

**City of Aztec**  
**Ordinance 2024-550**  
**An Ordinance Amending Chapter 26 Land Use**

**WHEREAS**, Community Development seeks to amend the Land Use code removing animals, correcting processes to include the Planning and Zoning Board and update the regulations adding Agricultural/Residential (AR-1) Single-Family District, proposing this for properties that are 1-3 acres; and

**WHEREAS**, discussions with Animal Control raised conflicts between Chapter 26 Land Use and Chapter 5 Animals with regards to animal regulations within the City Code; and

**WHEREAS**, staff determined that it was more appropriate to remove animal regulations from Chapter 26 Land Use and have all animal regulations reside within Chapter 5 Animals to avoid conflicts with Chapter 26 Land Use; and

**WHEREAS**, community development found under “Procedures” the need to add the Planning and Zoning Board to the process of Zone Changes, Special Use, Conditional Use and Variance permits.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Bod of the City of Aztec, New Mexico, that Ordinance 2024-550 Amending Chapter 26 be adopted as attached.

**PASSES, APPROVED, SIGNED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024. By the Aztec City Commission, City of Aztec, New Mexico

\_\_\_\_\_  
Michael A. Padilla, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Karla Sayler, City Clerk CMC

APPROVE AS TO FORM:

\_\_\_\_\_  
City Attorney

Advertised Date of Final Adoption: \_\_\_\_\_

Effective Date of Ordinance: \_\_\_\_\_

## Chapter 26 LAND USE REGULATIONS

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### ARTICLE I. IN GENERAL

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#### **Sec. 26-1-1. Title.**

These Regulations including the Zoning Districting Map, shall be known and cited as the "Official Land Development Ordinance" of the City of Aztec and constitutes the comprehensive Land Development plan.

(Code 2007, 26-1)

#### **Sec. 26-1-2. Application.**

All development of property is governed according to the district in which it is located. Any use not classified as permitted or conditional within a particular district is hereby prohibited from that district, except as otherwise provided within this regulation. The districts and boundaries described within this document are shown on the official "Land Development Map" available in an up-to-date form in the City Administration Building.

(Code 2007, 26-2)

#### **Sec. 26-1-3. Purpose.**

The regulations, restrictions and requirements of this ordinance have been made in accordance with the Comprehensive Plan of the City of Aztec (July 1999), and are intended to promote the general health, safety, and welfare of the residents of Aztec. Such regulations, restrictions, and requirements are deemed necessary in order to regulate and restrict within the Corporate Limits of the City of Aztec, as they exist at any given time, the following:

1. Height, number of stories, and size of buildings and other structures;
2. Size of yards, courts and other open spaces;
3. Percentage of a lot that may be occupied;
4. Density of population, and;
5. Location and use of buildings, structures and land for trade, industry, residence, or other purpose, to encourage and facilitate the orderly growth and expansion of the City;
6. Land Use Patterns and Community Character.

Furthermore, the purpose of these regulations is to promote the development of the City of Aztec with respect to the traditional nature of its development pattern. Patterns and Community Character may be described by the following:

7. Establishing rational land use and growth patterns and encouraging the most appropriate use of individual pieces of land in accordance with the Comprehensive Plan.
8. Encouraging neighborhoods of diverse use and population;

9. Encouraging communities designed with respect to pedestrians and multi-modes of transit including bicycles, walking and potentially future public transit as well as the automobile.
10. Encouraging communities designed and shaped by physically defined and universally accessible public spaces and community institutions;
11. Encouraging communities framed by architecture and landscape design that celebrate local history, climate, ecology and building practice.  
(Code 2007, 26-3)

#### **Sec. 26-1-4. Severability.**

If for any reason any one or more sections, sentences, clauses or parts of this ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance but shall be confined to its operation in the specific sections, sentences, clauses or parts of this ordinance held invalid and the invalidity of any section, sentence, clause or part of this ordinance in any one or more instances shall not affect or prejudice in any way the validity of this ordinance in any other instance.

(Code 2007, 26-4)

#### **Sec. 26-1-5. Information.**

The Planning Department shall maintain an office to supply the public with information about land development, shall maintain the Official District Map in its current form, and shall issue certificates or letters showing the districts when requested. All matters relating to land development shall be filed and maintained within the Planning Department.

(Code 2007, 26-5)

#### **Sec. 26-1-6. Interpretation.**

In interpreting and applying the provisions of Chapter 26 they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, and general welfare. It is not intended by this chapter to interfere with or conflict or void any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any provisions of this chapter; nor is it intended by this chapter to interfere with or abrogate or void any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use buildings or premises or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this chapter shall control.

(Code 2007, 26-6)

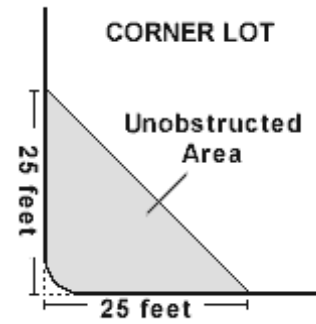
#### **Sec. 26-1-7. Prohibited or Restricted.**

The following is prohibited except as otherwise provided in this regulation or any subsequent Ordinance passed by the Commission which may amend these regulations.

1. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations established for the district in which a building or premise is located.
2. No part of a yard or other open space provided around a building on one recorded lot shall be

considered as part of a yard or other open space for an adjoining property or lot.

3. Every building erected, converted, enlarged or structurally altered shall be located on a lot as a single building with no other building, unless specifically provided for in these regulations.
4. Off-Street parking for all uses must be provided in accordance with the regulations set forth in the Off-Street Parking Requirements of this ordinance, Article III, Division 5.
5. Unobstructed vision and clearance for traffic safety shall be maintained by the property owner or occupant on all corner lots regardless of the district classification. This includes any building, sign, fence, ornament, hedge, shrub, tree display, or other obstruction that could interfere with line of sight, excluding existing buildings.



This ruling applies to a triangular area formed by drawing a line connecting two points each twenty-five (25) feet back from the intersecting point of each curb edge (or driving surface where there are no curbs). No vegetation, structure or object shall be over three (3) feet high in this unobstructed area.

6. No building, structure, or vehicle shall be constructed, maintained or used, which would be in conflict with the State Environmental Improvement Act (NMSA 54-1-26 through 54-4-15) as amended. All motor vehicles parked in the described land development districts or in any public right-of-way (designated street and road ways) must be operative and may not be wholly or partially dismantled unless parked inside a garage, building, or carport. If parked within a carport, the inoperative vehicle shall be covered with a tarp.
7. No permanent dwelling shall be erected in the flood plain area as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map unless construction methods are met that conform to the appropriate building standards within a flood plain area ~~and that such proposal to construct is approved by the City Commission.~~
8. Every mobile home, shall be equipped with skirting or perimeter wall to conceal the undercarriage of the mobile home. The skirting or perimeter wall shall be of material that provides an appearance that is compatible with the dwelling and site built homes in the area. The skirting or perimeter wall shall be in place within ninety (90) days from the date electric utilities are hooked up. Noncompliant mobile homes are subject to enforcement and penalties herein
9. Municipal or County Agencies: No permit, certificate, license or other document or oral approval, shall be issued by a department, agency or board of the municipality until the Community Development Department has certified that the use of the permit is in full compliance with the provisions of this ordinance.
10. Solid waste dumpsters in any commercial, office and institutional or residential district shall be located in the side or rear of the lot. In addition, the solid waste dumpsters shall be screened with either fence or wall or other appropriate structure so as not to be openly exposed to the public view from the frontage of the business.

(Code 2007, 26-7)

**Sec. 26-1-8. Violations.**

Violation of this ordinance shall constitute any one of the following:

1. Failure to comply with any of the provisions of this ordinance.
2. Failure to perform any act as required by this ordinance, or performing any act prohibited by this ordinance.
3. Failure to comply with any limitation imposed on the use of any land.
4. Failure to comply with any limitation imposed on the erection or alteration of any structure.
5. Failure to comply with any limits imposed on the use of such structures or the use within such structures.

(Code 2007, 26-8)

**Sec. 26-1-9. Enforcement.**

The City Manager shall designate an individual(s) who shall have the authority and duty to enforce this Chapter. Lack of knowledge or alleged lack of knowledge of the requirements of this Chapter by the offender shall not justify waiver or variance from these minimum standards.

Any application for permit, license, or certificate pertaining to the use of land or buildings shall be subject to the approval of a representative of the Planning Department. Any such permits, license or certificates issued in conflict with the provisions of this Chapter shall be considered and potentially void.

(Code 2007, 26-9)

**Sec. 26-1-10. Penalties.**

Any person violating any of the provisions of this Chapter are punishable as provided in Section 1-8.

(Code 2007, 26-10)

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## ARTICLE II. ZONE DISTRICT REGULATIONS

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### DIVISION 1. IN GENERAL

#### Sec. 26-2-15. Districts Established.

1. The City of Aztec is hereby divided into the following types of land development districts within the City limits, such types to be used in the designations as hereinafter specified, to carry out the provisions of this ordinance:

- (1) A-1      Agricultural or Rural
- (2) AR-1    Agricultural/Single Family Dwelling
- (3) R-1      Single Family Dwelling
- (4) R-2      Multiple Family Dwelling
- (5) O-1      Office and Institutional
- (6) C-1      Neighborhood Commercial and Limited Retail
- (7) C-2      General Commercial and Wholesale
- (8) M-1      Light Manufacturing
- (9) M-2      Heavy Manufacturing
- (10) MH     Mobile Home District
- (11) PUD    Planned Unit Development

2. The designation of the various types of districts and the corresponding boundaries thereof are shown on the "Official District Map for the City of Aztec", which is kept in an up-to-date form in the City Administration Building. The following general rules and regulations shall apply to the use of the District Map:

- (1) District Boundaries. The boundary of any district or districts shall be the property line, unless otherwise specifically stated in this regulation or shown on the Official Land Development Map. Questionable districts or district boundary lines shall be determined by the City Manager.
- (2) Annexed Areas. All land that is to be annexed into the City of Aztec shall undergo public input in order to establish the boundaries of the districts to be applied to the annexed lands. This process may or may not be concurrent with the annexation action. If not concurrent, the boundaries of the districts will be designated within ninety (90) days of annexation.

(Code 2007, 26-15)

#### Secs. 26-2-16 to 26-2-20. Reserved.

## DIVISION 2. A-1 : AGRICULTURAL OR RURAL DISTRICT

### Sec. 26-2-21. In General.

The purpose of this land use district is to protect and preserve agriculture lands and related activities in their present character. This district will permit uses customarily conducted in an agricultural or rural area and is further controlled in that one-family or multiple-family dwellings are permitted only on large lots thereby maintaining a low density of population.

(Code 2007, 26-21)

### Sec. 26-2-22. Uses Permitted.

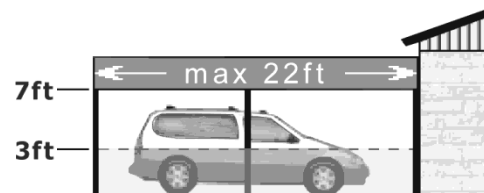
The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. Site built dwelling of 800 square feet or more. The minimum lot size is ~~5 three~~ (3) acres. A dwelling on a parcel less than ~~5 three~~ (3) acres is permitted only if it was a "lot of record" at the time of adoption of the ordinance.
2. Farm. For the growing of crops or raising of animals. ~~provided animals other than household pets are kept in numbers not exceeding one animal unit per 1/2-acre (21,780 square feet) pasture area or fenced area, where they are permitted to graze.~~
3. Mobile Home. One mobile home may be located on each lot or parcel no smaller than ~~5 three~~ (3) acres. A smaller parcel is permitted only if it was a "lot of record" at the time of adoption of the ordinance. Such dwellings will be permanently attached to a foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, a perimeter wall will be constructed of durable materials and will also meet local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance, which is compatible with the dwelling and site built homes in the area. Minimum State requirements and manufacturer's installation standards regarding permanent foundation systems may be found in [Title 14, Chapter 12, Part 2 of the Manufactured Housing Act, NMSA 1978](#).
4. Accessory Structures. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic animals (e.g. barn, chicken coup, kennel run, etc.).
5. Carports.

