

**ORDINANCE 2019-498**  
**An Ordinance Amending Chapter 26,**  
**Article III and IV Parking Lots, Parking Stalls, & Community Development Fees**

**WHEREAS,** Due to conflict in development standards, Community Development seeks to remove Sec. 26-3-172(1) under required improvements for parking lots; and

**WHEREAS,** Gravel parking lots are counter to the existing 2002 Comprehensive Plan regarding subdivision standards and existing design standards for subdivisions pursuant Sec. 23-201-6(8). Any existing gravel parking lots are grandfathered and not subject to this amendment unless the existing parking lot expands, changes use, or currently not compliant with existing requirements; and

**WHEREAS,** Due to current ambiguity and lack of specifications standards regarding parking stalls In Chapter 26, Community Development seeks to amend and clarify parking stall requirements; and

**WHEREAS,** Currently, Chapter 26 does not provide specifications standards, per the length or width of a parking space. On average, the length and width of a parking stall is 9-feet in width and 20-feet in length. Therefore, Community Development is seeking parking stall specifications of 9-feet in width and 20-feet in length; and

**WHEREAS,** Due to conflict between Chapter 16 and Chapter 26 regarding fees Community Development seeks to amend and consolidate fees from Chapter 26 to Chapter 16.

**NOW, THEREFORE, BE IT RESOLVED** that the Aztec City Commission seeks to amend Article III and IV within Chapter 26 of the Aztec City Code as attached.

**PASSED, APPROVED, SIGNED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_ 2020, by the Aztec City Commission, City of Aztec, New Mexico.

\_\_\_\_\_  
Mayor Victor Snover

ATTEST:

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

\_\_\_\_\_

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

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

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## ARTICLE III. SUPPLEMENTARY REGULATIONS

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### DIVISION 5. PARKING AND LOADING AREAS

#### Sec. 26-3-172. Required Improvements for Parking.

A parking lot must comply with the following:

1. The lot must be graded and surfaced with ~~one of the following:~~
  - ~~(1) Gravel. A layer at least two (2) inches thick of gravel sized from 3/8-inch minimum to one-inch maximum diameter, at least 1/2-inch of which shall be maintained on the surface; gravel shall be kept off the right-of-way; or~~
  - (2) *Blacktop or equal.* Two (2) inches hot mix of asphalt concrete on a prime coat over a four-inch compacted subgrade, or a surface of equal or superior performance characteristics.
2. If street curbs and gutters exist adjacent to the parking lot property on a side where lot egress is allowed, the surfacing shall be the second (blacktop) alternative listed above for the width of the egress (drivels) and shall extend inward from the property line a minimum of twenty-five (25) feet along all normal lines of egress traffic flow from the lot.
3. The lot shall have barriers, which prevent vehicles from extending over the sidewalk or abutting lots.
4. A solid wall or fence at least six feet high shall be erected on sides where they are within twenty-one (21) feet of a residential zone, public right-of-way excluded.
5. Ingress or egress shall be designed to discourage parking lot traffic from using local residential streets for more than one hundred fifty (150) feet, unless no reasonable alternative is available.
6. Any lighting shall be arranged so as not to directly illuminate any residential zone, public right-of-way excluded.
7. An engineered drainage study will be necessary to ensure that drainage or flood problems are not created for adjacent areas.  
(Code 2007, 26-172)
8. ~~A parking stall shall be 9-feet in width and 20-feet in length.~~

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## ARTICLE IV. PROPERTY USE REQUIREMENTS AND EXCEPTIONS

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### DIVISION 2. CHANGE OF DISTRICT

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

1. Application. Application for the amendment of the Official Land Development Map or text of this Chapter shall be to the Municipality (Community Development Department and City Commission). Required documents or information will include:
  - (1) A completed "Application For District Change" form;
  - (2) A recent survey;
  - (3) Legal description or proper street address of the subject property;
  - (4) Reason for the request to change the current district.
2. Publication and Notification. Public notification will be conducted by the Planning Department. Such notification will include all property owners within one hundred (100) feet of the exterior boundaries (excluding public right-of-way).
3. Fees. A non-refundable fee is established in Chapter 16, Section 16-293. ~~of the following will be charged (regardless of whether the application is approved or denied):~~  
  
