



## Roswell Planning and Zoning Committee

Monday, March 2, 2015 at 8:00 a.m.  
Conference Room at Roswell City Hall  
425 North Richardson Avenue

Committee Chair: Jason Perry

Committee Members: Savino Sanchez and Tabitha Denny

Staff Coordinator: Amber Copeland

### A. Call to Order

### B. Approval of the Agenda

### C. Minutes

1. Consider approval of the February 2, 2015 Minutes

### D. Unfinished Action Items

1. Proposed Changes to Zoning Ordinance No. 10-02:Amended (Amber Copeland)

### E. New Action Items

1. Weed Resolution #15-13 (Mike Mathews)
2. Condemnation Resolution #15-14 (Mike Mathews)

### F. Information Items

1. Planning and Zoning Commission Report (Amber Copeland)
2. OMA Property Update – (Louis Najar)

### G. Other Business and Announcements

### H. Adjourn

This is your official meeting notification. **Should you be unable to attend or have questions, please call the Zoning Department at 637-6218.**

Notice of this meeting has been given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 14-36.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Human Resources at 575-624-6700 at least one week prior to the meeting or as soon as possible. Public documents including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 575-624-6700 if a summary or other type of accessible format is needed.



## MEMORANDUM

**Meeting Date:** Monday, March 2, 2015  
**Item No.** C-1  
**To:** Planning and Zoning Committee  
**From:** Planning and Zoning Department  
**Subject:** Approval of minutes from February 2, 2015 meeting.

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**Action Requested:** To approve the minutes of the February 2, 2015 meeting.  
**Background:** Meeting minutes are not official until approved by the Committee.  
**Options:** Approval or disapproval of minutes.  
**Staff Recommendation:** Approval of minutes.



REGULAR MEETING 8:00 A.M.

**CALL TO ORDER AND WELCOME** –Chair- Jason Perry

A regular meeting of the Planning and Zoning Committee was called to order at approximately 8:00 a.m. by Chair Perry with the following members present:

Members present included Savino Sanchez.

Absent members included Tabitha Denny.

Staff present included Steve Polasek- City Manager, Louis Najjar- City Engineer, Mike Mathews- Special Services Administrator, Elizabeth Stark-Rankins- Support Services Administrator, Bill Bartlett- Code Enforcement Supervisor, and Amber Copeland, Zoning Administrator.

**APPROVAL OF AGENDA**

Councilor Sanchez moved to approve the agenda as presented. Chair Perry seconded the motion and all were in favor.

**APPROVAL OF MINUTES** –January 5, 2015

Councilor Sanchez moved to approve the minutes as presented. Chair Perry seconded the motion and all were in favor.

**UNFINISHED ACTION ITEMS**

1. Proposed Changes to Zoning Ordinance No. 10-02: Amended

Ms. Copeland discussed the proposed changes to the Zoning Ordinance. She stated the Recreational Vehicle Park District (RVP) had been removed from the listing of zoning districts and placed under Special Uses in the C-2 District. She stated Staff was considering allowing RV parks as Special Uses in I-1 District as well. She stated Staff had discussed the fact that RV parks are uses which do not appear to fit well as zoning districts and that it could encourage spot zoning. Ms. Copeland stated the development requirements would remain the same. Chair Perry asked Staff to bring a zoning map to the March Committee meeting. Ms. Copeland stated designating RV parks as Special Uses would require them to be heard at a public hearing by the Planning and Zoning Commission and to meet requirements set forth by Staff. Chair Perry asked Staff to find a better format for the Special Use designation for RV parks.

Ms. Copeland stated an amendment to Article 23, Section 4: Accessory Uses had been made under A.2.f requiring a placement permit for buildings less than 120 square feet. She stated a 5' setback had been included for all structures abutting a shared property line, meaning a side property line abutting a neighboring property or a rear property line without an alley. She stated a 0' setback would still be allowed for a structure abutting a rear property line with an alley. Chair Perry asked Staff to either define shared property lines in the definitions section or to make the designation clearer in Article 23, Section 4.A.2.f. Mr. Najjar stated shared property lines include City owned properties. Chair Perry stated Section 4.A.2.e states structures must be an additional 1' from property lines for every 1' in height over 10' and asked why Staff had decided on the 10' height. Discussion ensued regarding average heights for accessory structures. Mr. Najjar stated Staff would amend the height to 12'. Mr. Polasek stated a loss of aesthetic value could develop from having homes surrounded by excessively tall accessory structures.

Ms. Copeland discussed the addition of Article 23, Section 14 which would require enclosures for dumpsters in Commercial and Industrial Districts. Mr. Polasek asked Staff if any door or gates would be required for the enclosures. Mr. Najjar stated they had not been specified and that three-sided enclosures are typically required to allow for sanitation trucks to access the

dumpsters. Mr. Polasek stated it is not uncommon for the enclosures to have doors and that doors can help with containment and aesthetic value. Mr. Najar stated Staff would research the matter further. He stated existing businesses would be considered legal non-conforming uses. Chair Perry stated the amendments to the Ordinance were nearly completed and asked Staff to bring back a final draft in March.

Discussion of the passage of the sign portion of the Zoning Ordinance ensued. Mr. Polasek stated the signs can contribute to a lack of aesthetic value as well as to issues with sight triangles. Mr. Mathews stated Code Enforcement, Engineering, and Zoning would all respond to issues with sight triangles. Mr. Polasek stated the City would be developing a Unified Development Code and that issues with signs would be addressed by that document. He asked that Council and Staff review all City ordinances and codes to find any other issues to be addressed.

#### **NEW ACTION ITEMS**

1. Weed Resolution #15-07

Councilor Sanchez made a motion to place Weed Resolution 15-07 on the Consent Agenda for the February 12, 2015 City Council meeting. Chair Perry made the second. All were in favor.

2. Condemnation Resolution #15-08

Councilor Sanchez made a motion to place Condemnation Resolution 15-08 on the Consent Agenda for the February 12, 2015 City Council meeting. Chair Perry made the second. All were in favor.

#### **INFORMATION ITEMS**

1. Planning and Zoning Commission Report

Ms. Copeland reviewed the attached abstract and stated two cases would be heard by Council. She stated Toby Gross had been appointed to the Comprehensive Master Plan Steering Committee by the Planning and Zoning Commission with Eddie Carrillo named as alternate. Chair Perry stated he had requested he be allowed to chair the Steering Committee. He stated he felt former City Councilor Judy Stubbs would be a valuable addition to the Steering Committee. Mr. Najar stated Chris Cortez of Atkins Engineering and Adam Roybal from Xcel Energy had been appointed to the Steering Committee as citizen representatives. Mr. Polasek stated Ivan Garcia and Maddux Hobbs had also been appointed. Mr. Polasek stated there may be opportunities to appoint additional members to subcommittees and working groups.

2. OMA Property Update

Mr. Najar stated a workshop would possibly be held in March. He stated the City would overlay a Planned Unit Development (PUD) over the four quadrants. He stated parcels along College Boulevard and Sycamore Avenue would be commercially zoned with residential development consisting of non-stucco homes in the interior. He stated that would be done for all four quadrants. Mr. Najar stated the 1995 OMA report had been included. Mr. Najar stated PUDs would allow for parameters for development to be set by the City. Discussion of the tracts ensued. Chair Perry stated Building and Lands Committee, Planning and Zoning Committee, and Airport Committee would all like input into developments at the OMA. Mr. Najar stated Elite Gymnastics had reconsidered relocating to the OMA and was considering a piece of land at the corner of North Grand Avenue and East College Boulevard. Chair Perry stated he would like Staff to research the new proposed location to ensure it did not conflict with a proposed memorial to the Blackdom settlement. Mr. Najar stated he would ask Sharon Coll, City Clerk, to research the issue.

#### **OTHER BUSINESS AND ANNOUNCEMENTS**

There was no additional business.

#### **ADJOURN**

Chair Perry announced the meeting adjourned at 8:50 a.m.



## MEMORANDUM

**Meeting Date:** Monday, March 2, 2015

**Item No.** D-1

**To:** Planning and Zoning Committee

**From:** Planning and Zoning Department

**Subject:** Discussion of proposed changes to Zoning Ordinance No. 10-02: Amended.

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**Action Requested:** To receive comments from the Committee on proposed changes to Zoning Ordinance No. 10-02: Amended.

**Background:** Staff is working on updating the Ordinance to accommodate the needs of the public and to have clearer definitions of commonly used terms.