(1) No carport in the front yard shall exceed twenty-six (26) feet wide by twenty-two (22) feet deep.

(2) In no case shall the roofline of the carport be closer than one (1) foot to any right-of-way line.

(3) Clear views from the carport are required for safety. No obstructions to view shall be located between three (3) feet and seven (7) feet above grade along the carport's exterior.



(4) Carports shall not be used for storing items other than personal or company vehicles, motorcycles, or bicycles.

6. Home Occupation. Home occupations shall be permitted under the following conditions:

(1) All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling.

(2) Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.

(3) Parking of clients or customers shall not interfere with traffic or other surrounding residences from ingress and egress or endanger the safety of people in the area.

(4) A business license is obtained from the City Utility Office.

(5) If providing child care services, the child care provider must fulfill all Federal and New Mexico state requirements.

(Ord. 2023-533, eff. 2023-July-17; Code 2007, 26-22)

### Sec. 26-2-23. Height Regulations.

The height of any building or structure shall not exceed 40 feet except that the height of any non-commercial radio or television antenna, silo or similar appurtenance may be built to a height not to exceed 65 feet above grade.

(Code 2007, 26-23)

### Sec. 26-2-24. Area Regulations.

The area of any lot shall be at least ~~five~~ **three (3)** acres and shall have a lot width of at least 200 feet along the front yard line.

(Code 2007, 26-24)

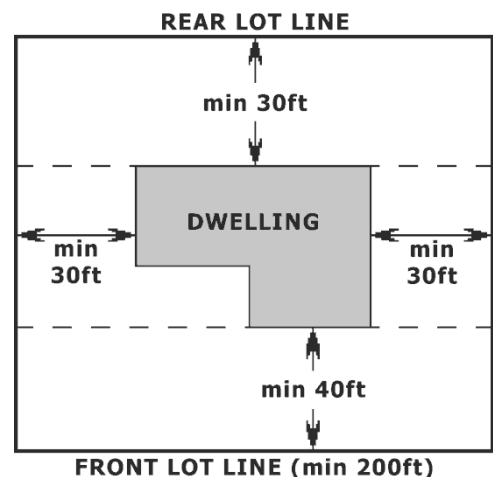
### Sec. 26-2-25. Setback Regulations.

1. Front Setback. Any building, mobile home, or structure shall be located at least 40 ft from the established or future street line.

2. Side Setback. Any building, mobile home, or structure functioning as a dwelling shall be located at least 30 ft from the side lot lines. Accessory structures cannot be located any closer than 3 ft from the side lot line.

3. Rear Setback. Any building, mobile home, or structure functioning as a dwelling shall be located at least 30 ft from the rear lot line. Accessory structures cannot be located any closer than 3 ft from the rear lot line.

(Code 2007, 26-25)





### **Sec. 26-2-26. Conditional Uses.**

The following uses will be permitted in the A-1 Zone provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Golf course or archery range.
2. Commercial stable, rodeo arena, polo grounds, or riding school.
3. ~~Animal raising, other than for those which are permissive in this district and listed under the definition of "Animal Unit".~~
4. Kennel-Animal Boarding Business.
5. Plant nursery.
6. Veterinary hospital.
7. Campground or resort.
8. Institution, church, library or museum.
9. Bar in connection with another permissive or conditional use specified in this district.
10. Nursing home or Assisted Care Facilities.
11. Airports and Landing Fields with approval of the Federal Aviation Agency and operated in compliance with Federal Regulations.
12. Mining - Mineral extraction or raw material and materials extracted from the immediate district provided the land is left reclaimed when mining is completed.
13. Cemeteries – providing that the lot is 10 or more acres. The cemetery may include mausoleums and related monument objects provided that the mausoleums or monuments be a distance of at least 200 feet from every street line and the adjoining lot lines.
14. Private Clubs - Except those clubs where firearms are used and except that a club site shall not be used for a primary commercial enterprise.
15. Hospitals and Educational Institutions - Provided that the building shall be located on sites having at least five (5) acres.
16. Booster Stations, Transformers, or Pumping Stations - Located on the alignment necessary for transmission of the product (electric, gas, oil, sewer, or water), provided that proper access and passage of vehicles is provided for purpose of construction and maintenance of station.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-26)

### **Secs. 26-2-27 to 26-2-30. Reserved.**

## **DIVISION 3. AR-1 : AGRICULTURAL/RESIDENTIAL SINGLE FAMILY DISTRICT**

### **Sec. 26-2-31. In General.**

The purpose of this land use district is to protect and preserve agriculture lands and related activities in their present character. This district will permit uses customarily conducted in an agricultural on a smaller scale than the A-1 Agricultural or Rual District (which requires 3 acres).

No residence shall be built on any lot in this district unless said lot also satisfies the area requirements for water and sewerage established by the New Mexico Environmental Improvement Division.

No building, structure or land use shall be used, altered, or created for any purpose other than those designated for this district. Any structure that does not satisfy the Uniform Building Code adopted by the City of Aztec and enforced in Aztec by inspectors, is prohibited from being erected or stored in this district.

### **Sec. 27-2-32. Uses Permitted.**

The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. Site built dwelling of 800 square feet or more. The minimum lot size is 1 to 3 acres. A dwelling on a parcel less than 1 to 3 acres is permitted only if it was a "lot of record" at the time of adoption of the ordinance.
2. Farm. For the growing of crops or raising of animals.
3. Manufactured Homes. Each manufactured home must meet the definition of a Manufactured Home and be installed consistent with the Manufactured Housing Act (Chapter 60, Article 14, NMSA 1978) and the regulations relating to ground level installation on a permanent foundation and ground anchors. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed. Manufactured one family dwellings units shall be subject to the following standards:
  - (1) Principal buildings and accessory structures shall conform to all applicable City, State, and Federal codes and ordinances. (Housing and Urban Development District Code II, or the Uniform Building Code. See [3-21A-1 to 3-21A-8 NMSA 1978]).
  - (2) Such dwellings will be permanently attached to a foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, a perimeter wall will be constructed of durable materials and shall also meet local requirements with respect to materials, construction and necessary foundations below the efforts line. Any such wall shall also provide an appearance, which is compatible with the dwelling and site built homes in the area.
  - (3). Such dwellings shall provide a minimum width of twenty-four (24) feet and a minimum depth of thirty-six (36) feet.
  - (4). Such dwellings shall have an overhang or eaves as required by the building code of residential dwellings or similar to the site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.

(5). Such dwellings shall be provided with exterior finish materials similar to the site-built dwelling on adjacent properties or in the surrounding residential neighborhood.

(6). Such dwellings shall have a roof design and roofing materials similar to the site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.

(7). Such dwellings shall have an exterior building wall configuration which represents an average width-to-depth ratio which does not exceed three to one (3:1) or is in reasonable conformity with the configuration of site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.

(8). All portions of any hitches or other transporting devices which extend beyond the vertical plane formed by the outer side walls of the dwelling shall be removed to a point where they are totally obscured by a perimeter foundation or finished exterior wall.

(9). Proposals for manufactured one family dwelling unit shall follow the procedures set forth below:

(a) Applications to permit manufactured one-family dwelling units shall be submitted to the Community Development Department who may require the applicant to furnish such plans, photographs, elevations, and similar documentation as deemed necessary to permit a complete review and evaluation of the proposal.

(b) In reviewing any such proposed dwelling unit with respect to items 2(1) through 2(8) above, architectural variation shall not be discouraged but reasonable compatibility with the character of residential dwelling units shall be provided, hereby protecting the economic welfare and property of surrounding residential areas and the City of Aztec.

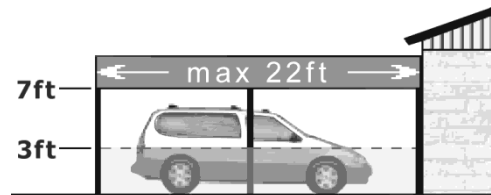
(c) Should the Community Development Department find that any such dwelling unit does not conform with all the above conditions and standards, the proposal shall be denied. The applicant may appeal the code enforcement officer's decisions by requesting a public hearing before the City Commission.

4. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets (e.g. chicken coup and kennel runs/enclosures), so long as the accessory structure is not being used for commercial use and meets property setbacks. Antennas (non-commercial) are permitted.

5. Carports.

(1) No carport in the front yard shall exceed twenty-six (26) feet wide by twenty-two (22) feet deep.

(2) In no case shall the roofline of the carport be closer than one (1) foot to any right-of-way line.



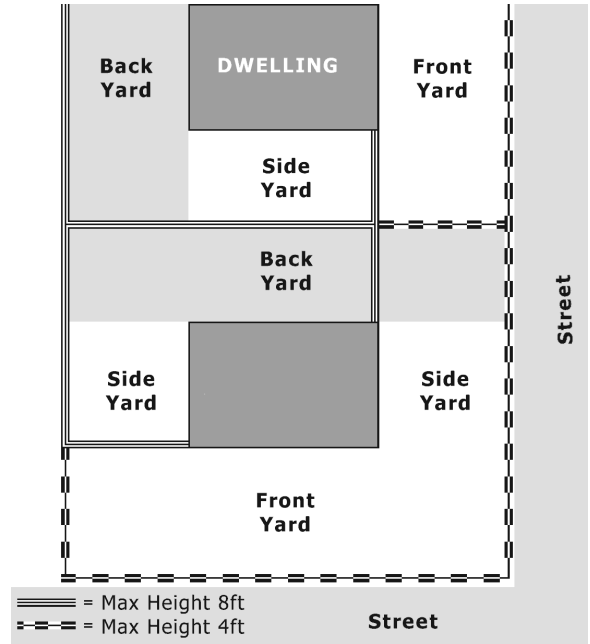
(3) Clear views from the carport are required for safety. No obstructions to view shall be located between three (3) feet and seven (7) feet above grade along the carport's exterior.

(4) Carports shall not be used for storing items other than personal or company vehicles, motorcycles, or bicycles.

6. Home Occupation. Home occupations shall be permitted under the following conditions:
  - (1) All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling.
  - (2) Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.
  - (3) Parking of clients or customers shall not interfere with traffic or other surrounding residences from ingress and egress or endanger the safety of people in the area.
  - (4) A business license is obtained from the City Utility Office.
  - (5) If providing childcare services, the childcare provider must fulfill all Federal and New Mexico state requirements.
  
7. Boat, Motor Home, and/or Trailer. Outside storage of a boat, motor home, and/or trailer, not exceeding twelve feet in height, is permitted within the side yard or rear yard setback of a lot containing a dwelling under the following conditions:
  - (1) The boat, motor home, and/or trailer stored outside in the side yard is placed on the lot behind the front building line of an existing dwelling or behind the front yard setback line, whichever is further from the street, and cannot be placed within a front yard setback area or within public roadway, street, or access.
  - (2) The boat, motor home, and/or trailer is not used as a dwelling or as accessory living quarters. Exception to this rule is:
    - (a) A travel trailer or motor home being used for temporary dwelling purposes for a maximum of fourteen (14) consecutive days.
    - (b) The trailer may be used as a dwelling with connections to any or all utilities during construction of a dwelling or structure provided use of the trailer is limited to a maximum period of six months. The period commencing with the date of issuance of a building permit for construction of the dwelling.
  - (3) The boat, motor home, and/or trailer is not connected to utilities, except for temporary electrical connection.
  - (4) The boat, motor home, and/or trailer is not used for storage of goods, materials, or equipment other than those items considered to be a part of the boat, motor home, and/or trailer or essential for its immediate use.

8. Walls or Fences. Walls or fences are not to exceed eight (8) feet high in the back and side yard areas.

Wall or fence heights are limited to a maximum of four (4) feet high in the front yard area. On corner lots, the fence in the back yard of the corner lot will not exceed four (4) feet high in that area where the back property line abuts the front yard area of an adjoining lot.



