

ORDINANCE No. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF RIO COMMUNITIES AMENDING THE ZONING CODE OF THE CITY OF RIO COMMUNITIES. AMENDING THE PERMITTED USES IN THE I-3 HEAVY INDUSTRIAL ZONING DISTRICT; AMENDING THE SPECIAL USES IN THE I-3 HEAVY INDUSTRIAL ZONING DISTRICT; ADOPTION PROHIBITED USES IN THE I-3 HEAVY INDUSTRIAL ZONING DISTRICT.

**BE IT ORDAINED** by the Governing Body of the City of Rio Communities, New Mexico

**SECTION 1: RECITALS**

WHEREAS, Recent public hearings have demonstrated the need to revisit whether, or not to what extent certain heavy industries should be located within the City of Rio Communities; and

WHEREAS, Public sentiment in recent public hearings has clearly demonstrated that the public does not support the location and operation of certain heavy industrial activities in the City of Rio Communities; and

WHEREAS, This ordinance is adopted to protect the health, safety, and welfare of the community as it relates to the location and operation of certain heavy industries within the City of Rio Communities by imposing certain time, place, manner and other reasonable restrictions on industrial activities.

**SECTION 2: HEAVY INDUSTRIAL (I-3) Permitted Use: Section 4-3-10.C**

Section 4-3-10.C(7) is deleted in its entirety.

**SECTION 3: HEAVY INDUSTRIAL (I-3) Special Use: Section 3-4-10.E**

Section 4-3-10.E(1) is amended by adding the words "Temporary Use Only Not to Exceed 90 days"

Section 4-3-10.E(3) is deleted in its entirety.

Section 4-3-40.E(4) is deleted in its entirety.

**SECTION 4: HEAVY INDUSTRIAL (I-3) Prohibited Uses: Section 3-4-10.F**

A new section 3-4-10.F is adopted as follows:

F. PROHIBITED USES I-3 PROHIBITED USES ARE NOT ALLOWED IN AN I-3 ZONE. THESE PROHIBITED USES INCLUDE:

1. Petroleum or liquefied petroleum gas bulk plants.
2. Facilities for production of oil, natural gas, geothermal resources or other hydrocarbons.

**SECTION 5: ANNEXATION PROCEDURES Section 4-14-3**

Section 4-14-3.A is amended to read as follows:

"All proposed petition-method annexations shall be submitted to the Planning and Zoning Commission for review and written recommendation based on the approval criteria set forth in Subsection 4-14-8 of this Article. In the course of the review, the Commission shall make complete findings of fact on all applications. The Commission shall not rule on the economic feasibility of any development proposed in an annexation master plan."

**SECTION 6: ZONING AND MAP AMENDMENTS Section 4-15-1**

Section 4-15-2.B is amended to read as follows:

After receiving a request for text amendment or zone map change, the Planning and Zoning Commission shall consider the request and make written recommendations to the City Council regarding the request. The Commission will consider all aspects of the request and balance the need for change against the impact of the request on affected properties. The Commission shall consider whether the proposed text or map amendments are consistent with the Comprehensive Plan. The request for a text amendment or zone map change, including the Commission recommendation will be brought before the City Council for Public Hearing. The City Council will decide based upon the evidence presented at the Public Hearing. The City Council may amend, repeal, or supplement any portion of the Code or Map.

Section 4-15-2.C is amended to read as follows:

Requests for change of either the Code or Map by a landowner will be forwarded to the City Planning and Zoning Commission. All pertinent data must be enclosed with the request. Additional information may be requested by the Commission. The Planning and Zoning Commission will schedule a public meeting with the applicant that will serve to enhance their understanding of the impact of the request. The Commission shall consider whether the proposed text or map amendments are consistent with the Comprehensive Plan. The Commission shall prepare a written recommendation to the City Council.

## **SECTION 7: PLANNING AND ZONING HEARING POSTING Section 4-18-9**

The Catchline of the of this section is amended to add the words "Notice Requirements" after "Hearing" and delete the word "Posting."

Section 4-18-9.A is amended to read as follows:

- A. Applications for a conditional use permit, require a public hearing before the Planning and Zoning Commission. Notice of Commission consideration of a Conditional Use Permit shall be conspicuously posted for public scrutiny and comment at six (6) public locations throughout the City and on the city webpage. Notice of the time and place of the public hearing shall be published, at least fifteen days prior to the date of the hearing. Following the Public Hearing, the Commission may approve, approve with conditions, deny, continue or defer the request. The Commission must base its decision upon the evidence presented at the Public Hearing.

## **SECTION 8: CITY COUNCIL HEARING POSTING Section 4-18-9**

The Catchline of the of this section is amended to add the words "Notice Requirements" after "Hearing" and delete the word "Posting."

Section 4-18-9.B is amended to read as follows:

4-18-9.B (1) Application for special use permits, variances, zoning ordinance text amendments, annexation, or zoning map amendments require consideration by the Planning and Zoning Commission prior to submission to the City Council for Final Approval.

4-18-9.B(2) Notice of the Commission meeting shall be in accordance with Section 4-18-9.A above. The Commission shall consider all aspects of the request and balance the need for change against the impact of the request on affected properties. The Commission shall consider whether the proposed special use permit, variance, text or map amendments are consistent with the Comprehensive Plan. The Commission will prepare its written report including recommendations to the City Council.

4-18-9.B(3) Notice of the time and place of the public hearing before the City Council shall be published, at least fifteen days prior to the date of the public hearing City Council.

4-18-9.B(4) Whenever a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the county treasurer, of lots of land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation.

4-18-9.B(5) Whenever a change in zoning is proposed for an area of more than one block, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the county treasurer, of lots or [of] land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation.

4-18-9.B(6) The City Council shall conduct a public hearing on the proposed special use permit, variance, text or map amendment. Following the public hearing, the City Council may approve, approve with conditions, deny, continue or defer the request.

4-18-9.B(7) The City Council shall issue a written order including its Findings of Fact based upon the record of the public hearing conducted by the Council.

**PASSED, ADOPTED, AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

**City of Rio Communities Governing Body**

\_\_\_\_\_  
Joshua Ramsell, Mayor

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Margaret R. Gutjahr,  
Councilor, Mayor Pro-tem

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Arthur Apodaca,  
Councilor

\_\_\_\_\_  
Lawrence Gordon,  
Councilor

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Jimmie Winters,  
Councilor

ATTEST:

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Elizabeth F Adair, Municipal Clerk