**Options:** To make changes to proposals and to direct Staff on how to proceed.

**Staff Recommendation:** Input from Committee members.

# **FEE SCHEDULE**

## Change of Zoning:

- A. Less than 5 acres- \$200.00 for the first acre plus \$15.00 for each additional acre.
- B. 5 acres to less than 20 acres- \$300.00 for the first 5 acres plus \$15.00 for each additional acre.
- C. 20 acres or more- \$400.00 for first 20 acres plus \$10.00 for each additional acre.

## Annexation by Petition Method:

- A. Less than 10 acres- \$300.00 for the first 5 acres plus \$15.00 for each additional acre.
- B. 10 acres to less than 20 acres- \$400.00 for the first 15 acres plus \$15.00 for each additional acre.
- C. 20 acres to less than 40 acres- \$500.00 for first 25 acres plus \$10.00 for each additional acre.
- D. 40 acres or more- \$600.00 for the first 40 acres plus \$10.00 for each additional acre.

## Special Use Permits :

\$400.00 per application.

## Variances:

\$200.00 per application.

## Conditional Use Permit:

\$200.00 per application.

## Plats:

### A. Subdivison

- 1. Preliminary- \$200.00 plus \$4.00 per lot
- 2. Final- \$150.00

### B. Summary- \$10.00 plus \$2.00 per lot

## Vacation of Public Rights-of-Way or Easements:

\$200.00 per application

## Deferment or Postponement Initiated by Applicant or Agent:

\$100.00 per deferment or postponement.

## Appeal to City Council:

\$100.00 per Appeal.

## Zoning Confirmation Letter:

\$20.00 per site.

## Planned Unit Developments:

- A. \$400- Preliminary Plan
- B. \$200- Final Plan
- C. \$100- Extension of Time

The fees described above are non-refundable. The applicant is required to pay these fees to cover the City's expenses incurred during the application process. The City reserves the right to adjust fees as needed.

**Automobile/motor vehicle sales.** An area used to display/sell automobiles or motor vehicles.

**Automobile laundry.** A building where automobiles or motor vehicles are washed.

**Automobile service station.** A building or portion thereof where gasoline, diesel fuel, and other automobile fuels or oils are offered for sale and where automotive repairs may be offered.

**Bank.** A financial institution offering checking and savings accounts and other services.

**Bar.** Any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.

**Barbershop.** A place of business of a barber, licensed by the state of New Mexico, who cuts, trims and/or shaves hair.

**Beauty shop.** An establishment, licensed by the state of New Mexico, providing ~~women with~~ services that include hair treatment, manicures, and facials.

**Block.** A tract of land bounded by streets, alleys, railroads, or river channels.

**Boarding or lodging home.** A building for accommodating persons, not members of the keeper's family and not a hotel/motel, where lodging and meals are provided for definite periods.

**Boundary.** A border dividing territories or properties.

**Bowling alley.** A building used for bowling.

**Buildable area.** The area remaining on a lot after the minimum yard setback requirements have been met.

**Building/Structure.** Any building constructed for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind and which is permanently affixed to the land.

**Building, accessory.** A subordinate structure which serves a principal building, which is subordinate in area, extent, and/or purpose to the principal building and contributes to the comfort, convenience, and/or necessity of the occupants of the principal building being served.

**Building, conforming.** A structure which complies with this Ordinance or any amendment thereto and is intended for a use permitted in the zoning district where it is located.

**Building, non-conforming.** A structure which does not comply with this Ordinance or any amendment thereto and is intended for a use not permitted in the zoning district where it is located.

**Building, principal.** The primary structure where the principal use of the lot is conducted.

**Building, temporary.** Any structure not permanently affixed in place.

**Business.** Any enterprise where goods are sold or services are rendered.

**Campground.** Includes, but is not limited to; tourist camps, travel trailer camps or parks, recreation camps, family campgrounds, camping resorts, camping communities, or any area on which 3 or more campsites occupy the area for recreational uses only.

**Camping Unit.** tent, tent-trailer, travel trailer, camping trailer, pickup camper, motor home, recreational vehicle or any other unit used as temporary living quarters for recreational purposes.

**Carport.** An open-sided shelter for a car attached or detached to a structure.

**Certificate of Occupancy/Compliance.** A document issued by the Administrator or Building Inspector after the final inspection.

**Certified or Certification.** Documents bearing the signature and seal of a professional Engineer or Architect licensed in the State of New Mexico.

**City Council or Council.** The City of Roswell governing body.

**Changeable Copy Sign.** A sign with physically interchangeable characters or letters.

**Child Care Center.** A commercial facility where services and supervision are provided for more than 6 children at a time.

**Child Care Facility, Licensed.** A licensed facility by the New Mexico Child, Youth, and Family Division providing supervision for children thirteen years of age or younger.

**Child care home.** A residence where services and supervision are provided for no more than 12 children at a time.

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**F.A.A.** The Federal Aviation Administration or its authorized successor agency.

**Facility.** A building, structure, or device whose sum of all parts provides a functional use.

**Family.** ~~One or more persons related to each other, or a group of persons not related, living together in a dwelling unit. A family may also include boarders, roomers, or permanent guests.~~ **An individual or a group of two (2) or more persons related by blood, marriage or adoption, including foster children and domestic servants, or a group not to exceed five (5) persons not related by blood, marriage or adoption, living together as a single housekeeping unit and using a single common cooking facility.**

**Farm.** Any tract of land where income is derived from activities defined in the term "agriculture".

**F.C.C.** The Federal Communications Commission or its authorized successor agency.

**Fence.** A structure erected on a property to prevent escape or intrusion.



**Figure Model.** Any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted.

**Floor area, gross.** The square footage of a structure measured from the exterior face of walls.

**Floor area, net.** The interior square footage of a structure measured from the interior face of walls or for figuring parking, the area not considered off-limits to customers inside of a business.

**Frame Effect.** A digital sign visual effect used to transition from one message to the next.

**Garage, public.** A structure used for storage of automobiles.

**Height.** The distance from the pre-existing grade to the highest point on a structure.

**Home Occupation.** A home business operated in accordance with Article 26.

**Home Space.** Specific area set aside for occupancy within a Manufactured/Mobile Home Community (MHC) which is offered for rent or lease.

**Hospital.** An institution that provides medical, surgical, or psychiatric care and treatment for the sick or the injured.

**Hostel.** A building providing lodging on a temporary basis with a shared kitchen and other facilities in a dormitory setting.

**Hotel, motel.** A building containing lodging accommodations for paying temporary guests.

**Independent Camping Unit.** Unit including operational water-flush toilet, sink, and shower.

**Junkyard.** A facility or structure thereof used for the storage and possible resale of anything discarded by others.

**Kennel.** Any structure, premise, or portion thereof in which more than 3 animals over 6 months of age are kept, maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

**Lot.** A parcel of land adequate in size for occupancy by a permitted use which is part of a subdivision or described by metes and bounds with a legal description recorded with the County.

**Lot area.** The square footage of a lot.

**Lot, corner.** A lot where two intersecting sides abut public or private streets.

**Lot, depth.** The average distance between the front and rear property lines.

**Lot, double frontage.** A lot having frontage on two parallel streets.

**Lot, interior.** A lot other than a corner or double frontage lot.

**Lot lines.** The property boundary lines of a lot.

**Lot line, front.** The property line of a lot abutting a street, except on a corner lot, where the front lot line shall be the lot line abutting a street with the shortest dimension.

**Lot line, rear.** The lot line which is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length or if the two side lot lines form a point, then the rear lot line shall be a line ten (10) feet in length within the lot, parallel to the front lot line.

**Lot line, side.** One of two lot lines which is not a front or rear lot line.

**Lot width.** The average distance between the Two side property lines.

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## **ARTICLE 8: R-2 RESIDENTIAL DISTRICT**

### **Section 1. Purpose**

This district is intended for low to medium density dwellings units, 5 to 9 units per net acre, and other uses which uphold and maintain the low to medium density residential nature of the district.