### Sec. 26-2-33. Height Regulations.

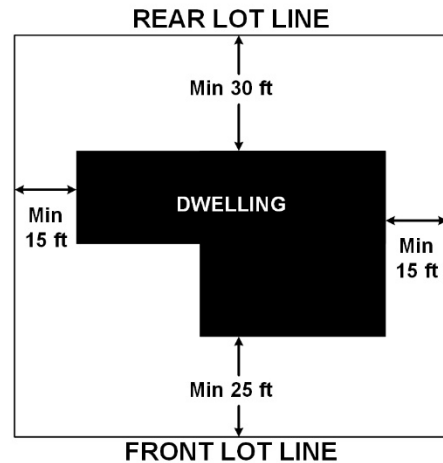
The height of any building or structure shall not exceed 35 feet except that the height of any non-commercial radio or television antenna, silo or similar appurtenance may be built to a height not to exceed 65 feet above grade.

### Sec. 26-2-34. Area Regulations.

The area of any lot shall be at least 1-3 acres and shall have a lot width of at least 200 feet along the front yard line.

### Sec. 26-2-35. Setback Regulations.

1. Front Setback. The front yard setback shall be a minimum of twenty-five (25) feet from the established or future street right-of-way or property line.
2. Side Setback. The minimum side yard setback for a building, manufactured home, or structure functioning as a dwelling shall be located at least fifteen (15) feet; however, the setback shall be twenty-five (25) feet on the street side or corner lots. An additional two and one-half (2 ½) feet shall be added for each story in excess of one. The minimum side yard setback for an accessory structure shall be three (3) feet, however, the setback shall be fifteen (15) feet on the street side of corner lots.
3. Rear Setback. The rear yard setback for a building, manufactured home, or structure functioning as a dwelling shall be a minimum of thirty (30) feet on single frontage or corner lots, but shall be a minimum of twenty-five (25) feet on any double frontage lot. The minimum rear yard setback for an accessory structure shall be three (3) feet.



### **Sec. 26-2-36. Conditional Uses.**

The following uses will be permitted in the AR-1 Zone provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Accessory Dwelling Unit (ADU) provided the following is met:
  - (1) The ADU does not exceed 40% of the primary dwelling unit area.
  - (2) The ADU does not exceed 25% of the rear yard area.
  - (3) The ADU is frame built with material similar to the primary structure including exterior finishing, roof pitch,
  - (4) The ADU is at least ten (10) feet from the Primary Dwelling and three (3) feet from the side and rear lot lines.
  - (5) A site plan and building plan must be submitted with the Conditional Use Permit.
  
2. Nursery school operated within a structure that has the external appearance of a dwelling.
  
3. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
  
4. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
  
5. Kennel-Animal Boarding Business.
  
6. Plant nursery.
  
7. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
  
8. Institution, church, library or museum.
  
9. Golf course provided it shall be located on a tract of land suitable in size and that issues of traffic and parking are addressed.

**Secs. 26-2-37 to 26-2-40. Reserved.**

## DIVISION 4. R-1 : SINGLE FAMILY DWELLING DISTRICT

### Sec. 26-2-41. In General.

This district is regulated to permit single-family residential development, certain structures and land uses required to serve governmental, educational, non-commercial recreation, public utility installations, and other compatible public needs.

No residence shall be built on any lot in this district unless said lot also satisfies the area requirements for water and sewerage established by the New Mexico Environmental Improvement Division.

No building, structure or land use shall be used, altered, or created for any purpose other than those designated for this district. Any structure that does not satisfy the Uniform Building Code adopted by the City of Aztec and enforced in Aztec by inspectors, is prohibited from being erected or stored in this district.

No truck over one-ton rated capacity shall be stored or parked in this district, excluding recreational or emergency type vehicles used for such purposes. For these vehicle types, the lot is limited to one (1) recreational or emergency vehicle and if parked for more than a twenty-four (24) hour period, the vehicle must be stored or parked in the side or rear set-back area.

(Code 2007, 26-31)

### Sec. 26-2-42. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

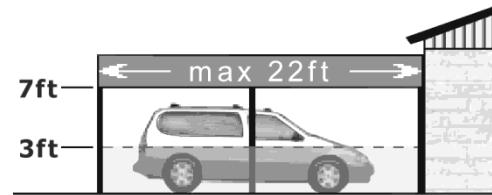
1. Single Family Dwelling. The dwelling unit must contain at least eight hundred (800) square feet of floor space on a permanent foundation. Trailer houses, mobile homes and motor homes are not permitted unless they comply with the application codes and standards as provided in the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#), Housing and Urban Development Zone Code II, and the Uniform Building Code.
2. Manufactured Homes. Each manufactured home must meet the definition of a Manufactured Home and be installed consistent with the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#) and the regulations relating to ground level installation on a permanent foundation and ground anchors. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed. Manufactured one family dwellings units shall be subject to the following standards:
  - (1) Principal buildings and accessory structures shall conform to all applicable City, State, and Federal codes and ordinances. (Housing and Urban Development District Code II, or the Uniform Building Code. See [[3-21A-1 to 3-21A-8 NMSA 1978](#)]).
  - (2) Such dwellings will be permanently attached to a foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, a perimeter wall will be constructed of durable materials and shall also meet local requirements with respect to materials, construction and necessary foundations below the efforts line. Any such wall shall also provide an appearance, which is compatible with the dwelling and site built homes in the area.
  - (3) Such dwellings shall provide a minimum width of twenty-four (24) feet and a minimum depth of thirty-six (36) feet.

- (4) Such dwellings shall have an overhang or eaves as required by the building code of residential dwellings or similar to the site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.
- (5) Such dwellings shall be provided with exterior finish materials similar to the site-built dwelling on adjacent properties or in the surrounding residential neighborhood.
- (6) Such dwellings shall have a roof design and roofing materials similar to the site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.
- (7) Such dwellings shall have an exterior building wall configuration which represents an average width-to-depth ratio which does not exceed three to one (3:1), or is in reasonable conformity with the configuration of site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.
- (8) All portions of any hitches or other transporting devices which extend beyond the vertical plane formed by the outer side walls of the dwelling shall be removed to a point where they are totally obscured by a perimeter foundation or finished exterior wall.
- (9) Proposals for manufactured one family dwelling unit shall follow the procedures set forth below:
  - (a) Applications to permit manufactured one-family dwelling units shall be submitted to the Community Development Department who may require the applicant to furnish such plans, photographs, elevations and similar documentation as deemed necessary to permit a complete review and evaluation of the proposal.
  - (b) In reviewing any such proposed dwelling unit with respect to items 2(1) through 2(8) above, architectural variation shall not be discouraged but reasonable compatibility with the character of residential dwelling units shall be provided, hereby protecting the economic welfare and property of surrounding residential areas and the City of Aztec.
  - (c) Should the Community Development Department find that any such dwelling unit does not conform with all the above conditions and standards, the proposal shall be denied. The applicant may appeal the code enforcement officer's decisions by requesting a public hearing before the City Commission.

3. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets (e.g. chicken coup and kennel runs/enclosures), so long as the accessory structure is not being used for commercial use and meets property setbacks. Antennas (non-commercial) are permitted.

4. Carports.

- (1) No carport in the front yard shall exceed twenty-six (26) feet wide by twenty-two (22) feet deep.
- (2) In no case shall the roofline of the carport be closer than one (1) foot to any right-of-way line.



- (3) Clear views from the carport are required for safety. No obstructions to view shall be located between three (3) feet and seven (7) feet above grade along the carport's exterior.



(4) Carports shall not be used for storing items other than personal or company vehicles, motorcycles, or bicycles.

5. Home Occupation. Home occupations shall be permitted under the following conditions:

(1) All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling.

(2) Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.

(3) Parking of clients or customers shall not interfere with traffic or other surrounding residences from ingress and egress or endanger the safety of people in the area.

(4) A business license is obtained from the City Utility Office.

(5) If providing child care services, the child care provider must fulfill all Federal and New Mexico state requirements.

6. Boat, Motor Home, and/or Trailer. Outside storage of a boat, motor home, and/or trailer, not exceeding twelve feet in height, is permitted within the side yard or rear yard setback of a lot containing a dwelling under the following conditions:

(1) The boat, motor home, and/or trailer stored outside in the side yard is placed on the lot behind the front building line of an existing dwelling or behind the front yard setback line, whichever is further from the street, and cannot be placed within a front yard setback area or within public roadway, street, or access.

(2) The boat, motor home, and/or trailer is not used as a dwelling or as accessory living quarters. Exception to this rule is:

(a) A travel trailer or motor home being used as for temporary dwelling purposes for a maximum of fourteen (14) consecutive days.

(b) The trailer may be used as a dwelling with connections to any or all utilities during construction of a dwelling or structure provided use of the trailer is limited to a maximum period of six months. The period commencing with the date of issuance of a building permit for construction of the dwelling.

(3) The boat, motor home, and/or trailer is not connected to utilities, except for temporary electrical connection.

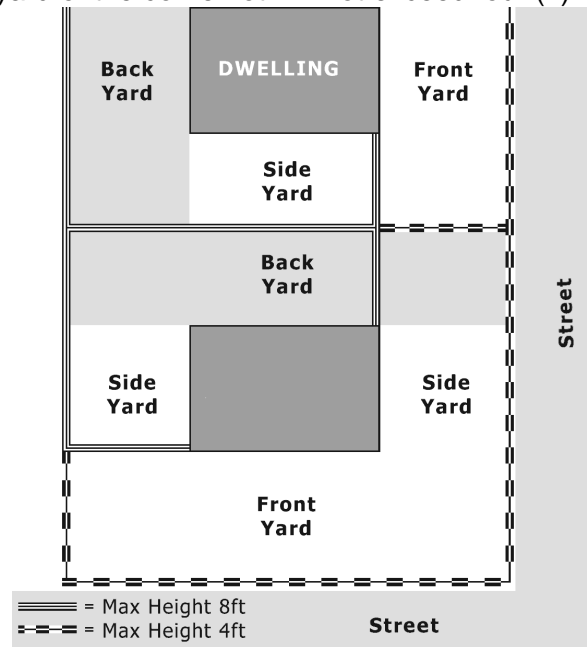
(4) The boat, motor home, and/or trailer is not used for storage of goods, materials, or equipment other than those items considered to be a part of the boat, motor home, and/or trailer or essential for its immediate use.