~~One acre or less: \$50.<sup>00</sup>~~  
~~Greater than one acre: \$50.<sup>00</sup> plus \$5.<sup>00</sup> for each additional acre.~~
4. Approval or Denial. A request for change in any district can be denied by the City Commission based upon, but not limited to, the following circumstances:
  - (1) Failure to provide the proper documentation;
  - (2) Failure to meet the required deadline for public notification;
  - (3) Failure to demonstrate notification through certified mail of adjoining property owners within one hundred (100) feet of the area of proposed change;
  - (4) Presentation of written protest signed by the majority of owners that are within the proposed change or within one hundred (100) feet of the area proposed for change.
  - (5) The City Commission determines that the change could be detrimental to the surrounding area, or may have significant impact on the general health, safety, and/or welfare of property owners in the general area.
  - (6) That the request for change in type of district was not approved by the majority vote of the City Commission.
  - (7) Failure to pay the proper fee.
5. Duration. Once approved, the application of change of district will become part of the Official District Map and Regulation.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-521)

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

## DIVISION 3. SPECIAL USE

### Sec. 26-4-531. Purpose.

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a District, certain special uses, when found to be in the special interest of the public health, safety, and general welfare of the city may be permitted by the City Commission through a Special Use Permit.

(Code 2007, 26-531)

### Sec. 26-4-532. Process.

1. Application. Application for a "Special Use" must provide to the Community Development Department the following:
  - (1) A completed "Application for Use Permit" application form;
  - (2) A site plan of the proposed activity showing the following requirements:
    - (a) An outline, with boundary dimensions and total acreage, of the area proposed for conditional use;
    - (b) Existing streets, roads, drainage courses and utility features expected to service the area;
    - (c) Proposed streets, private drives, parking area, and utility feature;
    - (d) Proposed locations of structures;
    - (e) North arrow, scale, and other geographic data. The site plan should be drawn on 8-1/2 by 11-inch paper for reproduction purposes.
  - (3) A legal description or proper street address of the property;
  - (4) A statement as to the proposed use of the buildings, structures and premises;
  - (5) A showing of compliance with any minimum requirements by the City and State governments (fire, licenses, etc.).
2. Publication and Notification. Proper public notification and publication follows the procedures outlined in Section 26-504-2(3).
3. Fees. A non-refundable fee is established in Chapter 16, Section 16-293. ~~of fifty dollars (\$50.00) is required.~~
4. Approval or Denial. The City Commission may grant a Special Use Permit provided that:
  - (1) The public health, safety, and general welfare will not be adversely affected;
  - (2) That adequate off-street parking facilities will be provided; and
  - (3) That necessary safeguards will be provided for the protection of the surrounding property, persons and neighborhood.

The City Commission may, in approving such special use permit, set forth such further reasonable requirements or conditions as are related to or necessitated by the proposed special use.

5. Duration. Whenever it is determined that a use of property for which a special use permit has been approved, but such use is not being conducted within the terms of the special use permit; or that such use has been allowed to accumulate litter or debris, to be a public nuisance, or to attract vagrants, criminals, or public intoxication, or is otherwise detrimental to the public safety or welfare or; before the special use has commenced, and it is determined that such special use is not in the public interest, or the owner of the property has affected petitions for revocation; the special use permit may be revoked by the City Commission.
6. Appeal. The owners shall have the right of appeal to the City Commission if the special use permit is revoked.  
(Code 2007, 26-532)