### **Section 2. Use Regulations**

#### **A. Permitted Uses are as follows:**

1. Any use permitted in the R-1 District
2. ~~Manufactured/Mobile homes on individual lots as designated areas recommended and outlined on the official zoning map and by the Comprehensive Master Plan. Applicant for such use shall meet the standards set forth for that zoning district and apply for a permit from the City's Building Department after receiving consent from the majority of property owners on both sides of the street within the same block in which the subject property is located and any other property owners within the 100 foot notification area.~~
3. ~~2.~~ Townhouse.
4. ~~3.~~ Duplex

#### **B. Special Uses are as follows:**

1. Any special use permitted in the R-1 District.

## **ARTICLE 13: (RVP) RECREATIONAL VEHICLE PARKS AND CAMPGROUND DISTRICT**

### **Section 1. Purpose**

~~Enforce minimum standards for travel trailer and recreational vehicle parks and primitive campgrounds to promote the public health, safety, and welfare, establishing requirements for the design, construction, alteration, extension, and maintenance of a RVP and related utilities and facilities.~~

## Section 2. Use Regulations

A. Permitted Uses are as follows:

- ~~1. Recreational vehicles and travel trailers.~~
- ~~2. Temporary buildings to be used incidental to construction work and to be removed upon completion or abandonment of construction.~~
- ~~3. Those uses customarily associated with a RVP that are essential to its operation and maintenance, such as but not limited to, manager office or maintenance building.~~

B. Special Use as follows:

- ~~1. An accessory commercial use, being a C-1 District permitted use, not to exceed 5,000 sq. ft. of gross floor area.~~

## Section 3. Site Development Requirements

~~In the RVP District, the following requirements shall apply to all buildings and structures, unless otherwise specified in this Ordinance.~~

A. RVP site area. ~~A RVP shall not be less than 2.5 acres in size and shall be so dimensioned as to facilitate efficient design and management. Occupancy shall not be permitted until all infrastructures, facilities, and improvements are installed.~~

## Section 4. Area, Setback, and Height Requirements

<del>Minimum Space per unit 25' Width</del>	<del>Front setback from all property lines to Local/collector streets.</del>	<del>Front setback from all property lines to Arterial streets</del>	<del>Rear setback from property lines.</del>	<del>Minimum Spacing between structures: Side to Side And End to End</del>	<del>Maximum HEIGHT</del>
<del>1,250 S.F.</del>	<del>20' ————— 35'</del>		<del>20'</del>	<del>10' ————— 20'</del>	<del>35'</del>

## Section 5. General Standards and Requirements

~~A development plan shall be submitted to the Planning and Zoning Office in accordance with the procedures established in this Ordinance and meeting the following standards and requirements before the issuance of a building permit.~~

A. Development Plan. ~~Plans shall be drawn to scale on an 18"x 24" sheet. The following additional information shall also be shown:~~

- ~~1. A detailed ALTA/ACSM Land Title Survey of the proposed RVP area provided by a Registered Licensed Surveyor.~~
- ~~2. Name of the proposed RVP and name and address of the property owner and/or developer.~~
- ~~3. The location and width of all proposed rights of way, easements, and required building setback lines.~~
- ~~4. The locations, dimensions, and area of all proposed or existing lots, home spaces.~~
- ~~5. Identification of the use of any lot or space (single or multi section units) with consecutive numbering.~~
- ~~6. The location of any proposed accessory structures such as decks, open or enclosed carports, garages, storage sheds, or items of a similar nature, which are subordinate and serve a principal structure or use, located on the home space.~~
- ~~7. The applicant shall provide the City of Roswell 4 sets of the Development Plan at the time of application. Upon final approval the applicant shall furnish the City with 2 sets of the Development~~

Plan for recording purposes.

8. ~~If construction has not begun within one year from the date of approval of the development plan, the approval shall be considered null and void.~~

B. ~~Street Surfacing and Maintenance.~~ As specified in the latest adopted City of Roswell Public Works Specification Ordinance.

C. ~~Fencing, screening and landscaping.~~ A solid screen fence or wall made of brick, masonry, stone, or wood; no less than 6 feet in height; or an irrigated and maintained landscaped fence planted with a density equaling the opacity and height of a solid fence or wall; or any combination thereof at all perimeter lot lines of the park. ~~Landscaping shall be provided in accordance with this Ordinance.~~

D. ~~Access to the Site.~~ Direct vehicular access to the park shall be provided by means of an abutting collector or arterial street. ~~Direct vehicular access shall not be provided through an alley or easement.~~

E. ~~Design of Driveway Entrances and Exits.~~ Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with movement of traffic on adjacent streets. A minimum of 2 access points shall be provided, and all traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavement at intersections shall be a minimum of 25 feet to facilitate easy turning movements for vehicles with trailers attached. No object shall obscure the view of an approaching driver in the right lane of the street. No entrance or exit shall be located closer than 40 feet from any street intersection or 10 feet from the radius point, whichever is more.

F. ~~Internal Streets.~~ Streets shall be privately owned and maintained and provided in the park where necessary to allow safe, convenient access to all spaces and facilities used by occupants.

G. ~~Street Alignment and Gradient.~~ Street alignment and gradient shall be properly adapted to topography for safe movement of traffic anticipated and to control surface and ground water.

H. ~~Street Widths.~~ Streets shall be of adequate width to accommodate the anticipated parking and traffic load per City Fire Department and City Engineer

J. ~~Parking Spaces.~~ One hard-pack, off-street parking space per lot. ~~Parking spaces shall be designed as a drive through space to eliminate backing of vehicles. No loading or maneuvering shall be permitted on any public street, sidewalk, right-of-way, or public grounds.~~

K. ~~Management Offices and Common Facilities.~~ Buildings(s) containing the management office, recreational facilities, toilets, showers, and other common facilities shall be conveniently located for the uses intended. Consolidation of all facilities into a single building and location is acceptable, and must meet the requirements of the current Uniform Building Code. A City of Roswell building permit must be obtained prior to construction.

L. ~~Disposal of Wastewater, Sewage, and Trash.~~ No unit shall dispose of wastewater, sewage or trash except in approved facilities provided by management for that purpose. All disposal areas shall be clearly marked and kept clean by management.

M. ~~Sanitary Stations.~~

1. ~~Sufficient facilities shall be provided at sanitary stations for the sole purpose of removing and disposing of waste from all holding tanks, in a clean, efficient, and convenient manner.~~

2. ~~Each sanitary station shall consist of a drainage basin constructed of impervious material, and containing a disposal hatch and self-closing cover and related working facilities.~~

3. ~~Sanitary stations shall be located no less than 50 feet from any space or other residential area.~~

~~Such facilities shall be screened from other activities by visual barriers such as a fence, wall, or natural~~

growth.

- ~~4. The disposal hatch of sanitary station units shall be connected to the park sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the park water supply system.~~

~~N. Minimum Required Toilet Facilities. 2 toilets, 2 sinks, and 2 bathing facilities shall be required in each facility, men and women, whether dependent or independent units. The following schedule is for dependent units. Urinals shall be acceptable for no more than one-third of the toilets required in the men's facilities.~~

<b>No. of Dependent Trailer Spaces</b>	<b>Toilets</b>	<b>Sinks</b>	<b>Bathing Stalls</b>
<del>6-10</del>	<del>4</del>	<del>2</del>	<del>2</del>
<del>11-20</del>	<del>6</del>	<del>2</del>	<del>2</del>
<del>21-30</del>	<del>8</del>	<del>4</del>	<del>4</del>
<del>31-55</del>	<del>10</del>	<del>4</del>	<del>4</del>
<del>56-80</del>	<del>12</del>	<del>4</del>	<del>4</del>
<del>81-105</del>	<del>14</del>	<del>4</del>	<del>4</del>

~~O. Cooking Shelters, Barbecue Pits, and Fireplaces. Shall be so located, constructed, maintained, and used to minimize fire hazards and smoke nuisance both on and off the property. No open fire shall be permitted except in approved facilities. No open fire shall be left unattended, and all open fires shall be extinguished before occupants of spaces retire or leave the area. No fuel or material which emits dense smoke or objectionable odors shall be used or burned.~~

~~P. Spaces for Occupancy. RVP spaces in travel trailer parks may only be used by travel trailers, equivalent facilities on or towed by vehicles, tents, or other short-term housing. The wheels of a travel trailer shall not be removed except temporarily for repairs. Jacks or stabilizers may be placed under travel trailer to prevent movement while the trailer is parked and occupied.~~

## **ARTICLE 16: C-2 COMMUNITY COMMERCIAL DISTRICT**

### **Section 1. Purpose**

This district is intended to provide for a wide variety of retail, personal service, wholesale office, and other general service types of uses for the consumer population of the entire community and, because of their heavy traffic generating characteristics, ability to stay open 24 hours per day and potentially detrimental appearance and performance, are located on the periphery of residential areas along collector and arterial street facilities.

