicles as well as screening and location of parking shall be imposed if appropriate and necessary to protect the neighborhood.
 - (d) Vehicle repairing, done within a completely enclosed building and at least 20 feet from any residential zone.
- (4) Bicycle and motorized bicycle (moped) sales and rental, provided that outdoor display is permitted only 50 feet or more from any residential zone.
- (5) Community Residential Program except not either Community Residential corrections program or Community residential program for substance abusers: up to 18 client residents, provided that the standards of § 14-16-3-12 of this Zoning Code are met.
- (6) Drive-up service window, except where listed as permissive in this zone, provided that the vehicle movement plan is approved by the Traffic Engineer, and further provided that the service window and any associated order board are located at least 75 feet from any residential zone. Drive-up service windows in existence upon the effective date of this Zoning Code shall be considered as approved conditional uses.
- (7) Dwelling unit (house, townhouse, apartment), for properties that do not meet the criteria of divisions (A)(7)(b) and (A)(7)(e)1 above or with SU-2 zoning that refers to the C-1 zone but does not specify provisions for the regulation of residential uses, provided:

- (a) There are not over 30 dwelling units per net acre.
 - (b) Usable open space is provided on site in an amount equal to 400 square feet for each efficiency or one-bedroom dwelling unit, 500 square feet for each two-bedroom unit, and 600 square feet for each dwelling unit containing three or more bedrooms. If located in an area designated by the master plan as "Developing" or "Semi-Urban," the total open space requirements of the R-D or RA-1 zone, respectively, shall be met.
 - (c) Development shall comply with the regulations specified in division (A)(7)(e)8 above.
- (8) Fireworks sales, provided the use is limited to 45 days in one calendar year.
- (9) Games within a completely enclosed building, operated for profit, and not permissive in this zone.
- (10) Kennel, provided:
- (a) It is in a completely enclosed building.
 - (b) It is no closer than 30 feet from any residential zone.
 - (c) The noise from the kennel does not exceed the ambient noise level as defined in § 9-9-2, Noise Control, when measured 30 feet from any exterior wall of the kennel.
- (11) One mobile home for a watchman or caretaker on the same premises developed with a commercial building or use provided that the mobile home shall not be within 100 feet of a lot in a residential zone or a dwelling unit in any zone.
- (12) Mortuary.
- (13) Outdoor storage or activity except as specifically listed as a permissive or conditional use in this section and as further provided below:
- (a) The outdoor storage or activity is part of a use on the same premises, which use is a permissive only within a building in this zone.
 - (b) Outdoor uses which would impact their environs with appearance, light, noise, odor, or similar environmental problems likely to be unpleasant to neighboring premises and uses shall not be approved.
 - (c) Outdoor conditional uses may justify special buffering to prevent the activity from negatively impacting adjacent land.
 - (d) Outdoor restaurant seating located within 75 feet of a residential zone.
- (14) Park-and-ride joint-use facilities, if it is determined that under the conditions imposed there will not be a shortage of on-site parking for the activities on the site; in such situations, no parking variance is required.
- (15) Photo direct off-set printing, perforating, scoring, cutting, and other light duty printing services provided:
- (a) The number of persons engaged in the business is limited to five excluding secretarial, clerical, and delivery personnel; and

- (b) Activities or products are not objectionable due to noise, vibration or other cause.
- (16) Public utility structure which is not permissive.
- (17) Recycling bin as an accessory use on the site, as provided in § 14-16-3-15 of this Zoning Code.
- (18) Restaurant serving liquor, provided that the restaurant is located within a shopping center site for which a site development plan has been approved.
- (19) Retail sales of gasoline, oil, liquefied petroleum gas, including outside sales, where there are more than eight vehicle fueling positions or four two-sided fuel dispenser units.
- (20) Schools, other than public.
- (21) Storage of household goods, office records, equipment or material reasonable to neighborhood function provided:
 - (a) All activities are conducted within a completely enclosed building, the scale and style of which fits its location;
 - (b) Individual storage cubicles, units, or facilities are not each directly accessible from outside the enclosed building; and
 - (c) Direct access to the premises from an arterial or collector street is available.
- (22) Uses or activities in a tent. If the uses or activities are listed elsewhere in this section, provided there is sufficient paved off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent, and provided that the City Fire Marshal [i.e., the Chief of the Fire Prevention Bureau] or his authorized representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (23) Wireless Telecommunications Facility, Roof-Mounted, up to 20 feet above the parapet of the building on which it is located, provided that the requirements of § 14-16-3-17 of this Zoning Code are met.
- (C) **Height.** Structures shall not exceed 26 feet except as provided in § 14-16-3-3 of this Zoning Code, and for sign and antenna height, in division (A) of this section.
- (D) **Lot Size.** No requirements.
- (E) **Setback.** Setback shall be as provided in the O-1 zone.
- (F) **Off-Street Parking.** Off-street parking shall be as provided in § 14-16-3-1 of this Zoning Code.
- (G) **Shopping Center Regulations.** Any site in this zone classified as a Shopping Center site, as defined in § 14-16-1-5 of this Zoning Code, is subject to special site development regulations. The Shopping Center Regulations are provided in § 14-16-3-2 of this Zoning Code.

(‘74 Code, § 7-14-21) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 87-1976; Am. Ord. 88-1976; Am. Ord. 1-1977; Am. Ord. 13-1977; Am. Ord. 26-1977; Am. Ord. 74-1977; Am. Ord. 30-1978; Am. Ord. 31-

1978; Am. Ord. 38-1978; Am. Ord. 61-1980; Am. Ord. 74-1980; Am. Ord. 66-1981; Am. Ord. 94-1981; Am. Ord. 39-1983; Am. Ord. 40-1983; Am. Ord. 54-1983; Am. Ord. 101-1983; Am. Ord. 102-1983; Am. Ord. 74-1985; Am. Ord. 63-1986; Am. Ord. 41-1987; Am. Ord. 12-1990; Am. Ord. 30-1990; Am. Ord. 47-1990; Am. Ord. 63-1990; Am. Ord. 69-1990; Am. Ord. 26-1991; Am. Ord. 43-1991; Am. Ord. 2-1994; Am. Ord. 58-1995; Am. Ord. 9-1999; Am. Ord. 10-2004; Am. Ord. 4-2005; Am. Ord. 43-2005; Am. Ord. 7-2006; Am. Ord. 23-2007; Am. Ord. 5-2008; Am. Ord. 6-2009; Am. Ord. 19-2010; Am. Ord. 27-2011; Am. Ord. 2012-004; Am. Ord. 2012-021)

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