~~7. Animals.~~

~~a. No animals other than household pets and provided they are confined to private property and not allowed to enter public property except under hand leash.~~

~~b. Chicken hens are permissible, but must be couped (not free range, meaning they cannot roam outside of the property), cannot exceed five (5) in quantity, and cannot reside in the front yard.~~

8. Walls or Fences. Walls or fences are not to exceed eight (8) feet high in the back and side yard areas. Wall or fence heights are limited to a maximum of four (4) feet high in the front yard area. On corner lots, the fence in the back yard of the corner lot will not exceed four (4) feet high in that area where the back property line abuts the front yard area of an adjoining lot. (Ord. 2023-533, eff. 2023-July-17; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-32)



**Sec. 26-2-43. Height Regulations.**

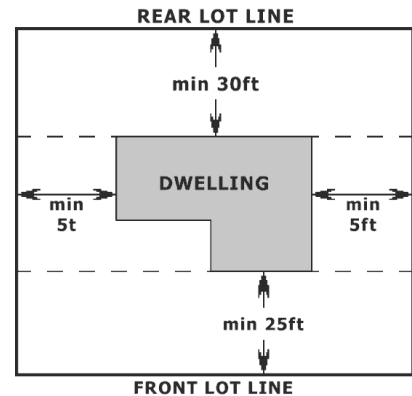
All buildings and structures in this district shall be limited to thirty-five (35) feet above natural adjacent ground level. (Code 2007, 26-33)

**Sec. 26-2-44. Area Regulations.**

1. Minimum lot area shall be seven thousand (7,000) square feet.
2. The lot width shall be a minimum of sixty-five (65) feet measured at the actual setback of a building.
3. Coverage of each lot by main and accessory buildings shall not exceed fifty percent (50%). (Code 2007, 26-34)

**Sec. 26-2-45. Setback Regulations.**

1. Front Yard. The front yard setback shall be a minimum of twenty-five (25) feet from the established or future street right-of-way or property line.
2. Side Yard. The minimum side yard setback for a building, mobile home, or structure functioning as a dwelling shall be five (5) feet; however, the setback shall be fifteen (15) feet on the street side of corner lots. An additional two and one-half (2-1/2) feet shall be added for each story in excess of one. The minimum side yard setback for an accessory structure shall be three (3) feet, however, the setback shall be fifteen (15) feet on the street side of corner lots.
3. Rear Yard. The rear yard setback for a building, mobile home, or structure functioning as a dwelling shall be a minimum of thirty (30) feet on single frontage or corner lots, but shall be a minimum of twenty-five (25) feet on any double frontage lot. The minimum rear yard setback for an accessory structure shall be three (3) feet. (Code 2007, 26-35)



### **Sec. 26-2-46. Conditional Uses.**

The following uses will be permitted in the R-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Accessory Dwelling Unit (ADU) provided the following is met:
  - (1) The ADU does not exceed 40% of the primary dwelling unit area.
  - (2) The ADU does not exceed 25% of the rear yard area.
  - (3) The ADU is frame built with material similar to the primary structure including exterior finishing, roof pitch,
  - (4) The ADU is at least ten (10) feet from the Primary Dwelling and three (3) feet from the side and rear lot lines.
  - (5) A site plan and building plan must be submitted with the Conditional Use Permit.
2. Nursery school operated within a structure that has the external appearance of a dwelling.
3. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
4. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
5. 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 (6) months, and further provided that it is limited to a period of one (1) year.
6. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
7. Golf course provided it shall be located on a tract of land suitable in size and that issues of traffic and parking are addressed.
8. Church.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-36)

**Secs. 26-2-47 to 26-2-50. Reserved.**

## DIVISION 5. R-2 : MULTIPLE-FAMILY DWELLING DISTRICT

### Sec. 26-2-51. In General.

This district is regulated to allow most uses permitted in the R-1 district, multi-family dwellings, apartments, condominiums, and town houses.

No building, structure or land use shall be used, altered or created for any purpose other than those designated for this district.

(Code 2007, 26-41)

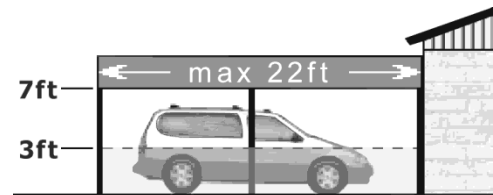
### Sec. 26-2-52. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. The dwelling unit must contain at least eight hundred (800) square feet of floor space on a permanent foundation. Trailer houses, mobile homes and motor homes are not permitted unless they comply with the application codes and standards as provided in the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#), Housing and Urban Development Zone Code II, and the Uniform Building Code.
2. Apartments or Multi-family Dwellings or Dwelling Groups. Apartments, multi-family dwellings or dwelling units are permitted provided that the buildings do not occupy over one-half (1/2) of the total lot area and each contains a minimum of six hundred (600) square feet of floor area.
3. Condominiums or Town Houses. Attached single family dwellings known as Condominiums or Town Houses are permitted provided that each dwelling unit must contain a minimum of eight hundred (800) square feet of floor space of a permanent nature. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed.
4. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, so long as the accessory structure is not being used for commercial use. Antennas (non-commercial) are permitted.
5. Carports.

(2) No carport in the front yard shall exceed twenty-six (26) feet wide by twenty-two (22) feet deep.

(3) In no case shall the roofline of the carport be closer than one (1) foot to any right-of-way line.



(4) Clear views from the carport are required for safety. No obstructions to view shall be located between three (3) feet and seven (7) feet above grade along the carport's exterior.

(5) Carports shall not be used for storing items other than personal or company vehicles, motorcycles, or bicycles.

6. Home Occupation. Home occupations shall be permitted under the following conditions:

- (1) All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling.
  - (2) Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.
  - (3) Parking of clients or customers shall not interfere with traffic or other surrounding residences from ingress and egress or endanger the safety of people in the area.
  - (4) A business license is obtained from the City Utility Office.
  - (5) If providing child care services, the child care provider must fulfill all Federal and New Mexico state requirements.
7. Boat, Motor Home, and/or Trailer. Outside storage of a boat, motor home, and/or trailer, not exceeding twelve feet in height, is permitted within the side yard or rear yard setback of a lot containing a dwelling under the following conditions:
- (1) The boat, motor home, and/or trailer stored outside in the side yard is placed on the lot behind the front building line of an existing dwelling or behind the front yard setback line, whichever is further from the street, and cannot be placed within a front yard setback area or within public roadway, street, or access.
  - (2) The boat, motor home, and/or trailer is not used as a dwelling or as accessory living quarters. Exception to this rule is:
    - (a) A travel trailer or motor home being used as for temporary dwelling purposes for a maximum of fourteen (14) consecutive days.
    - (b) The trailer may be used as a dwelling with connections to any or all utilities during construction of a dwelling or structure provided use of the trailer is limited to a maximum period of six (6) months. The period commencing with the date of issuance of a building permit for construction of the dwelling.
  - (3) The boat, motor home, and/or trailer is not connected to utilities, except for temporary electrical connection.
  - (4) The boat, motor home, and/or trailer is not used for storage of goods, materials, or equipment other than those items considered to be a part of the boat, motor home, and/or trailer or essential for its immediate use.

#### ~~8. Animals.~~

- ~~(1) No animals other than household pets and provided they are confined to private property and not allowed to enter public property except under hand leash.~~
- ~~(2) Chicken hens are permissible where the R-2 resident has their own private back/side yard, but must be couped (not free range, meaning they cannot roam outside of the property), cannot exceed five (5) in quantity, and cannot reside in the front yard.~~

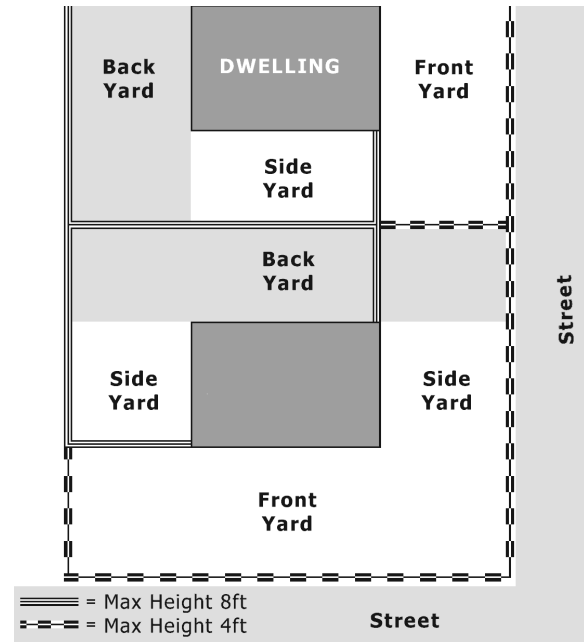
9. Walls or Fences. Walls or fences are not to exceed eight (8) feet high in the back and side yard areas. Wall or fence heights are limited to a maximum of four (4) feet high in the front yard area. On corner lots, the fence in the back yard of the corner lot will not exceed four (4) feet high in that area where the back property line abuts the front yard area of an adjoining lot.

(Ord. 2023-533, eff. 2023-July-17; Code 2007, 26-42)

### Sec. 26-2-53. Height Regulations.

Maximum height of any building or structure excepting a flagpole, antenna, public utility pole or similar element shall be thirty-five (35) feet provided that all buildings or structures over thirty-five (35) feet high shall be located a minimum distance from the nearest property line equal to their height. Maximum height of any antenna, flagpole, public utility pole or similar element shall be sixty-five (65) feet.

(Code 2007, 26-43)

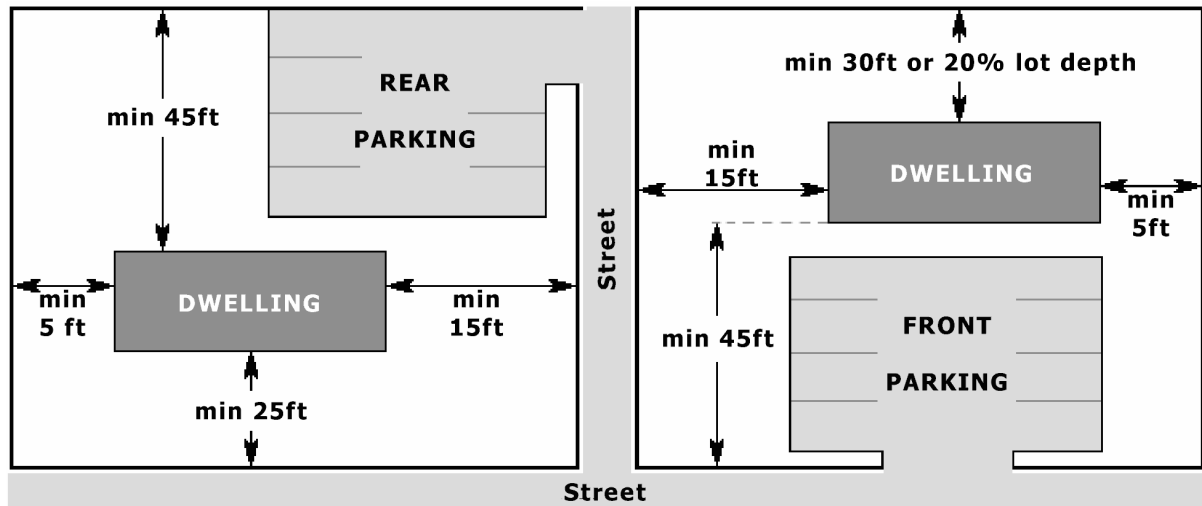


### Sec. 26-2-54. Area Regulations.

1. Minimum lot area shall be five thousand (5,000) square feet.
2. Lot width shall be a minimum of fifty (50) feet measured at the actual building setback.  
(Code 2007, 26-44)

### Sec. 26-2-55. Setback Regulations.

1. Front Yard. The front yard setback shall be at least twenty-five (25) feet with off-street parking at the side or rear of buildings or at least forty-five (45) feet with parking intended to be located in the front setback area.
2. Side Yard. The minimum side yard setback for single story building functioning as a dwelling shall be five (5) feet on any interior lot. The minimum side setback on a corner shall be five (5) feet for the interior side and fifteen (15) feet for the side abutting a public or private road or street. Side yard setback shall be an additional two and one-half (2-1/2) feet per story in excess of one story. The minimum side yard setback for an accessory structure shall be three (3) feet, however, the setback shall be fifteen (15) feet on the street side of corner lots.
3. Rear Yard. The rear yard setback shall be a minimum of thirty (30) feet or 20% of lot depth whichever is less, except when off-street parking will be located in the rear yard then forty-five (45) feet minimum setback will be required from an alley, private access easement or rear lot line. The minimum rear yard setback for an accessory structure shall be three (3) feet.



4. Building Offsets. All buildings shall be separated by a distance equal to the height of the highest adjoining building or flammable structure, otherwise the group of buildings will be connected by covered walks.  
(Code 2007, 26-45)

#### Sec. 26-2-56. Conditional Uses.

The following conditional uses permitted but only through review and approval by the Governing Body.

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. 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 months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Golf course provided it shall be located on a tract of land suitable in size and that issues of traffic and parking are addressed.
7. Church.
8. Hospital or clinic, ~~but not animal hospital or clinic, or a~~ (Intent to adopt 3/12/24) mental hospital.
9. Semi-professional or professional office.

10. Boarding or lodging house.

11. Private club or lodge, excepting those the chief activity of which is customarily carried on as a business.

(Code 2007, 26-46)

**Secs. 26-2-57 to 26-2-60. Reserved.**



## DIVISION 6. 0-1 : OFFICE AND INSTITUTIONAL DISTRICT

### Sec. 26-2-61. In General.

This district is established to permit most R-1 and R-2 uses (Sections 26-11 and 26-12), plus offices, hotels, institutional, and service uses that are compatible with high-density residential areas.