### **Section 2. Use Regulations**

#### **A. Permitted Uses are as follows:**

1. Any use permitted in the C-1 District
2. Amusement Parks
3. Athletic clubs/Gyms
4. Auditoriums/ Banquet halls/Convention/Exhibition Centers
5. Banks/Credit Unions/Financial institutions
6. Hospitality Establishments (Example: hotels and motels)
7. Liquor Service and Stores
8. Lodges, Clubs, Fraternal, Religious (No gun clubs)
9. Commercial Retail/Service stores
10. Rental Stores and Self-Storage Units
11. Professional Offices
12. Funeral Parlors/Crematorium
13. Golf courses
14. Animal hospitals, clinics, and kennels
15. Medical facilities/offices/centers
16. Newspaper and/or Magazine offices
17. Private or public parking lots/garages/decks
18. Government offices

19. Public or private utility/Service/radio/TV/cable
20. Restaurants/food/drink/lounges/liquor
21. Stadiums and arenas
22. Theaters, indoor
23. Auto repair with temporary outside storage utilizing no more than 20% of net area of the lot.
24. Carnivals, circuses or menageries; shall be located on a paved or hard pack surface and shall not occupy more than 10% of the required parking spaces for that location or business.
25. Vendors shall be located on a paved surface and shall not occupy more than 10% of the required parking spaces for that location or business.
26. Off-site sales shall be located on a paved surface and shall not occupy more than 10% of the required parking spaces for that location or business.
27. Any other use that meets the intent and purpose of this Article and is similar and comparable to those uses listed above.

**B. Special Uses are as follows:**

1. Any special use in the C-1 District
2. Airports/heliports/landing fields
3. Bottling works
4. Bus stations and terminals
5. Gun clubs with indoor firing range
6. Outdoor theaters, drive-ins
7. Outside storage as a principal use
8. Parcel delivery/mail order
9. Penal/Correctional institutions
10. Light welding and fabrication
11. Warehouses and/or storage units
12. **RV Parks with the following development requirements:**

**Site Development Requirements**

- A. **RVP site area.** A RVP shall not be less than 2.5 acres in size and shall be so dimensioned as to facilitate efficient design and management. Occupancy shall not be permitted until all infrastructures, facilities, and improvements are installed.

**Area, Setback, and Height Requirements**

<b>Minimum Space per unit 25' Width</b>	<b>Front setback from all property lines to Local/collector streets.</b>	<b>Front setback from all property lines to Arterial streets</b>	<b>Rear setback from property lines.</b>	<b>Minimum Spacing between structures: Side to Side And End to End</b>	<b>Maximum HEIGHT</b>
<b>1,250 S.F.</b>	<b>20'                      35'</b>		<b>20'</b>	<b>10                      20'</b>	<b>35'</b>

**General Standards and Requirements**

A development plan shall be submitted to the Planning and Zoning Office in accordance with the procedures established in this Ordinance and meeting the following standards and requirements before the issuance of a building permit.

- A. **Development Plan.** Plans shall be drawn to scale on an 18"x 24" sheet. The following additional information shall also be shown:

1. A detailed ALTA/ACSM Land Title Survey of the proposed RVP area provided by a Registered Licensed Surveyor.
  2. Name of the proposed RVP and name and address of the property owner and/or developer.
  3. The location and width of all proposed rights-of-way, easements, and required building setback lines.
  4. The locations, dimensions, and area of all proposed or existing lots, home spaces.
  5. Identification of the use of any lot or space (single or multi-section units) with consecutive numbering.
  6. The location of any proposed accessory structures such as decks, open or enclosed carports, garages, storage sheds, or items of a similar nature, which are subordinate and serve a principal structure or use, located on the home space.
  7. The applicant shall provide the City of Roswell 4 sets of the Development Plan at the time of application. Upon final approval the applicant shall furnish the City with 2 sets of the Development Plan for recording purposes.
  8. If construction has not begun within one year from the date of approval of the development plan, the approval shall be considered null and void.
- B. Street Surfacing and Maintenance. As specified in the latest adopted City of Roswell Public Works Specification Ordinance.
- C. Fencing, screening and landscaping. A solid screen fence or wall made of brick, masonry, stone, or wood, no less than 6 feet in height; or an irrigated and maintained landscaped fence planted with a density equaling the opacity and height of a solid fence or wall; or any combination thereof at all perimeter lot lines of the park. Landscaping shall be provided in accordance with this Ordinance.
- D. Access to the Site. Direct vehicular access to the park shall be provided by means of an abutting collector or arterial street. Direct vehicular access shall not be provided through an alley or easement.
- E. Design of Driveway Entrances and Exits. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with movement of traffic on adjacent streets. A minimum of 2 access points shall be provided, and all traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavement at intersections shall be a minimum of 25 feet to facilitate easy turning movements for vehicles with trailers attached. No object shall obscure the view of an approaching driver in the right lane of the street. No entrance or exit shall be located closer than 40 feet from any street intersection or 10 feet from the radius point, whichever is more.
- F. Internal Streets. Streets shall be privately owned and maintained and provided in the park where necessary to allow safe, convenient access to all spaces and facilities used by occupants.
- G. Street Alignment and Gradient. Street alignment and gradient shall be properly adapted to topography for safe movement of traffic anticipated and to control surface and ground water.
- H. Street Widths. Streets shall be of adequate width to accommodate the anticipated parking and traffic load per City Fire Department and City Engineer
- J. Parking Spaces. One hard-pack, off-street parking space per lot. Parking spaces shall be designed as a drive-through space to eliminate backing of vehicles. No loading or maneuvering shall be permitted on any public street, sidewalk, right-of-way, or public grounds.
- K. Management Offices and Common Facilities. Buildings(s) containing the management office, recreational facilities, toilets, showers, and other common facilities shall be conveniently located for the uses intended. Consolidation of all facilities into a single building and location is acceptable, and must



meet the requirements of the current Uniform Building Code. A City of Roswell building permit must be obtained prior to construction.

L. Disposal of Wastewater, Sewage, and Trash. No unit shall dispose of wastewater, sewage or trash except in approved facilities provided by management for that purpose. All disposal areas shall be clearly marked and kept clean by management.

M. Sanitary Stations.

1. Sufficient facilities shall be provided at sanitary stations for the sole purpose of removing and disposing of waste from all holding tanks, in a clean, efficient, and convenient manner.
2. Each sanitary station shall consist of a drainage basin constructed of impervious material, and containing a disposal hatch and self-closing cover and related working facilities.
3. Sanitary stations shall be located no less than 50 feet from any space or other residential area. Such facilities shall be screened from other activities by visual barriers such as a fence, wall, or natural growth.
4. The disposal hatch of sanitary station units shall be connected to the park sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the park water supply system.

N. Minimum Required Toilet Facilities. 2 toilets, 2 sinks, and 2 bathing facilities shall be required in each facility, men and women, whether dependent or independent units. The following schedule is for dependent units. Urinals shall be acceptable for no more than one-third of the toilets required in the men's facilities.

No. of Dependent Trailer Spaces	Toilets	Sinks	Bathing Stalls
6-10	4	2	2
11-20	6	2	2
21-30	8	4	4
31-55	10	4	4
56-80	12	4	4
81-105	14	4	4

O. Cooking Shelters, Barbecue Pits, and Fireplaces. Shall be so located, constructed, maintained, and used to minimize fire hazards and smoke nuisance both on and off the property. No open fire shall be permitted except in approved facilities. No open fire shall be left unattended, and all open fires shall be extinguished before occupants of spaces retire or leave the area. No fuel or material which emits dense smoke or objectionable odors shall be used or burned.

P. Spaces for Occupancy. RVP spaces in travel trailer parks may only be used by travel trailers, equivalent facilities on or towed by vehicles, tents, or other short-term housing. The wheels of a travel trailer shall not be removed except temporarily for repairs. Jacks or stabilizers may be placed under travel trailer to prevent movement while the trailer is parked and occupied.

## **ARTICLE 23: BUILDING and PERFORMANCE STANDARDS**

### **Section 1. Purpose**

The purpose of this article is to establish general building and performance standards to preserve and promote an attractive, well-planned, and stable urban environment.

### **Section 2. Access to Public Streets**

Except in the PUD district and as otherwise provided for in this and other Ordinances, every residential dwelling unit structure constructed or erected after the effective date of this Ordinance shall be located on a lot which has access to or abuts, as a minimum, a local public street.

### **Section 3. Buildings Per Lot**

- A. In residentially zoned districts, every single family detached dwelling, mobile home, 2 family attached dwelling, or multiple family dwellings used for rental purposes, constructed or erected after the effective date of this Ordinance, shall be located on one duly subdivided and recorded lot and there shall not be more than one principal building on one lot; Excepting in the R-3 and R-4 districts.
- B. When 2 or more lots, each of which lacks adequate area and dimension alone to qualify for a permitted use, are contiguous and are held under single ownership, they may be used as one zoning lot for such use.

