

ORDINANCE 22-03

**AN ORDINANCE TO AMEND CERTAIN SECTIONS OF ARTICLE 52,
BUILDING AND PERFORMANCE STANDARDS,
OF THE ZONING ORDINANCE OF THE CITY OF ROSWELL**

WHEREAS, the City Council desires to encourage the redevelopment and revitalization of the downtown business district including those properties within the Railroad District Metropolitan Redevelopment Area Plan (MRA) as established by Resolution 11-44 and amended by Resolution 20-23; and

WHEREAS, the consistent application of development requirements, including building and performance standards will encourage private sector investment in these areas; and

WHEREAS, the City Council hereby intends to amend certain sections of Article 52 of the City of Roswell Zoning Ordinance to facilitate the consistent application of development standards in these areas;

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

SECTION 1. Section 6 of Article 52 of Appendix A – Zoning of the Roswell City Code is hereby amended as follows:

Sec. 6. - Exceptions to height requirements

Except within the C-3 and C-4 zoning districts, and those properties located within the adopted Railroad District Metropolitan Redevelopment Area Plan (“MRA”), as established by Resolution 11-44, and subsequently amended in Resolution 20-23, 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 2. Section 7 of Article 52 of Appendix A – Zoning of the Roswell City Code is hereby amended as follows:

Sec. 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 two 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 two 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 ten % 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 eight 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."

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

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

F. *Minimum standards for the number of off-street parking spaces.* For all zoning districts, except within the C-3 or and C-4 zoning districts, and those properties located within the adopted Railroad District Metropolitan Redevelopment Area Plan (MRA), the minimum number of off-street parking spaces required shall be as follows:

1. *Amusement parks:* One per three persons in designed capacity, plus two per every three employees during peak hours.
2. *Athletic clubs/gyms:* Three plus, one per 250 square feet of net floor area.
3. *Bowling alley:* Three plus, two spaces per lane, plus additional spaces as required for ancillary uses.
4. *Business, professional, medical, or public office building:* One per 200 square feet of net floor area.
5. *Community center, library, museum, private club, or lodge:* One per 200 square feet of net floor area.

6. *Convention, banquet halls, auditoriums, exhibition centers*: One per 200 square feet of net floor area.
7. *Child care facilities*: Three plus, one per three children, during peak hours.
8. *Bank/credit unions/financial services*: One per 250 square feet of net floor area.
9. *Furniture/household equipment or appliance store*: One per 300 square feet of net floor area.
10. *Hospital*: One per two beds plus one for every two employee during peak shift.
11. *Hotel, motel*: Three plus, one per room plus additional spaces as required for ancillary uses.
12. *Industrial or manufacturing establishment*: Three plus one per employee during peak shift plus one for each company vehicle used for business purposes.
13. *Motor vehicle or machinery sales*: Three plus, one 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*: One per three seats in designed capacity.
16. *Residential dwelling*: Two per dwelling unit.
17. *Restaurants, night club, café, or similar activity*: One per 200 square feet of net floor area.
18. *Retail sales*: One for every 200 square feet of net floor area.
19. *Retirement/convalescent, sanitarium, or group care facility*: One per two beds plus One per each employee, during peak hours.
20. *Theater, stadium, or auditorium*: One per four seats, plus two per every three employees during peak hours.
21. *Shopping center*: One 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 = one for every two students enrolled.
23. *Warehouses/storage establishment or motor freight terminal*: Three plus one per employee during peak shift plus one 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 within the C-3 and C-4 zoning districts, and those properties located within the adopted Railroad District Metropolitan Redevelopment Area Plan (MRA), 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:*
1. *Construction:* All parking and loading zones shall be constructed with either four inches of base course and two inches of asphalt, or a minimum of six inches of concrete.
 - A. Each parking space shall be a minimum of nine feet by 18 feet with circulation drives of adequate width to make each stall accessible.
 - B. Each loading zone shall be a minimum of 12 feet by 35 feet with a minimum height clearance of 15 feet and it shall not reduce the number of required parking spaces.
 - C. All spaces shall be appropriately striped, including all handicapped access spaces.
 2. *Maintenance:* All previously paved parking and loading areas shall be maintained at all times to be functional and free from trip hazards. Paved areas shall:
 - A. Have no potholes, major cracking, or other types of hazards, and
 - B. Be properly striped; and,
 - C. Properties where funding to perform the upgrades may not be available, may prepare a parking plan and timeline for completion which will be submitted to the city for the city's review and approval.

SECTION 3. Section 11 of Article 52 of Appendix A – Zoning of the Roswell City Code is hereby amended as follows:

Sec. 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 those properties located within the C-3 and C-4 zoning districts, and those properties located within the adopted Railroad District Metropolitan Redevelopment Area Plan (MRA), 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 two-inch caliper trunk at the time of planting, which is measured four inches above the soil line in the container or four inches above the soil line on a balled-and-bur lapped tree. Trees planted in turf shall have a three-inch deep by four-foot radius mulch ring. The material shall be an organic type of bark mulch. The bark shall not be placed within three inches of the base of the trunk to inhibit pathogens from entering the tree.
2. Shrubs shall be a minimum of two feet in height at the time of planting and shall be no more than six 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 forester.
3. Where trees are planted in parking lot islands, the islands shall be a minimum of six feet wide by six 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 eight % to calculate the required area.
2. The required landscaped area shall be clearly visible from bordering streets but not within the sight triangle for public safety. Up to one-half 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 development 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 six 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 two % 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.* 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.

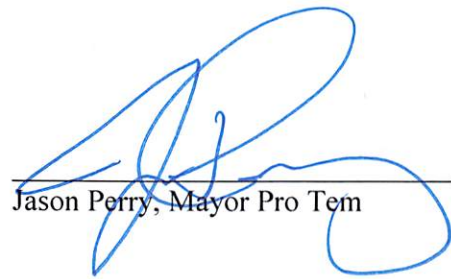
SECTION 4. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repeal shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

SECTION 5. If any section, paragraph, clause or provisions of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

SECTION 6. This ordinance shall be effective after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED and APPROVED 10th DAY OF MARCH 2022.




Jason Perry, Mayor Pro Tem


Amalia Martinez, Interim City Clerk

Underscoring indicates addition to existing Code section.
~~Strike through~~ indicates delete of an existing Code section.