**Secs. 26-4-533 to 26-4-540. Reserved.**

## DIVISION 4. CONDITIONAL USE

### Sec. 26-4-542. Process.

1. Application. Each application for a "Conditional Use" must provide to the Community Development Department the following:
  - (1) A completed "Application for Use Permit" form;
  - (2) A site plan of the proposed activity showing the following requirements:
    - (a) An outline, with boundary dimensions and total acreage, of the area proposed for conditional use;
    - (b) Existing streets, roads, drainage courses and utility features expected to service the area;
    - (c) Proposed streets, private drives, parking area, and utility feature;
    - (d) Proposed locations of structures;
    - (e) North arrow, scale, and other geographic data. The site plan should be drawn on 8-1/2 by 11-inch paper for reproduction purposes.
  - (3) Verification of ownership or legal interest in the subject property (copy of abstract, title certificate, insurance or contract);
  - (4) Legal description of the property or proper street address;
  - (5) Statement describing the proposed use of the buildings, the structures and the premises;
6. Publication and Notification. Proper public notification and publication follows the procedures outlined in Section 26-504-2(3).
7. Fees. A non-refundable fee ~~of fifty dollars (\$50.00) is required.~~ is established in Chapter 16, Section 16-293.
8. Approval or Denial. No "Conditional Use Permit" shall be approved or granted by the City Commission unless the conditional use:
  - (1) Is necessary for public convenience at the proposed location.
  - (2) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
  - (3) Will not cause substantial injury to the value of other property in the neighborhood of which it is a part; and
  - (4) That in no case will such use change or alter the Land Development district of which it is a part and further, in the event of such use cease to operate, the property occupied by the "conditional use" will revert back to its intended District.

Denial of the "Conditional Use Permit" can occur if:

  - (5) A written protest to the proposed conditional use is signed by the majority of owners of property within one hundred (100) feet; or

(6) The Conditional Use application fails to receive a majority vote of the City Commission.

9. Duration. Every "Conditional Use Permit" is specific to the specified property and property owner. Should the property be sold to a new owner, the "Conditional Use Permit" automatically becomes void and terminates. Regardless of relationship, a "Conditional Use Permit" is not transferable from owner to owner.

[\(Code 2007, 26-542\)](#)

**Secs. 26-4-543 to 26-4-550. Reserved.**

## DIVISION 5. VARIANCE

### Sec. 26-4-552. Process.

1. Application. Where owning to special conditions a literal enforcement of the provisions of this ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this ordinance, the City Commission shall have the power upon appeal in specific cases to authorize such variation or modifications of the provisions of this ordinance with such conditions and safeguards as it may determine, so that public safety and welfare is secured and substantial justice done. The application must consist of the following:
  - (1) A completed " Application For Variance" form;
  - (2) A detailed site plan including the following:
    - (a) An outline, with boundary dimensions and total acreage, of the area proposed for the variance;
    - (b) Existing streets, roads, drainage courses and utility features expected to service the area;
    - (c) Proposed streets, private drives, parking area, and utility feature;
    - (d) Proposed locations of structures;
    - (e) North arrow, scale, and other geographic data. The site plan should be drawn on 8-1/2 by 11-inch paper for reproduction purposes.
  - (3) A legal description or proper street address of the subject property;
  - (4) A reason for the request of the variance and statement of hardship delineating how the variance relates to the specific parcel of land, is not a substantial detriment to the public good, and how any deviation would substantially outweigh any detriment caused by the variance.
2. Publication and Notification. All variance requests shall be published as provided for in Section 26-504-2(3) of this code and also the following:
  - (1) A signed petition of approval by a majority of surrounding neighbors within 100 feet is required.
3. Fees. A non-refundable fee ~~of fifty dollars (\$50.<sup>00</sup>) is required.~~ is established in Chapter 16, Section 16-293.
4. Approval or Denial. Approval of a variance shall be granted by the City Commission if the following conditions are met:
  - (1) That the variance will not allow a use other than a use permitted for the district;
  - (2) That under exceptional and extraordinary circumstances having to abide by literal enforcement of the provisions of this ordinance will result in unnecessary hardship;
  - (3) That the circumstances presented were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;



- (4) That the development or use of the property for which the variance is sought, if limited by literal enforcement of the provisions of this ordinance, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;
- (5) That the variance will not substantially or permanently injure the appropriate use of adjacent property in the same district and conforming to the designated Land Development district;
- (6) That the variance will not alter the essential character of the Land Development district in which the property is located within and for which the variance is sought;
- (7) That the variance will not weaken the general purposes of this ordinance or the regulations established for the specific district;
- (8) That the variance will not adversely affect the public health, safety or welfare;
- (9) Administration and Fees

5. Duration. Every variance authorized shall not belong to the applicant or owners but shall run with the land and be transferable from owner to owner.  
(Code 2007, 26-552)