### **Section 4. Accessory Uses**

- A. Residential zoned districts 3 sets of plans containing a site plan and structure design shall be required for all accessory structures. All construction shall comply with the latest City approved and accepted New Mexico Building Code, International Building Code, International Fire Code, National Electrical Code, Uniform Mechanical Code, and Uniform Plumbing Code. Accessory structures uses shall also meet the following requirements:
  1. An accessory building shall be compatible with the principal building that it serves and shall not be constructed prior to the construction of the principal building, **except when** used for agricultural purposes in the R-S district.
  - ~~2. Location of an accessory structure shall meet the following requirements:
    - a. shall not be within the Front Yard setback established and permitted for that lot in that lot
    - b. shall be a minimum of 15 feet from the street side property line for corner lots.
    - c. shall be a minimum of 10 feet to the principal building or any other structure on that lot.
    - d. shall be a minimum of 5 foot from the Rear Yard property line lots that do not abut dedicated, platted, public right of way such as an alleyway.~~
    2. Location of an accessory structure shall meet the following requirements:
      - a. Shall not be within the front yard setback established and permitted for a lot in that zoning district.
      - b. Shall be a minimum of 5' from all shared property lines. A shared property line is a side or rear property line abutting a neighboring property with no alley or easement in between.
      - c. Shall be a minimum of 15' from the street side yard property line for corner lots.
      - d. Shall be a minimum of 10' from the principal building and/or any other structure on that lot.
      - e. Structures must be an additional 1' from side and rear property lines for every 1' in height over 12' while meeting all other applicable setback requirements.
      - f. Structures less than 120 square feet not requiring a building permit shall require a placement permit to ensure adequate setbacks are met.
  3. Accessory structures shall not occupy more than 40% of the required Rear Yard setback area, nor have more floor area than the principal structure it serves, nor exceed the height of the principal building it serves.

4. All runoff or drainage from an accessory structure shall remain on the lot that it serves and shall not encroach on an abutting lot.
  5. Tanks used for storage of fuel used for heating shall be located in the rear yard and shall not be closer than 10 feet to the principle building or structure that it serves, or any other structure, and 5 feet from the side property line.
  - 6.- In-ground swimming pools and ponds shall be a minimum of 40 feet from the front property line, 5 foot from interior and rear property lines, 15 feet from street side property lines, and 10 feet from any other structure on the lot. Construction shall comply with the latest approved International Building Code standards per the City.
- B. Commercial and Industrial zoned districts 3 sets of plans containing a site plan and structure design shall be required for all accessory structures. All construction shall comply with the latest City approved and accepted New Mexico Building Code, International Building Code, International Fire Code, National Electrical Code, Uniform Mechanical Code, and Uniform Plumbing Code. Accessory structures uses shall also meet the following requirements:
1. An accessory building shall be compatible with the principal building that it serves, shall not occupy any required parking space or area as determine by Planning and Zoning Staff, and shall not be constructed prior to the construction of the principal building.

## **Section 5. Exceptions to Required Yards**

*A required yard space shall remain open and unobstructed, except as follows:*

- A. Eaves, overhangs, ornamental features, and other common projections normally associated with residential dwellings may project no more than 18 inches into required yard spaces.
- B. Open stairways, balconies, and chimneys may project no more than 5 feet into required yard.
- C. A non-enclosed porch or terrace shall not project more than 5 feet into the required front yard spaces.
- D. A non-enclosed porch or patio shall not project more than 10 feet into the required rear yard spaces.
- E. Where a lot is adjacent to a lot with a principal building that projects into the required front yard setback and if both lots are in the same block on the same side of the street, then the required front yard setback of the lot may be that as established by the adjacent principal building setback.

## **Section 6. Exceptions to Height Requirements**

*Except in the C-3 and C-4 districts, the following are exceptions to the height requirements.*

- A. Public service buildings, hospitals, institutions, or schools shall not exceed 60 feet in height.
- B. Churches, temples, and their spires shall not exceed 75 feet in height.
- C. In residentially zoned areas, privately-owned, non-commercial radio towers, Antennas, monuments, steeples, chimneys, or other similar structures shall not exceed 60 feet in height.

## **Section 7. Off-Street Parking and Loading Requirements**

- A. **Location of Off-Street Parking Spaces.** All required off-street parking spaces shall be located within the property lines of the same lot that accommodates the building or use being served, except that where an increase in the number of spaces is required by a change or enlargement of a use, or where such spaces are provided collectively and are to be used jointly or shared by 2 or more uses as provided herein, the required

spaces may be located not more than 200 feet from the property line if the lot accommodates the use being served. If such is the case, a written agreement assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, and shall be filed with the application for a building permit.

B. **Shared Off-Street Parking.** Up to 50% of the off-street parking spaces provided for other uses may be utilized by those uses seeking additional off-street parking spaces, provided that the 2 uses are not normally open, used, or operated during the same hours. The parking spaces must be within the distance requirement set forth herein.

C. **Rules for Computing the Number of Off-Street Parking Spaces.** The number of required off-street parking spaces to be provided for each use shall be determined as set forth herein.

1. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of a similar nature, as determined by the Planning and Zoning Staff.
2. Except as otherwise indicated, the number of parking spaces shall be determined by the net floor area, which for the purpose of this section, shall mean that floor area of the building accessible to or devoted to use by the customer or patron. Net floor area shall not include those areas used for storage, cooking, stairwells, etc.
3. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
4. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the change or enlargement.

D. **Accessible parking standards.** No building permit shall be issued for the construction or substantial renovation of a commercial building inviting public access unless the parking lot has designated accessible parking spaces for persons with significant mobility limitation. The following requirements are minimum standards, additional requirements and standards may be found in the latest City accepted New Mexico building code:

1. Designated accessible parking spaces shall be located so as to provide the most convenient access to entranceways;
2. A minimum of one van accessible parking space shall be designed to accommodate a motor vehicle passenger van and there shall be a minimum of one such space for every 8 designated accessible parking spaces. a “van accessible” sign shall be posted. the required loading and unloading area shall be clearly marked by diagonal, blue pavement striping with the language “no parking” painted in white;
3. Accessible spaces shall be identified by a sign centered at the head of each parking space with the international symbol for accessibility; and shall be clearly marked with a depiction of the symbol painted in blue on the pavement surface. Striping and unloading areas shall also be painted in blue and white. All posted signs shall have designated language “violators are subject to a fine and/or towing”.

E. The minimum number of designated accessible parking spaces shall be as follows:

Total Parking Spaces	Required Minimum Accessible Spaces
1 to 25	1
26 to 35	2
36 to 50	3
51 to 100	4
101 to 300	8

301 to 500	12
501 to 800	16
801 to 1,000	20
More than 1,000	20, plus 1 per 100 over 1,000

F. **Minimum Standards for the number of Off-Street Parking Spaces.** For all zoning districts, except C-3 or C-4, the minimum number of off-street parking spaces required shall be as follows:

1. **Amusement parks**- 1 per 3 persons in designed capacity, plus 2 per every 3 employees during peak hours.
2. **Athletic clubs /Gyms**- 3 plus, 1 per 250 square feet of net floor area.
3. **Bowling alley**: 3 plus, 2 spaces per lane, plus additional spaces as required for ancillary uses.
4. **Business, professional, medical, or public office building**: 1 per 200 square feet of net floor area.