(Code 2007, 26-51)

### Sec. 26-2-62. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. The dwelling unit must contain at least eight hundred (800) feet of floor space on a permanent foundation. Trailer houses, mobile homes and motor homes are not permitted unless they comply with the application codes and standards as provided in the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#), Housing and Urban Development Zone Code II, and the Uniform Building Code.
2. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, so long as the accessory structure is not being used for commercial use. An accessory building of less than twelve (12) feet in height may be located within five (5) feet of any building or structure which does not contain living quarters.
3. Apartments or Multi-family Dwellings or Dwelling Groups. Apartments, multi-family dwellings or dwelling units are permitted provided that the buildings do not occupy over one half of the total lot area and each contains a minimum of six hundred (600) square feet of floor area.
4. Condominiums or Town Houses. Attached single family dwellings known as Condominiums or Town Houses are permitted provided that each dwelling unit must contain a minimum of eight hundred (800) square feet of floor space of a permanent nature. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed.
5. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
6. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
7. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.

### ~~8. Animals.~~

~~(1) No animals other than household pets where the primary use of the property is for residential use and provided they are confined to private property and not allowed to enter public property except under hand-leash.~~

~~(2) Chicken hens are permissible where the primary use of the property is for residential use and the resident has their own private back/side yard, but must be couped (not free range, meaning they cannot roam outside of the property), cannot exceed five (5) in quantity, and cannot reside in the front yard.  
(Ord. 2023-533, eff. 2023-July-17; Code 2007, 26-52)~~

### Sec. 26-2-63. Height Regulations.

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

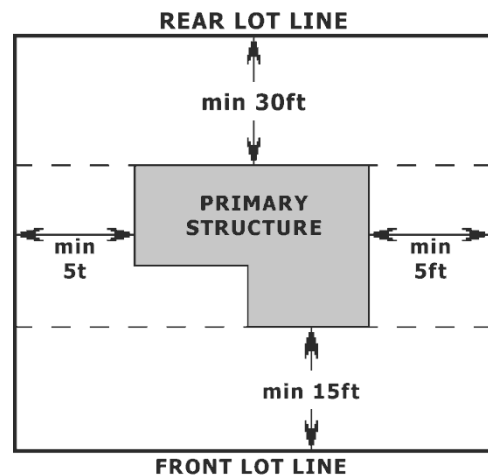
(Code 2007, 26-53)

### Sec. 26-2-64. Area Regulations.

1. Minimum lot area shall be five thousand (5,000) square feet, except that any dwellings, apartment house or dwelling group containing five or more dwelling units shall have not less than one thousand (1000) square feet of lot area for each dwelling unit, and provided further, that any building shall be so located on the lot as to be no closer than fifteen (15) feet or a distance equal to the height of the highest portion of the building proper, whichever is greater, to any other building, apartment house or dwelling group on the parcel or right-of-way.
2. Lot width shall be a minimum of fifty (50) feet measured at the actual building setback.  
(Code 2007, 26-54)

### Sec. 26-2-65. Setback Regulations.

1. Front Yard. The front yard setback shall be at least fifteen (15) feet from the established or future street right-of-way or property line.
2. Side Yard. The minimum side yard setback for the primary structure shall be five (5) feet; however, the setback shall be fifteen (15) feet on the street side of corner lots. An additional two and one-half (2-1/2) feet shall be added for each story in excess of one. The minimum side yard setback for an accessory structure shall be three (3) feet, however, the setback shall be fifteen (15) feet on the street side of corner lots.
3. Rear Yard. The rear yard setback for the primary structure shall be a minimum of thirty (30) feet on single frontage or corner lots, but shall be a minimum of twenty-five (25) feet on any double frontage lot. The minimum rear yard setback for an accessory structure shall be three (3) feet.



(Code 2007, 26-55)

### **Sec. 26-2-66. Conditional Uses.**

The following uses will be permitted in the O-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. 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 (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Golf course provided it shall be located on a tract of land suitable in size and that issues of traffic and parking are addressed.
7. Church, provided a development plan is submitted and approved as required in the PUD district.
8. Hospital or clinic, ~~but not animal hospital or clinic, or a~~ (Intent to adopt 3/12/24) mental hospital.
9. Boarding or lodging house.
10. Private club or lodge, excepting those the chief activity of which is customarily carried on as a business.
11. Personal services, permitting such services as beauty shops, barber shops, massage parlors, auditors, and other similar activities not normally involving a tangible retail or wholesale product.
12. Mortuary, provided ample off-street parking is included with the facility at the rate of one (1) space for each two hundred (200) square feet of floor area plus one (1) space for each five (5) seats in the auditorium or chapel, and provided further, that access and egress be limited to two (2) driveways in locations approved by the City Manager and that all drives and off-street parking areas shall be surfaced with gravel, oil, or other higher type of paving surfacing. Any illumination or outside lighting shall be so arranged as to reflect away from contiguous R-1 and R-2 lots.
13. Studios, including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.

(Ord. 2018-468, eff. 2018-Mar-07; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-56)

**Secs. 26-2-67 to 26-2-70. Reserved.**

## **DIVISION 7. C-1 : LIMITED RETAIL / NEIGHBORHOOD COMMERCIAL DISTRICT**

### **Sec. 26-2-71. In General.**

This district is established as a mixed use neighborhood commercial district. An activity permissive in this district should attempt to locate in or near the City's "Central Business District". This district should contain the major bulk of the shopper's goods, specialty goods and professional services needed to satisfy the day-to-day requirements of the City's population. The district should also encourage in-fill housing, institutional uses, public buildings and spaces.

(Code 2007, 26-61)

### **Sec. 26-2-72. Uses Permitted.**

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory living quarters which are units permitted on the same parcel of land or within the principal building with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. Accessory Living quarters shall be permitted within the C-1 District but limited to the following:
  - (1) Accessory living quarters are secondary in use to the principal structure.
  - (2) No accessory building shall be used unless the principle building is being used.
  - (3) Accessory living quarters may be located within a second or third story of the primary use structure or the rear twenty-five percent (25%) of the primary structure.
  - (4) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, medical and recreational cannabis dispensaries, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.

6. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary or seasonal retail sales.
7. Studios. Studios may include photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
8. Mortuary.  
(Ord. 2021-517, eff. 2021-Oct-20; Ord. 2018-487, eff. 2019-Feb-19; Code 2007, 26-62)

### **Sec. 26-2-73. Height Regulations.**

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

(Code 2007, 26-63)

### **Sec. 26-2-74. Area Regulations.**

There are no lot size or area restrictions placed on C-1 District.

(Code 2007, 26-64)

### **Sec. 26-2-75. Setbacks Regulations.**

1. Front Setback. No front yard required for non-residential buildings.
2. Side Setback. No side yard required for non-residential buildings except that on a lot abutting a residential district, there shall be a side yard of not less than fifteen (15) feet.
3. Rear Setback. No rear yard required except on a lot abutting a residential district, there shall be a rear yard of not less than thirty (30) feet.

(Code 2007, 26-65)

### **Sec. 26-2-76. Conditional Uses.**

The following uses will be permitted in the C-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.

4. 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 (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, golf course, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Hospital or clinic, ~~but not animal hospital or clinic, or a~~ (Intent to adopt 3/12/24) mental hospital.
7. Boarding or lodging house.
8. Theaters and commercial auditorium.
9. Amusement centers, including dance halls, nightclubs, bowling alleys, billiard halls, boxing arenas, miniature golf course, games of skill and other similar activities.
10. Multiple Family Dwellings designed for two or more family units with the number of families in residence not exceeding the number of dwelling units provided. This may include apartments, duplex, townhouses and condominiums.  
(Ord. 2018-468, eff. 2018-Mar-07; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-66)

**Sec. 26-2-77 to 26-2-80. Reserved.**

## **DIVISION 8. C-2 : GENERAL COMMERCIAL AND WHOLESALE DISTRICT**

### **Sec. 26-2-81. In General.**

This district is established to permit the uses specified under the C-1 District, plus commercial activities of both retail and wholesale nature, designed to serve the community or tourists. This district includes those uses normally adjacent to a central business district, and of a magnitude not normally compatible with residential areas. Some minor industrial usage not associated with objectionable noise and activities are permitted.

(Code 2007, 26-71)

### **Sec. 26-2-82. Uses Permitted.**

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory dwelling units which are units permitted on the same parcel of land or within the principal building with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. and accessory dwelling units shall be permitted within the C-1 District but limited to the following:
  - (1) Accessory dwelling units are secondary in use to the principal structure.
  - (2) No accessory building shall be used unless the principle building is being used.
  - (3) Accessory dwelling units may be located within a second or third story of the primary use structure or the rear twenty-five percent (25%) of the primary structure.
  - (4) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, medical and recreational cannabis dispensaries, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.

6. Retail and Wholesale Stores, Businesses or Shops. These businesses allow for the manufacturing, compounding, processing, assembling or treating of products including such activities as carpentry, plumbing, sheet metal working, upholstering, sign painting, rubber or metal stamp manufacturing, interior decoration, catering, baking, jewelry or curio making, tin smithing, and printing provided such activities shall be conducted within an enclosed building having business, that the number of persons engaging in the manufacturing process or assembling shall not be more than ten (10), not including office, clerical or delivery personnel; and provided further, that any activities or product on such premises shall not be objectionable, due to odor, dust, smoke, noise, vibration or other cause.
7. Wholesale Facilities. Such facilities provided that a wall of at least seven (7) feet in height is surrounding any outdoor storage area shall be required adjacent to any residential area, more restrictive district, motel, tourist court, cafe, restaurant or outdoor recreation area which existed at the time the wholesale business is established.
8. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary retail sales.
9. Studios. Studios may including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
10. Mortuary.
11. Amusement Enterprises. This can including such activities as in-door theater, billiard parlor, bowling alley, sports arena, dance hall, auditorium, miniature golf course, commercial swimming pool and other similar facilities, provided any exterior lighting shall be so arranged as not to reflect into any contiguous lower district.
12. Micro Commercial Cannabis Cultivation (up to 200 mature plants at one time). This includes the growing of commercial cannabis with the following setbacks and requirements located Sec. 26-3-203.
13. Automotive, Farm Implement or Trailer Sales. This is permitted provided that any exterior or outdoor area shall be surfaced with gravel, oil or other high type paving, that all repair of automobiles or trailers shall be conducted within a completely enclosed building, and provided further, that a solid fence or wall shall be maintained at a height of six to eight (6 to 8) feet around all outdoor storage areas including those where inoperative motor vehicles are stored, and along contiguous lots having a more restrictive district, or a motel, restaurant, cafe or other tourist oriented business, or a mobile home park.  
(Ord. 2021-517, eff. 2021-Oct-20; Ord. 2018-487, eff. 2019-Feb-19; Code 2007, 26-72)

### **Sec. 26-2-83. Height Regulations.**

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

(Code 2007, 26-73)



### **Sec. 26-2-84. Area Regulations.**

There are no lot size or area restrictions placed on C-2 District.

(Code 2007, 26-74)

### **Sec. 26-2-85. Setback Regulations.**

1. Front Setback. No front yard required for non-residential buildings.
2. Side Setback. No side yard required for non-residential buildings except that on a lot abutting a residential district, there shall be a side yard of not less than fifteen (15) feet.
3. Rear Setback. No rear yard required except on a lot abutting a residential district, there shall be a rear yard of not less than thirty (30) feet.

(Code 2007, 26-75)

### **Sec. 26-2-86. Conditional Uses.**

The following uses will be permitted in the C-2 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or dwelling units during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. 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 (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, golf course, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Hospital or clinic, ~~but not animal hospital or clinic, or a~~ (Intent to adopt 3/12/24) mental hospital.
7. Boarding or lodging house.
8. Private club or lodge, excepting those the chief activity of which is customarily carried on as a business.
9. Minor industrial activities including such items as feed or fuel storage and sales, contractors equipment, storage rental or sales, radio or television transmitters, tires recapping or re-treading, lumber yards, cleaning or molding mills, and other similar light manufacturing processes, enclosed within the building and that any objectionable noise or odor shall be

confined to the premises and provided further that the same is not contrary to general City and State laws.