5. **Community center, library, museum, private club, or lodge**: 1 per 200 square feet of net floor area.
  6. **Convention, Banquet halls, Auditoriums, Exhibition Centers**: 1 per 200 square feet of net floor area.
  7. **Child care facilities**: 3 plus, 1 per 3 children, during peak hours.
  8. **Bank/credit unions/Financial Services**; 1 per 250 square feet of net floor area.
  9. **Furniture/household equipment or appliance store**: 1 per 300 square feet of net floor area.
  10. **Hospital**: 1 per 2 beds plus 1 for every 2 employee during peak shift.
  11. **Hotel, motel**: 3 plus, 1 per room plus additional spaces as required for ancillary uses.
  12. **Industrial or manufacturing establishment**: 3 plus, 1 per employee during peak shift plus 1 for each company vehicle used for business purposes.
  13. **Motor vehicle or machinery sales**: 3 plus, 1 per 300 square feet of net floor area.
  14. **Outside sales areas**: where items are displayed for sale and are accessible to patron, the display area shall be paved as specified for a parking lot.
  15. **Religious Assembly**: 1 per 3 seats in designed capacity.
  16. **Residential dwelling**: 2 per dwelling unit.
  17. **Restaurants, night club, café, or similar activity**: 1 per 200 square feet of net floor area.
  18. **Retail sales**: 1 for every 200 square feet of net floor area.
  19. **Retirement/convalescent, sanitarium, or group care facility**: 1 per 2 beds plus 1 per each employee, during peak hours.
  20. **Theater, stadium, or auditorium**: 1 per 4 seats, plus 2 per every 3 employees during peak hours.
  21. **Shopping center**: 1 per 300 square feet of net floor area, including mall areas.
  22. **Schools**: Elementary and Junior High = 3.5 per classroom; high schools, trade schools, colleges and universities = 1 for every 2 students enrolled.
  23. **Warehouses/storage establishment or motor freight terminal**: 3 plus 1 per employee during peak shift plus 1 per each company vehicle used for business purposes.
- G. **Minimum Standards for parking lots.** Parking lots shall be designed to City standards for efficient access, traffic flow, and drive lanes and shall be approved by the City Engineer.
- H. **Loading Zones.** For all zoning districts where loading and unloading is needed, except the C-3 and C-4 districts, a designated off-street Loading Zone shall be provided so as not to obstruct parking, pedestrian or vehicular traffic flows on-site or to adjacent properties, streets, and alleys.
- I. **Construction and maintenance of Off-street Parking and Loading Zones.** All parking and Loading Zones shall be constructed with either 4 inches of base coarse and 2 inches of asphalt or a minimum of 6 inches of concrete.
1. Each parking space shall be a minimum of 9' x 18' with circulation drives of adequate width to make each stall accessible.
  2. Each Loading Zone shall be a minimum of 12' x 35' with a minimum height clearance of 15 feet and it shall not reduce the number of required parking spaces.

## **Section 8. Fences, Walls, and Other Obstructions**

Except as set forth elsewhere in this Ordinance and in other Ordinances, rear yard fences and walls shall not exceed 8 feet in height. Front yard fences shall not exceed ~~6~~ 3 feet in height. Fences over 6 feet in height require a Building Permit from the Building Inspection Department.

- A. Fences shall **not** consist of barbed wire, except if the fence is constructed with conventional materials, then no more than 3 strands of barbed wire may be placed at the top of the fence for security purposes. Such exception is only allowed in the commercial/industrial districts, publicly owned properties, and related buildings, utility and service facilities.
- B. Fences may not be located within the public right-of-way of streets and/or alley-ways.
- C. Fences located within any sight-triangle of the principal ingress or egress of a lot or public right-of-way may not exceed 3 feet in height from natural ground.

## **Section 9. Outside Storage**

All outside storage of materials, not on display for direct sale or rental to the consumer, shall be enclosed and effectively screened from adjacent streets and properties by placing a solid fence or wall, made of brick, masonry, stone, or wood at the property line not less than 6 feet in height or the height of the materials being screened, whichever is greater.

## **Section 10. Lighting**

- A. All lighting, glare, and/or general illumination shall not be cast upon properties that are adjacent to the site from which the lighting, glare, and/or general illumination originates.
- B. No lighting, glare, and/or general illumination which flashes, revolves, or otherwise resembles a traffic control signal or in any way creates a hazard for passing traffic shall be permitted.
- C. All exterior lighting shall conform to the New Mexico Night Skies Act.

## **Section 11. Landscaping**

***To promote and preserve an aesthetically pleasing setting, reduce water erosion and runoff and improve the overall quality of the environment, the owners of all buildings and parking lots hereinafter erected or constructed in the R-3 through I-2 zoning districts, except C-3 and C-4, shall provide and maintain landscaping in the amount and locations as set forth herein.***

- A. **Definition.** Landscaping shall mean trees with a combination of either shrubs or ground cover. Trees are mandatory for landscaping to count towards the total required landscaping.
  - 1. Deciduous or evergreen trees shall be placed throughout the required landscaped area, spaced no more than 40 feet on-center. Trees shall have a minimum 2 inch caliper trunk at the time of planting, which is measured 4 inches above the soil line in the container or 4 inches above the soil line on a balled-and-bur lapped tree. Trees planted in turf shall have a 3 inch deep by 4 foot radius mulch ring. The material shall be an organic type of bark mulch. The bark shall not be placed within 3 inches of the base of the trunk to inhibit pathogens from entering the tree.
  - 2. Shrubs shall be a minimum of 2 feet in height at the time of planting and shall be no more than 6 feet apart at the time of planting. Trees and shrubs shall be planted in accordance with *ANSI A300 Part 6 (Transplanting) American National Standard Institute*, which is available through the City Park's Superintendent and/or Urban Forrester.
  - 3. Where trees are planted in parking lot islands, the islands shall be a minimum of 6 feet wide by 6 feet long. The soil contained in the islands shall be of quality topsoil with a minimum of 20% organic material. Engineered fill is not acceptable.
  - 4. Grass and/or low-lying green plants shall be planted to provide at least 75% coverage of the ground area at maturity.
  - 5. Mulch, bark, asphalt, concrete, gravel, or other decorative or non-decorative aggregate are not permitted as ground cover for the required landscaping purposes.
  - 6. Materials. All planting materials shall be selected for drought tolerance, water conservation, and adaptability to the climate in the Roswell area.

**B. Location and area requirements.**

1. To determine the required area to be landscaped, take the area (square footage) to be developed and subtract the square footage of structure(s) and required parking area; this shall be called the remaining area (square footage). Multiply the remaining area by 12% to calculate the required landscape area. Exception: in the C-4 Districts use 8% to calculate the required area.
2. The required landscaped areas shall be clearly visible from bordering streets but not within the sight triangle for public safety. Up to 1/2 of the total required landscaping and its required irrigation may be located within the public right-of-way with prior written approval from the City Engineer and/or the New Mexico Department of Transportation (NMDOT), whichever has jurisdiction over said right-of-way. This area may be limited for reasons of safety, practicality, and/or accessibility. Landscaping located in the sight triangle at intersections shall be in accordance with City Codes.
3. Landscaping for phased developments may be determined based on the square footage of the area to be developed per each phase.
4. Landscaped areas shall not be used for temporary or permanent retail sales, product or vehicular displays, signage, or any kind of storage.

**C. Landscape screen fence. This section only includes screen fencing made from living plants.**

1. A screen fence shall have the opacity of a solid fence to a height of at least 6 feet at the time of maturity. In no instance shall plants that cannot survive in this close proximity to other plants be permitted in the screen fence.
2. A screen fence shall be irrigated and maintained continuously.
3. A screen fence shall not extend onto sidewalks, drive lanes, or public rights-of-ways.
4. A screen fence can account for up to 2% of the total 12% required landscaping.
5. A screen fence shall not be changed, modified, reduced, or deleted at any time without approval of the Planning and Zoning Staff

**D. Other location criteria.**

1. Up to half of the required landscaped area and its required irrigation may be located within the public rights-of-way with approval from the City Engineer or the NMDOT to ensure that safety, practicality and accessibility are not hindered.

**E. Landscape plan review.** A landscape plan shall include the type and location of all living plants and irrigation system components. This plan shall be submitted in conjunction with the site plan during the building permit application and shall be reviewed and approved by Planning and Zoning Staff in accordance with this Ordinance. Changes to the landscaping during construction will require approval prior to planting.

**F. Installation.** In order to receive a Certificate of Occupancy the irrigation system and all landscaping must be in place in accordance with the approved Landscape Plan. Only one Temporary Certificate of Occupancy (maximum of 60 days) may be granted to complete the landscaping.

**G. Maintenance.** It is the property owner's responsibility to maintain all landscaped areas, including public rights-of-way and sight triangles in a healthy, neat, trimmed, clean, and weed-free condition, whether or not negligence or damage to the landscaping was the cause of the owner. Dead plant material shall be replaced with new plant material in accordance with this article within 60 days of receiving written notice from City Staff.

**H.** Approved landscaping shall not be changed, modified, reduced, or removed at any time without approval of the Planning and Zoning Staff. When landscaping is removed for construction or any other reason, it shall be replanted within 180 days after being removed.

**I.** Landscaped areas shall not be used for retail sales, temporary signs or any kind of temporary or permanent storage. Landscaped areas shall not be used for any type of vehicular parking. This includes, but is not limited to, the parking of carts, ATVs, motorcycles, cars, trucks, utility vehicles, recreational vehicles, trailers, boats, and airplanes.

## **Section 12. Site Specific Drainage Control Requirements**

**A.** For a residential-commercial, commercial, or industrial development, as required by the City Engineer or the NMDOT, the developer shall provide a drainage site plan which shows the site elevations for the existing and developed conditions and how the storm water shall be detained on the property. This sheet may also require the calculations and design for the detention



structure as designed by a professional engineer registered in New Mexico.

- B. The amount of storm water that shall be detained and the rate at which it can be released shall be in accordance with the standards and procedures as required by the City Engineer or the NMDOT, and as adopted and required by the City in this and other Ordinances.

### **Section 13. Site Specific Traffic Analysis Requirements**

For a residential-commercial, commercial, or industrial development, as required by the City Engineer or the NMDOT, the developer shall provide a traffic impact analysis for developments which require in excess of 12 parking spaces. If required by the City Engineer, the traffic impact analysis shall be prepared by a professional engineer registered in New Mexico.

### **Section 14. Sanitation Dumpsters, Grease Bin, and Enclosure Requirements**

- A. All commercial properties and apartment complexes in Commercial and Industrial Districts will have their sanitation and/or grease removed from the alley ways.
- B. All dumpsters (and grease bins if required) shall be located in their own separate enclosures. If both dumpsters and grease bins are required for a site, they must each be located in a single enclosure with a concrete masonry unit (CMU) wall separating the two of them. At no time will the dumpster and grease bin be permitted inside a single enclosure together.
- C. Pipe bollards shall be located inside each separate enclosure between the dumpster and/or grease bin and the rear wall of the enclosure to prevent damage to the rear wall from the routine sanitation pick-up services.
- D. Enclosures shall be constructed of masonry or concrete and at a height of 6' with the rear wall of the enclosure at the rear property boundary line, with a concrete or asphalt floor, and with the opening of the enclosure(s) facing towards the alley way. Should a different location be requested, it is the developer's responsibility to get this location pre-approved by the Director of Sanitation before a Building Permit can be issued.
- E. Any deviation shall be submitted for approval by the Planning and Zoning and Engineering Departments.







## MEMORANDUM

**Meeting Date:** Monday, March 2, 2015  
**Item No.** E-1  
**To:** Planning and Zoning Committee  
**From:** Planning and Zoning Department  
**Subject:** Approval of Weed Resolution #15-13

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**Action Requested:** To recommend approval by City Council of Weed Resolution #15-13.

**Background:** Weed Resolutions must be approved by City Council.

**Staff Recommendation:** Recommendation of approval by City Council.

ROSWELL, NEW MEXICO  
CITY COUNCIL  
CONSENT ITEM ABSTRACT  
Meeting of March 12, 2015

Consent Item

# \_\_\_\_\_

Subject: Resolution No. 15-13

Department: Code Enforcement

COMMITTEE:

Planning and Zoning

Attachment: Resolution No. 15-13  
& Exhibit A

Information Contact:

Mike Mathews, Code Enforcement

Phone Number: 624-6700 x 298

Purpose:

The Resolution shall mandate the cleanup of approximately ten (10) separate properties within the City.

Need:

At present, no more efficient means is available to enforce the requirements that property within the City limits be kept clean and orderly. Citation of property owners requires they be present in Roswell. Even the citations do not provide for the actual clean up and cannot give the City the right to file a lien for the cleanup expense. This procedure is cumbersome, but should result in resolution of some more severe situations.

Impact:

Adoption of the resolution will probably cause a number of people to voluntarily clean up their property. Most of the balance will be cleaned up by the City and liens will be filed and later foreclosed. A few people may appeal the resolution to Council and a hearing will have to be provided to hear their appeals. Overall, the resolution should affect rapid cleanup of this season's weeds and other debris, followed by an extended collection period.

Recommendation:

The Planning and Zoning Committee recommends the City Council approve this resolution and placed on the consent agenda.

CITY OF ROSWELL  
RESOLUTION NO. 15-13

A RESOLUTION REQUIRING THE REMOVAL OF CERTAIN RUBBISH, WEEDS, WRECKAGE OR DEBRIS; PROVIDING THAT THE CITY SHALL HAVE A LIEN FOR THE COST OF REMOVAL AND DECLARING CERTAIN PROPERTY TO BE SO COVERED WITH RUBBISH, WEEDS, WRECKAGE OR DEBRIS AS TO CONSTITUTE A PUBLIC NUISANCE PREJUDICIAL TO HEALTH, SAFETY AND GENERAL WELFARE.

WHEREAS, the City Council of the City of Roswell, New Mexico, finds that the premises listed in Exhibit A attached hereto and purportedly owned of record, or occupied by the parties named, have accumulated rubbish, weeds, wreckage or debris so as to be a menace to the public health, safety and general welfare of the inhabitants of the community; and further, that it is in the public interest to require the removal thereof, according to law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

1. The premises set forth in Exhibit A are declared to be so covered with rubbish, weeds, wreckage or debris as to constitute a menace to the public comfort, health, safety and general welfare within the purview of Article 3-18-5 NMSA 1978.

2. The owners, occupants or agents in charge of said premises are hereby ordered to remove such accumulated rubbish, weeds, wreckage or debris within ten (10) days of the receipt of notice by certified mail or from the date of publication of this resolution. In the event such removal is not commenced or written objection filed with the City Clerk within ten (10) days after service of a copy of this resolution, then the City Manager is authorized and directed to cause such accumulated rubbish, weeds, wreckage or debris to be removed at the sole cost and expense of the owner, or other parties having an interest in the properties, and further, that the reasonable cost of such removal shall be and become a subsisting and valid lien against such property so removed and the lot or parcel of land from which such removal was made and shall be foreclosed in the manner provided by law for the foreclosure of municipal liens.

3. In the event the owner or other person aggrieved shall file a protest within the time provided, the City Council shall thereafter fix a date for hearing. At the hearing, the protestant shall be entitled to be heard in person, by agent or attorney and the City Council shall consider evidence whether or not its previous action shall be enforced or rescinded; if it shall be determined that the removal order should be enforced.

4. Persons aggrieved by the determination of the City Council have a right to appeal to a court of competent jurisdiction by giving notice of such appeal to the City Council within five (5) days after the day of issuance of such order or decision, together with a petition for court review duly filed with the Clerk of the Court within twenty (20) days of the date of issuance of the order or decision complained of.

ADOPTED, SIGNED AND APPROVED 12<sup>th</sup> day of March 2015.

CITY SEAL

\_\_\_\_\_  
Dennis J. Kintigh, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Coll, City Clerk

1018 & 1020 S. LEA AVE. VALLEY VIEW Block 2 Lot 9 & 10 E 150' SUTHERLAND, JOHN H. SUTHERLAND, MIRACLE 1018 S. LEA AVE. ROSWELL, NM 88203	101 & 103 S. MICHIGAN AVE. OVARDS Block 6 Lot 13 & Lot 14 CORN, JAMES HAROLD; CORN & WHITNER 1330 LITTLE CREEK RD. ALTO, NM 88312
APPROXIMATELY 305 E. 19 <sup>TH</sup> ST. VILLA MOBILE HOME PARK SUMMARY PLAT Lot 1 VILLA LLC. 11501 OUTLOOK ST., # 300 LEAWOOD, KS 66211	315 E. 19 <sup>TH</sup> ST. MILITARY HEIGHTS Lot 33 W2 W118.99' E218.99' S397.8' F & L ASSOCIATES, LLC. 303 W. COUNTRY CLUB RD. ROSWELL, NM 88201
304 N. MICHIGAN AVE. HOME PLACE Block 4 Lot 1 N 101.90' And Lot 2 N 101.90' And Lot 3 N 101.90' JORDAN, CHARLES W.; JORDAN, KELLI K. 304 N. MICHIGAN AVE. ROSWELL, NM 88201	59 VAN LEUVEN PL. PECOS VALLEY VILLAGE Block 8 Lot 26 GUTIERREZ, SILVIA 59 VAN LEUVEN PL. ROSWELL, NM 88203
1200 E. 1 <sup>ST</sup> ST. DOC COVINGTON Block 2 Lot 10 COLE, ZANE G.; COLE, LINDA 1300 CAMNO REAL APT. A ROSWELL, NM 88203	1200 E. WALNUT ST. DOC COVINGTON Block 3 Lot 10 PAUL, ROBERTA 224 TAN BARK DR. LEWISTOWN, PA 17044
1312 E. HOAGLAND ST. HOAGLAND AMEND Block 2 Lot 6 MITCHELL, CHARLES R. 506 WEST JAFFA ST. ROSWELL, NM 88203	2907 E. FRUITLAND DR. SOUTH PLAINS PARK Block 4 Lot 21 & Lot 22 S 1' PEMBERTON, TIM K.; PEMBERTON, ERPLE R. 2907 E. FRUITLAND DR. ROSWELL, NM 88203



## MEMORANDUM

**Meeting Date:** Monday, March 2, 2015  
**Item No.** E-2  
**To:** Planning and Zoning Committee  
**From:** Planning and Zoning Department  
**Subject:** Approval of Condemnation Resolution #15-14

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**Action Requested:** To recommend approval by City Council of Condemnation Resolution #15-14.