10. Automobile wrecking yard, provided all activities are conducted within an enclosed building or within an outdoor area enclosed by a solid fence, wall or hedge at least seven (7) feet in height, and that all wrecked automobile bodies shall be stored on the ground, and provided further, that such yard shall be at least one hundred fifty (150) feet from residential or O-1 District, motel, restaurant or cafe, and provided further, that the same conforms to all City and State regulations.
11. Transportation terminal or trucks stop provided that suitable driveways and access locations are provided which will be acceptable to the Planning Administrator.
12. Commercial Cannabis Cultivation Producers (up to 8,000 mature plants at one time) this includes the growing of commercial cannabis with the following setbacks and requirements located Sec. 26-3-203
13. Manufacturing of Cannabis To compound, blend, extract, infuse, package or otherwise prepare a cannabis product, product using not using volatile solvents.
14. Cannabis Testing Laboratory A person that samples collects and tests cannabis products and transports cannabis products for testing. An establishment used to test cannabis products. This establishment may involve volatile solvents.
15. Printing, publishing, lithographing, blueprinting, photostatting, and similar establishments.  
(Ord. 2021-517, eff. 2021-Oct-20; Ord. 2018-468, eff. 2018-Mar-07; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-76)

**Sec. 26-2-87 to 26-2-90. Reserved.**

## DIVISION 9. M-1 : LIGHT MANUFACTURING DISTRICT

### Sec. 26-2-91. In General.

This district is regulated to permit the C-2 uses in addition to light manufacturing developments, but will exclude all residential uses excepting a accessory dwelling unit.

(Code 2007, 26-81)

### Sec. 26-2-92. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory living quarters which are units permitted on the same parcel of land with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. Accessory Living quarters shall be permitted within the C-1 District but limited to the following:
  - (1) Accessory living quarters are secondary in use to the principal structure.
  - (2) No accessory building shall be used unless the principle building is being used.
  - (3) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, medical cannabis dispensaries, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.
6. Retail and Wholesale Stores, Businesses or Shops. These businesses allow for the manufacturing, compounding, processing, assembling or treating of products including such activities as carpentry, plumbing, sheet metal working, upholstering, sign painting, rubber or metal stamp manufacturing, interior decoration, catering, baking, jewelry or curio making, tin smithing, and printing provided such activities shall be conducted within an enclosed building having business, that the number of persons engaging in the manufacturing process or

assembling shall not be more than ten (10), not including office, clerical or delivery personnel; and provided further, that any activities or product on such premises shall not be objectionable, due to odor, dust, smoke, noise, vibration or other cause.

7. Wholesale Facilities. Such facilities provided that a wall of at least seven (7) feet in height is surrounding any outdoor storage area shall be required adjacent to any residential area, more restrictive district, motel, tourist court, cafe, restaurant or outdoor recreation area which existed at the time the wholesale business is established.
8. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary retail sales.
9. Studios. Studios may including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
10. Mortuary.
11. Amusement Enterprises. This can including such activities as in-door theater, billiard parlor, bowling alley, sports arena, dance hall, auditorium, miniature golf course, commercial swimming pool and other similar facilities, provided any exterior lighting shall be so arranged as not to reflect into any contiguous lower district.
12. Automotive, Farm Implement or Trailer Sales. This is permitted provided that any exterior or outdoor area shall be surfaced with gravel, oil or other high type paving, that all repair of automobiles or trailers shall be conducted within a completely enclosed building, and provided further, that a solid fence or wall shall be maintained at a height of six to eight (6 to 8) feet around all outdoor storage areas including those where inoperative motor vehicles are stored, and along contiguous lots having a more restrictive district, or a motel, restaurant, cafe or other tourist oriented business, or a mobile home park.
13. Signs. Regulations on signs within this district are set forth in [Chapter 20 of the City Codes](#).
14. Radio or Television Transmission. Radio or television transmittal is allowed provided that no assembly hall; studio or other place of public assembly is allowed.
15. Garages and Repair Shops. Automotive and mechanical shops providing for the repair, maintenance or renovation of automobiles, equipment or machinery and including welding shops, machinery shops and other similar facilities.
16. Public Utility Stations. Providing for the use necessary for the transmission and manufacture of services and commodities by utility companies.
17. Petroleum and Gas. Oilfield service establishments and plants permitting service stations, bulk storage plants, liquefied petroleum products, and other combustible materials, provided that the precautions required by local, State and federal controls are followed in the installation of such facility.
18. Commercial Cannabis Cultivation Producers (up to 8,000 mature plants at one time) this includes the growing of commercial cannabis with the following setbacks and requirements located Sec. 26-3-203

19. Manufacturing of Cannabis To compound, blend, extract, infuse, package or otherwise prepare a cannabis product, product using not using volatile solvents.
20. Cannabis Testing Laboratory A person that samples collects and tests cannabis products and transports cannabis products for testing. An establishment used to test cannabis products. This establishment may involve volatile solvents.
21. Manufacturing. Permitting light or minor industrial activities including tire recapping or treading, foundries, experimental or testing laboratories, blacksmith and machine shops, mold mills, concrete or cement products manufacturing, gravel and sand processing or distribution, trucking and freight transportation terminals, wrecking yards and other similar activities provided that such uses be at least one hundred fifty (150) feet from any A-1, R-1, R-2 or O-1 District or from any existing meter, mobile home park, cafe or restaurant.  
(Ord. 2021-517, eff. 2021-Oct-20; Ord. 2018-487, eff. 2019-Feb-19; Code 2007, 26-82)

### **Sec. 26-2-93. Height Regulations.**

Maximum height of thirty-five (35) feet or two and one-half (2-1/2) stories.  
(Code 2007, 26-83)

### **Sec. 26-2-94. Area Regulations.**

There are no area requirements in this District.  
(Code 2007, 26-84)

### **Sec. 26-2-95. Setback Regulations.**

Any building or structure shall not encroach on the right-of-way line of an established or future street line, whichever is more distant from the street center line extended. Access and circulation must be provided adjacent to all structures in this District for the movement of fire protection equipment.

1. Front Setback. A front yard setback of not less than thirty (30) feet is required.
2. Side Setback. No side yard required except on a lot abutting:
  - (1) A residential district (R-1, R-2, O-1, MH), side yard of not less than fifteen (15) feet;
  - (2) An agricultural-rural district (A-1), side yard not less than thirty (30) feet.
  - (3) An agricultural-residential district (AR-1), side yard of not less than twenty (20) feet;
3. Rear Setback. A rear yard setback of not less than twenty (20) feet is required.  
(Code 2007, 26-85)

### **Sec. 26-2-96. Conditional Uses.**

The following uses will be permitted in the M-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Restaurants or Cafes. Restaurants or Cafes are permitted provided that such facilities are for the use of the people working or residing within the District.

2. Rendering Plants and Slaughter Houses. Provided that such activities are completely enclosed within a building or structure, that all objectionable noise and odor is confined to the premises, and that such activity shall be at least three hundred (300) feet from any dwelling or other structure having public use, and provided further, that the area of the lot shall be not less than five (5) acres in size.
3. Special Manufacturing. Special manufacturing processes permitting the manufacturing of paints, petroleum by-products, plastics, asphalt, and other similar activities, provided that, suitable precautions are made for the protection of surrounding property and the health and welfare of residents in the District.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-86)

**Sec. 26-2-97 to 26-2-100. Reserved.**

## DIVISION 10. M-2 : HEAVY MANUFACTURING DISTRICT

### Sec. 26-2-101. In General.

This district is established to permit all industrial uses and in general those uses which are obnoxious and offensive due to odor, noise, vibrations or other causes. No residential or community commercial uses are allowed in the district other than a watchman's quarters and accessory uses incidental to the principal land or building use.

(Code 2007, 26-91)

### Sec. 26-2-102. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory living quarters which are units permitted on the same parcel of land or within the principal building with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. Accessory Living quarters shall be permitted within the C-1 District but limited to the following:
  - (1) Accessory living quarters are secondary in use to the principal structure.
  - (2) No accessory building shall be used unless the principle building is being used.
  - (3) Accessory living quarters may be located within a second or third story of the primary use structure or the rear twenty-five percent (25%) of the primary structure.
  - (4) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.
6. Retail and Wholesale Stores, Businesses or Shops. These businesses allow for the manufacturing, compounding, processing, assembling or treating of products including such

activities as carpentry, plumbing, sheet metal working, upholstering, sign painting, rubber or metal stamp manufacturing, interior decoration, catering, baking, jewelry or curio making, tin smithing, and printing provided such activities shall be conducted within an enclosed building having business, that the number of persons engaging in the manufacturing process or assembling shall not be more than ten (10), not including office, clerical or delivery personnel; and provided further, that any activities or product on such premises shall not be objectionable, due to odor, dust, smoke, noise, vibration or other cause.

7. Wholesale Facilities. Such facilities provided that a wall of at least seven (7) feet in height is surrounding any outdoor storage area shall be required adjacent to any residential area, more restrictive district, motel, tourist court, cafe, restaurant or outdoor recreation area which existed at the time the wholesale business is established.
8. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary retail sales.
9. Studios. Studios may including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
10. Mortuary.
11. Amusement Enterprises. This can including such activities as in-door theater, billiard parlor, bowling alley, sports arena, dance hall, auditorium, miniature golf course, commercial swimming pool and other similar facilities, provided any exterior lighting shall be so arranged as not to reflect into any contiguous lower district.
12. Automotive, Farm Implement or Trailer Sales. This is permitted provided that any exterior or outdoor area shall be surfaced with gravel, oil or other high type paving, that all repair of automobiles or trailers shall be conducted within a completely enclosed building, and provided further, that a solid fence or wall shall be maintained at a height of six to eight (6 to 8) feet around all outdoor storage areas including those where inoperative motor vehicles are stored, and along contiguous lots having a more restrictive district, or a motel, restaurant, cafe or other tourist oriented business, or a mobile home park.
13. Radio or Television Transmission. Radio or television transmittal is allowed provided that no assembly hall; studio or other place of public assembly is allowed.
14. Garages and Repair Shops. Automotive and mechanical shops providing for the repair, maintenance or renovation of automobiles, equipment or machinery and including welding shops, machinery shops and other similar facilities.
15. Public Utility Stations. Providing for the use necessary for the transmission and manufacture of services and commodities by utility companies.
16. Petroleum and Gas. Oilfield service establishments and plants permitting service stations, bulk storage plants, liquefied petroleum products, and other combustible materials, provided that the precautions required by local, State and federal controls are followed in the installation of such facility.



17. Commercial Cannabis Cultivation (up to 8,000 mature plants at one time) this includes the growing of commercial cannabis with the following setbacks and requirements located Sec. 26-3-203
18. Manufacturing of Cannabis To compound, blend, extract, infuse, package or otherwise prepare a cannabis product, product using not using volatile solvents.
19. Cannabis Testing Laboratory A person that samples collects and tests cannabis products and transports cannabis products for testing. An establishment used to test cannabis products. This establishment may involve volatile solvents.
20. Manufacturing. Permitting light or minor industrial activities including tire recapping or treading, foundries, experimental or testing laboratories, blacksmith and machine shops, mold mills, concrete or cement products manufacturing, gravel and sand processing or distribution, trucking and freight transportation terminals, wrecking yards acid other similar activities provided that such uses be at least one hundred fifty (150) feet from any A-1, R-1, R-2 or O-1 District or from any existing meter, mobile home park, cafe or restaurant.
21. Industrial Activities. All industrial activities are permitted except those of a dangerous or highly objectionable nature, such as explosives, glue, tanneries, extensive slaughtering activities, and other similar facilities permitted only under Conditional Uses.
22. Places of Public Assembly. No development or use within this District shall be allowed which entail areas of public use or assembly,  
(Ord. 2021-517, eff. 2021-Oct-20; Code 2007, 26-92)

### **Sec. 26-2-103. Height Regulations.**

There shall be no height limitation in this District.  
(Code 2007, 26-93)

### **Sec. 26-2-104. Area Regulations.**

There shall be no area requirements within this District.  
(Code 2007, 26-94)

### **Sec. 26-2-105. Setback Regulations.**

Any building or structure shall not encroach on the right-of-way line of an established or future street line, whichever is more distant from the street center line extended. Access and circulation must be provided adjacent to all structures in this District for the movement of fire protection equipment.