**Background:** Condemnation Resolutions must be approved by City Council.

**Staff Recommendation:** Recommendation of approval by City Council.



ROSWELL, NEW MEXICO  
CITY COUNCIL  
CONSENT ITEM ABSTRACT  
Meeting of March 12, 2015

Consent Item

# \_\_\_\_\_

Subject: Resolution No.15-14

Department: Code Enforcement

COMMITTEE:  
Planning & Zoning

Attachment: Resolution No. 15-14  
and Exhibit A.

Information Contact:  
Mike Mathews, Code Enforcement  
Phone Number: 624-6700x298

Purpose:

The Resolution shall require the removal or demolition of six (6) dilapidated structures.

Need:

These structures constitute a public nuisance harmful to the public health, safety and general welfare.

Impact:

Resolution and notice will be served to owners requiring action within fifteen (15) days. Demolition by the City will proceed if no action is taken.

Recommendation(s):

The Planning and Zoning Committee recommends this resolution be placed on the consent agenda and that the City Council approve this resolution.

CITY OF ROSWELL  
RESOLUTION NO.15-14

A RESOLUTION REQUIRING THE REMOVAL AND/OR DEMOLITION OF CERTAIN DAMAGED AND DILAPIDATED BUILDINGS, STRUCTURES OR PREMISES; PROVIDING THAT THE CITY SHALL HAVE A LIEN FOR THE COST OF REMOVAL; PRESCRIBING THE PROCEDURE INCIDENT TO SUCH REMOVAL AND/OR DEMOLITION AND DECLARING CERTAIN PROPERTY TO BE IN SUCH STATE OF DISREPAIR, DAMAGE AND DILAPIDATION AS TO CONSTITUTE A DANGEROUS BUILDING AND A PUBLIC NUISANCE PREJUDICIAL TO THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

WHEREAS, it is the opinion of the City Council of the City of Roswell, New Mexico, that those certain buildings or structures upon the premises located as follows and purportedly owned of record, or occupied by the parties hereinafter named, are and have become in such state of disrepair, damage and dilapidation as to be a menace to the public health, safety and general welfare of the inhabitants of the community; and further, that it is in the public interest to require the removal thereof, according to law, by reason of the condition or conditions set forth in Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO:

1. That the buildings or structures set forth in Exhibit "A" are declared to be in such state of disrepair, damage and dilapidation as to constitute a dangerous building within the purview of Roswell Municipal code section 16-12, as well as being a public nuisance prejudicial to the public health, safety and general welfare. That such dangerous buildings or structures set forth, if any, cannot reasonably be repaired so that they will no longer exist in violation of the terms of the ordinance.

2. The owners, occupants, if any, or agent in charge of said premises be, and they hereby are ordered and required to remove such dangerous buildings, or structures within a reasonable time thereafter not to exceed fifteen (15) days from the receipt of notice by certified mail or from date of publication of this resolution as hereinafter provided, and as the case may be. In the event such removal be not commenced by such owner, occupant or agent, or written objection thereto be filed with the City Clerk within ten (10) days after service of a copy of this resolution by certified mail or by publication, requesting a hearing, then and in such event, the City Manager is hereby authorized and directed to cause such dangerous buildings or structures to be removed at the sole cost and expense of the owner, owners or other parties having an interest in said properties, and further, that the reasonable cost of such removal shall be and become a subsisting and valid lien against such property so removed and the lot or parcel or land from which such removal was made and shall be foreclosed in the manner provided by law for the foreclosure of municipal liens. Alternatively, the City Manager may act pursuant to Article 3-18-5 (G) (NMSA, 1978), and cause the dangerous buildings or structures to be removed and give title to them or their components to the removing person or persons.

3. In the event the owner or other interested party aggrieved shall file his protest within the time herein provided, requesting a hearing, on the matter, the City Council shall fix a date for hearing, at which time said Protestants shall be entitled to be heard in person, by agent or attorney, and the City Council shall consider evidence whether or not its previous action should be enforced or rescinded. If it shall be determined that the removal order should be enforced, and the owner(s) shall fail or neglect to comply with said decision of the City Council, they shall have a right of appeal to a court of competent jurisdiction by giving notice of such appeal to the City Council within the (10) days after the date of the City Council decision, together with his petition for court review duly filed with the Clerk of the Court within thirty (30) days of the date of the decision complained of.

4. Upon the adoption of this resolution, it shall be the duty of the City Building

Inspector to notify the owner, occupant or agent in charge of such building or structure of the adoption of this resolution by serving a copy thereof upon him by certified mail, return receipt requested; and in the event such owner, occupant or agent cannot be found or served within said City as herein above provided, such notice may be served by posting a copy of said resolution upon the premises complained of, followed by legal publication of said resolution one time in a newspaper of general circulation within the city.

ADOPTED AND APPROVED the 12<sup>th</sup> day of March 2015.

CITY SEAL

\_\_\_\_\_  
Dennis J. Kintigh, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Coll, City Clerk

Resolution #15-14  
March 12, 2015

Exhibit A  
Page 1

Location	Condition	Name
1018 & 1020 S. LEA AVE. VALLEY VIEW Block 2 Lot 9 & 10 E 150'	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	SUTHERLAND, JOHN H.; SUTHERLAND, MIRACLE 1018 S. LEA AVE. ROSWELL, NM 88203
1007 W. WALNUT ST. WRIGHTS Block 6 Lot 8 E 56.65' & Lot 9 S2 E 56.65'	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	O'KELLEY, EDWARD W.; O'KELLEY, TRINA 2315 N. COLE AVE. ROSWELL, NM 88201
1312 E. HOAGLAND ST. HOAGLAND AMEND Block 2 Lot 6	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	MITCHELL, CHARLES R. 506 WEST JAFFA ST. ROSWELL, NM 88203
732 E. ALAMEDA ST. FLORA VISTA Block 1 Lot 16 & Lot 17	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	BOUSLAUGH, MARY JANE P.O. BOX 1211 ROSWELL, NM 88202
710 E. SUMMIT ST. JOHNSON & ALLISON Lot 4 Blk 1 FRUITLAND Block A Lot 1	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	BARTLETT, JIM; BARTLETT, MARIA B. 4301 W. MCGAFFEY ST. ROSWELL, NM 88203
2907 E. FRUITLAND DR. SOUTH PLAINS PARK Block 4 Lot 21 & Lot 22 S 1'	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	PEMBERTON, TIM K.; PEMBERTON, ERPLE R. 2907 E. FRUITLAND DR. ROSWELL, NM 88203



## MEMORANDUM

**Meeting Date:** Monday, March 2, 2015  
**Item No.** F-1  
**To:** Planning and Zoning Committee  
**From:** Planning and Zoning Department  
**Subject:** Discussion of Planning and Zoning Commission Report

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**Action Requested:** To inform the Planning and Zoning Committee of action taken at the Planning and Zoning Commission meeting.

**Background:** Staff updates the Committee on Commission activity on a monthly bases.

**Staff Recommendation:** No action is required.

**ROSWELL NEW MEXICO  
CITY COUNCIL  
INFORMATION ITEM ABSTRACT  
Meeting of March 12, 2015**

INFORMATION  
ITEM ONLY

**DEPARTMENT:**  
Planning and Zoning

**CONTACT:**  
Louis Najjar- City Engineer  
637-6281  
**COMMITTEE:** Planning and  
Zoning

**ATTACHMENTS:**  
None

**PURPOSE:**

To inform the City Council that no Planning and Zoning Commission meeting was held in the month of February.



## MEMORANDUM

**Meeting Date:** Monday, March 2, 2015  
**Item No.** F-2  
**To:** Planning and Zoning Committee  
**From:** Planning and Zoning Department  
**Subject:** Discussion of Planning and Zoning Commission Report

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**Action Requested:** To inform the Planning and Zoning Committee of updates to the Old Municipal Airport (OMA) property.  
**Background:** Staff is continuing work on the OMA property.  
**Staff Recommendation:** No action is required.