1. Front Setback. A front yard setback of not less than forty (40) feet is required.
2. Side Setback. No side yard required except on a lot abutting:
  - (1) A residential district (R-1, R-2, O-1, MH), side yard of not less than fifteen (15) feet;
  - (2) An agricultural-rural district (A-1), side yard not less than thirty (30) feet.
  - (3) **An agricultural-residential district (AR-1), side yard of not less than twenty (20) feet;**

3. Rear Setback. A rear yard setback of not less than twenty (20) feet is required.  
(Code 2007, 26-95)

#### **Sec. 26-2-106. Conditional Uses.**

The following uses will be permitted in the M-2 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Restaurants or Cafes. Restaurants or Cafes are permitted provided that such facilities are for the use of the people working or residing within the District.
2. Rendering Plants and Slaughter Houses. Provided that such activities are completely enclosed within a building or structure, that all objectionable noise and odor is confined to the premises, and that such activity shall be at least three hundred (300) feet from any dwelling or other structure having public use, and provided further, that the area of the lot shall be not less than five (5) acres in size.
3. Special Manufacturing. Special manufacturing processes permitting the manufacturing of paints, petroleum by-products, plastics, asphalt, and other similar activities, provided that, suitable precautions are made for the protection of surrounding property and the health and welfare of residents in the District.
4. Objectionable Activities. The following objectionable activities are permitted and may include such activities as bone distillation, fat rendering, cement or lime manufacturing, explosives, fertilizer, glue, stock yards and feeding pens, extensive slaughtering operations, tanneries and hide curing, wool pulling or scouring, alfalfa processing, fertilizer mixing or manufacture, or other similar activities provided those suitable protective measures as determined by the Commission shall be imposed on the facility in advance. In addition, periodic inspections by the Code Enforcement Officer or any other city official designated by the City Manager will be conducted at the discretion of the Commission to insure compliance with any special rules or protective measures.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-96)

#### **Sec. 26-2-107 to 26-2-110. Reserved.**

## DIVISION 11. MH : MOBILE HOME DISTRICT

### Sec. 26-2-111. In General.

This district is regulated to permit one mobile home and normal residential accessory uses, but not another dwelling in each lot, or lot of record provided setback requirements could be met. Each lot must be served by community water and sewer service.

(Code 2007, 26-101)

### Sec. 26-2-112. Uses Permitted.

The following uses are permitted without prior approval of the Commission:

1. Mobile Home Subdivision. Provided that:

(1) One mobile home will be allowed on each lot (not in addition to another dwelling) in this zoning district subject to the following provisions:

(a) That each mobile home complies with the application codes and standards as provided the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#) and/or Housing and Urban Development Zone Code II, and/or the Uniform Building Code.

(b) A land use permit is first obtained from the City of Aztec before placing the mobile home on the lot.

(c) Within 90 days following placing the mobile home on the lot, said mobile home shall be equipped with skirting extending from the bottom of the home to the ground level.

(d) A subdivision plat has been approved by the City Commission in accordance with the City of Aztec Subdivision Regulations and all improvements are built or assurances are provided that improvements will be built in accordance with the standard construction specifications adopted by the City of Aztec.

(e) Accessory building or structure such as a canopy, carport, garage or storage building, provided said structures are of two-hour fireproof construction as specified by the applicable building code and also conform to setbacks specified by the mobile home. Additions to the principle structure shall resemble the exterior of the mobile home.

(f) Accessory uses such as a private swimming pool for residents of the lot, patio, parking, private antenna, wall, fence, bench and landscaping.

2. Mobile Home Parks. It shall be unlawful for any person to rent, lease, or sell any mobile home that is to be used as living quarters to be parked on the land under their supervision in violation of the provisions of this ordinance. Any expansion or extension of a nonconforming mobile home park, either on the same or an adjoining lot, shall be made in conformity with the provisions of this ordinance. In addition, the following must be submitted:

(1) Plot and Landscaping Plans. Plot and landscape plans shall be drawn by a land surveyor to a scale of one inch equals one hundred (1:100) feet upon Mylar or linear and shall contain the following information:

- (a) The legal description of the site, dimensions of the site perimeter, north point, and total land area within the site perimeter.
  - (b) The proposed name of the mobile home park.
  - (c) The location and width of all streets and alleys to or within the site together with walks, curbs, pavements, existing structures, existing utility easements, proposed recreation and parking areas, and proposed utilities such as gas, water, electricity, and sewer.
  - (d) The size of all proposed or existing water and sewer lines.
  - (e) The location and dimensions of all proposed accessory uses and any other proposed structures.
  - (f) The existing district of the site and the existing zoning adjacent to the site for a distance of six hundred (600) feet from the site perimeter.
  - (g) The signature of the owner and signature blanks for the signature of the Zoning Administrator or his authorized representative upon approval.
- (2) Incorporated into the plot plan or submitted as a separate exhibit there shall be a landscaping plan containing the information required by Subsection 2.d. below and a surface drainage plan showing the proposed grading contours within the mobile home park and the location and dimensions of all tile lines, culverts, catch basins, drain inlets, turf and masonry gutters, all curbs, drainage, disposal, and any existing facilities to be used for surface drainage.
- (3) The plot plan, together with the landscaping plan and the surface drainage plan or statement, shall be in compliance with regulations hereunder, and all other applicable laws and regulations, and when, upon review the City Commission shall be satisfied that there is such compliance, a building permit may be issued for the construction of the mobile home park. Upon completion of the construction of the mobile home park and a final inspection by the City, a mobile home park permit shall be issued if said construction shall have been completed in full compliance with this ordinance.
- (4) Landscaping plans shall contain the following information:
- (a) The outline of mobile home stands, patios accessory buildings, and other improvements.
  - (b) The outline of all planting beds and areas to be seeded or sodded.
  - (c) A legend for all materials, both organic and inorganic, used in landscaping the mobile home park and giving the common name of plant species and key numbers for reference to the plan.
  - (d) The location, site and species of existing trees and shrubs to be preserved, transplanted, or removed.
  - (e) The location, quantity and key number of all new plant materials to be planted; and

- (f) The details of all features pertaining to site improvements, such as retaining walls, tree walls, and other site improvement details not shown upon other drawings.
- (5) Accessory buildings and uses shall be permitted within a mobile home park, provided that:
- (a) Such buildings and uses shall, in no case, dominate, in area, extent or purpose, the principal use of the land as a mobile home park;
  - (b) Such buildings and uses shall be only for the purpose of providing services, conveniences or comforts for the occupants of the mobile home park and their guests; and
  - (c) Any advertising of such uses shall be visible primarily from within the mobile home park and shall not be displayed to the general public.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-102)

### **Sec. 26-2-113. Height Regulations.**

All buildings and structures in this district shall be limited to twenty (20) feet above natural adjacent ground level.

(Code 2007, 26-103)

### **Sec. 26-2-114. Area Regulations.**

1. Minimum lot area shall be 5,445 square feet.
2. Within a Mobile Home Park, the minimum area of the park is three (3) acres. The maximum average density shall be eight (8) mobile homes per acre or one mobile home per 5,445 square feet.

(Code 2007, 26-104)

### **Sec. 26-2-115. Setback Regulations.**

1. Front Yard. The front yard setback, as defined by that portion of the yard that adjoins the road access to the lot (whether private or public), shall be a minimum of twenty (20) feet from the established or future street right-of-way or property line.
2. Side Yard. The minimum side yard setback shall be five (5) feet; however, the setback shall be fifteen (15) feet on the street side of corner lots. Within a Mobile Home Park, the side setbacks shall be at least fifteen (15) feet, except for mobile homes which are rated with two-hour fireproof construction as specified in the Building Code, the structure shall then be at least five (5) feet from any mobile home.
3. Rear Yard. The rear yard setback shall be a minimum of twenty (20) feet on single frontage, double frontage, or corner lots. Within a Mobile Home Park, the rear yard setback shall be at least ten (10) feet.
4. Mobile Home Park. The minimum setback along property lines of a mobile home park shall be as follows, and no structures, including mobile homes, shall be erected, constructed, or located closer to such property lines than the minimum setback distance, unless otherwise specifically provided:

- (1) Public rights of way (excluding four lane highway): thirty (30) feet from the property line.
- (2) Public rights of way with four or more traffic lanes (excluding frontage roads): eighty-four (84) feet from the centerline of such right of way or forty (40) feet from the property line, whichever distance is greater.
- (3) Private streets: twenty-five (25) feet from the centerline of such right of way or easement or ten (10) feet from the easement boundary, whichever distance is the greater.
- (4) All other property lines: twenty (20) feet from the property line; provided that walks or fences may be erected or located closer to such property lines than the minimum setback distance.  
(Code 2007, 26-105)

### **Sec. 26-2-116. Conditional Uses.**

The following uses will be permitted in the MH District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. 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 months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, golf course, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Church.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-106)

### **Sec. 26-2-117. Utilities.**

Minimum requirements within each lot shall be as follows:

1. All power, telephone and cable television lines shall be placed underground.
2. Any community or private sewer or water lines shall be designed and constructed in accordance to all. No sewer or other underground utility line shall be covered or backfilled until inspected and tested by the Public Works Director or a representative official designated by the Public Works Director of the City of Aztec. All remedial action needed to correct deficiencies of construction shall be at the expense of the property owner.

3. All mobile home laws of the State of New Mexico are complied with.  
(Code 2007, 26-107)

**Sec. 26-2-118. Site Conditions for Mobile Home Parks.**

1. In accordance with the required surface drainage plan per Section 26-18-1 2(2), the entire ground surface within the mobile home park shall be graded and equipped in such a manner as to provide diversion of water away from buildings patios, and mobile home stands; to prevent standing water and soil saturation, which would be detrimental to structures; and to provide adequate and safe surface drainage.
2. For the purpose of preventing soil erosion and unusual and objectionable dust, exposed ground surfaces within a mobile home park, except planting beds and areas preserved in their natural state for scenic reasons, shall be paved, surfaced with gravel crushed rock, or like material; or planted in a vegetative growth capable of preventing such erosion and dust.
3. Storage facilities for large trucks, boats and recreational vehicles, other than private passenger vehicles, shall be designed in such a manner that the view of such storage facilities from property adjoining the mobile home park and from public roads shall be screened by fencing, walls, berms, or densely planted vegetation.
4. A mobile home park shall be serviced by a private street system constructed and maintained in compliance with City standards and providing safe and convenient access from abutting public streets to all mobile home spaces.
5. In all mobile home parks constructed after the effective date of this ordinance, utilities shall be installed underground.
6. Mobile home parks shall be screened from adjacent property and public sight buffers. Trees and shrubs which die after a mobile home park permit has been issued shall be replaced within six (6) months.  
(Code 2007, 26-108)

**Secs. 26-2-119 to 26-2-120. Reserved.**

## **DIVISION 12. PUD : PLANNED UNIT DEVELOPMENT DISTRICT**

### **Sec. 26-2-121. In General.**

This district provides suitable sites for uses, which are special because of infrequent occurrence, effect on surrounding property, safety hazard, or other reasons. A pre-requisite for a land tract to be considered under such land use district is that the parcel of land includes at least three (3) acres in area for commercial, residential, and public land uses or ten (10) acres for manufacturing and agriculture uses.

(Code 2007, 26-111)

### **Sec. 26-2-122. Procedures.**

1. An application for a change to a PUD district is not specifically required to state, however any subsequent development or change in development is so required and should state the proposed use and be accompanied by a plot plan showing the location and dimensions of the property.
  - (1) If the development is to start within six (6) months from the date of approval by the Commission, a Site Development Plan and a preliminary Landscaping Plan must accompany the application. A final Landscaping Plan is required to be approved prior to the issuance of a building permit, license or tax number for the location.
  - (2) If the development of the property is not solidified within six (6) months from the date of approval by the Commission, the data specified in the paragraph above (26-19-1-1.1), the Commission prior to the issuance of a building permit, license, or this subsection must be submitted for approval by City commission for the location.
2. A decision implementing a change for the location of a PUD district should designate the specific use permitted, and a building permit shall be issued only for the specific use and in accordance with the approved Site Development Plan. The specific use shall be recorded on the District Map.
3. In approving the development application, the Community Development Department and City Commission may impose requirements as may be necessary to implement the purpose of this ordinance.
4. A certified copy of the Site Development Plan shall be kept in the City Administration Building so that it may be reviewed against an application for a building permit for any part or all of a special use.
5. The City Commission shall review the application and progress of development approximately four years from the date of approval of the application and each year thereafter until completion of the plan, and if needed open a hearing on redistricting.
6. The Community Development Director may approve minor changes to the approved Site Development Plan or Landscaping Plan if it is consistent with the use and other written requirements approved by the City Commission, if the buildings are of the same general size, the vehicular circulation is similar in its effect on adjacent property and streets, and the approving official finds that neither the City nor any person will be substantially aggrieved by the altered plan. If unsure whether these conditions apply, the Community Development Director or a designee may call for hearings by the City Commission.

(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-112)



**Sec. 26-2-123. Height Regulations.**

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

(Code 2007, 26-113)

**Sec. 26-2-124. Area Regulations.**

There are no area requirements within this District.

(Code 2007, 26-114)

**Sec. 26-2-125. Setback Regulations.**

Any building or structure associated with this use shall not encroach on the right-of-way line of an established or future street line, whichever is more distant from the street center line extended. Access and circulation around any structures must be provided for the movement of fire protection equipment. The Community Development department and City Commission may impose requirements as may be necessary to implement for the purpose of this Chapter.

(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-115)

**Sec. 26-2-126. Special Uses.**

1. Accessory use customarily associated with a use permitted in this district, provided it is incidental to the major use.
2. Airport.
3. Antenna (commercial) provided it is at least one hundred (100) feet from a public way.
4. Amusement park of a permanent character, including kiddieland, children's amusement park, and children's playland.
5. Church and its incidental uses, provided it is located on a collector or arterial street.
6. Drilling and production of petroleum gas, or hydrocarbons.
7. Drive-in theater, provided:
  - (1) Turning lane into the entrance that can accommodate vehicles in an amount equal to at least thirty percent (30%) of the vehicular capacity of the theater.
  - (2) A structure is at least fifty (50) feet from a street on any side where ingress or egress is permitted.
  - (3) A screen less than five hundred (500) feet from an arterial street is so located or shielded that the picture surface cannot be seen from the arterial street.
  - (4) The site is enclosed with a solid wall or fence at least six (6) feet high.

8. Golf course.
9. Golf driving range.
10. Gravel, sand, or dirt removal activity, stockpiling, processing and distribution.
11. Institution, correctional or mental.
12. Mobile home park, provided it meets the requirements of Section 26-18.
13. Open market.
14. Planned development to new housing area, including residential development, in which special use, height, area, setback, or other regulations may be imposed.
15. Race track.
16. Recreational Vehicle (RV) Park.
17. Stadium.
18. Shopping center.  
(Code 2007, 26-116)

**Secs. 26-2-127 to 26-2-130. Reserved.**

**DIVISIONS 13 TO 20. Reserved.**  
**Secs. 26-2-131 to 26-2-209. Reserved.**

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## ARTICLE IV. PROPERTY USE REQUIREMENTS AND EXCEPTIONS

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### DIVISION 1. IN GENERAL

#### **Sec. 26-4-501. Uses Not Listed.**

Any land use not specified under "Uses Permitted" within the text of this Chapter shall be considered a conditional use provided the applicant can demonstrate compatibility with other land uses in the surrounding property or community. The inclusion of a use in a District as "Permissive Uses" as set forth herein shall follow the procedures as outlined in the section entitled "Application for Change".

(Code 2007, 26-501)

#### **Sec. 26-4-502. Lawful Non-Conformance.**

The use of any dwelling, building, or structure which was existing and lawful at the time of the enactment of this ordinance may be continued, although such use does not conform to the provisions of this ordinance.

(Code 2007, 26-502)

#### **Sec. 26-4-503. Discontinuance and Abandonment.**

In the event of the non-conforming use of any dwelling, building or other structure and of any land or premise is discontinued for a period of one (1) year, any further use thereof shall be in conformance with the provisions of this ordinance. For the purpose of this ordinance, discontinued shall mean that the structure has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had previously occurred.

(Code 2007, 26-503)

#### **Sec. 26-4-504. Procedures.**

1. Application. Proposed applications must be discussed with the City Planner for familiarization with current city regulations and for specific documentation that will be required to complete the application process. Each application must be accompanied with the proper documentation for review and be acquired prior to public notification. Failure to provide the proper documentation for public notification and board review can lead to delay in the application process and/or refusal of application. For purposes of this Chapter, applications require proper documentation, public notification, and approval from the Community Development Department and the City Commission:

- |                        |            |
|------------------------|------------|
| (1) Change of District | Division 2 |
| (2) Special Use        | Division 3 |
| (3) Conditional Use    | Division 4 |
| (4) Variance           | Division 5 |

2. Hearings. Proposed applications must follow proper public notification and should be heard **by the Planning and Zoning Board who will make a recommendation to the City Commission in a public meeting. The final approval will be made** by the City Commission in a public meeting, unless otherwise stated in this Chapter. The Hearing Process includes the following:

- (1) City Commission-Planning and Zoning Board. Each application that comes before the Community Development Department and will be placed as an Agenda Item on the next available Planning and Zoning Board City Commission meeting, unless otherwise dictated by the applicant, the Community Development Department, or other time constraints. The Planning and Zoning Board City Commission will consider the recommendation by the Community Development Department on each application, but is not held to that recommendation.
- (2) City Commission. Each application that comes before the Community Development Department and the Planning and Zoning Board will be placed as an Agenda Item on the next available City Commission meeting, unless otherwise dictated by the applicant, the Community Development Department, or other time constraints. The City Commission will consider the recommendation by the Community Development Department on each application, but is not held to that recommendation.
- (3) Public Notification. Public notice of the hearings or meetings at which the application is to be considered must be given by legal advertisement by at least one publication in a newspaper of general circulation in the Municipality at least fifteen (15) days before the subsequent City Commission meeting. Additional public notification may be required depending upon the type of application being submitted for review and approval. Where necessary, additional public notification requirements are specified in the appropriate sections.
- (4) Expiration of Approval. Expiration of Approval will lead to the application being voided and can occur from one of the following:
  - (a) An application is void if not submitted to the City Commission within six (6) months after the date of recommendation by the Community Development Department, or if not approved by the City Commission within three (3) months after receipt of a recommendation from the Community Development Department. No application shall be voided if delay is caused by the Municipality.
  - (b) An approval of change to the Official District Map by the City Commission is void if requirements prerequisite to the publication of the implementing ordinance are not met within two (2) months after the date of approval by the City Commission.
- (5) Appeal Process. Public notice of an appeal must be given by legal advertisement in the manner prescribed for a change to the text of this Chapter. The Municipality must give written notice of an appeal together with notice of the hearing date to the applicant, a representative of opponents, if any, and the appellant. The appeal must be presented to the City Commission within three months after the date of filing. Once the appeal is presented to the City Commission, a request for delay in hearing the appeal must be acted upon at a regular City Commission meeting.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-504)

**Secs. 26-4-505 to 26-4-520 Reserved.**

## DIVISION 2. CHANGE OF DISTRICT

### Sec. 26-4-521. Process.

1. Application. Application for the amendment of the Official Land Development Map or text of this Chapter shall be to the Municipality (Community Development Department, **Planning and Zoning Board**, and City Commission). Required documents or information will include:
  - (1) A completed "Application For District Change" form;
  - (2) A recent survey;
  - (3) Legal description or proper street address of the subject property;
  - (4) Reason for the request to change the current district.
2. Publication and Notification. Public notification will be conducted by the Planning Department. Such notification will include all property owners within one hundred (100) feet of the exterior boundaries (excluding public right-of-way).
3. Fees. A non-refundable fee is established in [Chapter 16, Section 16-293](#).
4. Approval or Denial. A request for change in any district can be denied by the City Commission based upon, but not limited to, the following circumstances:
  - (1) Failure to provide the proper documentation;
  - (2) Failure to meet the required deadline for public notification;
  - (3) Failure to demonstrate notification through certified mail of adjoining property owners within one hundred (100) feet of the area of proposed change;
  - (4) Presentation of written protest signed by the majority of owners that are within the proposed change or within one hundred (100) feet of the area proposed for change.
  - (5) The City Commission determines that the change could be detrimental to the surrounding area, or may have significant impact on the general health, safety, and/or welfare of property owners in the general area.
  - (6) That the request for change in type of district was not approved by the majority vote of the City Commission.
  - (7) Failure to pay the proper fee.
5. Duration. Once approved, the application of change of district will become part of the Official District Map and Regulation.  
(Ord. 2019-498, eff. 2020-Feb-13; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-521)

### Secs. 26-4-522 to 26-4-530. Reserved.

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## ARTICLE V. DEFINITIONS

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### Sec. 26-5-121. Definitions.

For the purpose of this Article, certain terms or words are hereby defined and shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, City, corporation as well as an individual or natural person. The present tense includes the future tense, the singular number includes the plural and the plural includes the singular. The words "must" and "shall" are mandatory and the word "may" is permissive. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied". The word "lot" includes the words "plot", "parcel", or "tract".

Accessory dwelling unit

Is a dwelling unit permit on the same parcel of and with a conforming or non-conforming use, provided that such a unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel. (See also C-1 Zone)

Accessory use or structure

A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal or dominant use or structure.

Abutting

Adjacent to and touching.

Airport

Any tract or area which is now being used or is contemplated for use as a take-off or landing area for aircraft, and any support, contiguous or appurtenance areas used or intended for use of airport buildings, facilities, or right-of-ways. Approach zones for landing patterns are not included in the general description of an airport.

Adoption

The term adoption shall include the word "adoption", "amendment", "passage", and "effective date" of this zoning code or amendments thereto. All such terms whenever used shall be synonymous.

Alley

A public or private way which offers only a secondary access to abutting property.

Alteration

Alter or alteration shall mean any change of size, shape, character or use of a building or structure.

Animal unit

~~For purposes of this Ordinance, the following animal equivalents shall obtain for a premises or lot providing further that said animals shall not run at large and further provided that no animals shall be kept nearer to the nearest neighbor's home than to the home of the owner:~~

~~One Animal Unit = One cow + one calf standing by her side  
" " = One horse + one colt standing by her side~~

- ~~" "~~ = Eight goats (including not more than one male goat per five acres)
- ~~" "~~ = Twelve sheep
- ~~" "~~ = Five turkeys
- ~~" "~~ = Seven geese
- ~~" "~~ = Ten ducks, chickens or similar fowl

#### Kennel

~~A premises where dogs and other domestic small animal pets are kept, sheltered, bred, raised and/or animals are kept, sheltered or boarded for hire., profit or charge, or any premises where a greater number than five (5) of dogs, cats or both of an age greater than eight (8) weeks of age are kept, owned or maintained.~~

#### Livestock

~~For purposes of this Ordinance, the following animal horse, cow, ducks shall obtain for a premises or lot providing further that said animals shall not run at large and further provided that no animals shall be kept nearer to the nearest neighbor's home than to the home of the owner. Swine are not allowed.~~

#### Poultry

~~Any chickens, turkeys, ducks, geese, guineas or other fowl excepting such recognized pet species as canaries, finches, parakeets, parrots, mynah birds, etc.~~

#### Structural alteration

Any change in the supporting frame or members of a building or structure, including such items as bearing wall, beams, columns, and trusses.