

**TOWN OF RED RIVER
ORDINANCE NUMBER 2016-10**

AN ORDINANCE AMENDING ARTICLE 13 GENERAL BUSINESS UNDER THE TOWN OF RED RIVER COMPREHENSIVE ZONING ORDINANCE 2000-5, ADDING A TOURISUM OVERLAY ZONE DESIGNATION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF RED RIVER, NEW MEXICO.

SECTION F. NEW ZONE

ARTICLE 13 TOURISM OVERLAY ZONE

- A. PURPOSE AND INTENT – A Tourism Overlay Zone in the heart of Red River’s business district is more advantageous to the Town of Red River than present zoning and is hereby created to:**
- 1. Fulfill the goals of the Comprehensive Plan, building the heart of Town of Red River’s business zone into more of a tourist destination; and,**
 - 2. Address the changing conditions that uses not as suitable to be located in the central tourist district are locating there such as residential uses, auto sales and other local service uses; and,**
 - 3. Enhance a wide range of commercial, cultural and service-related activities in a specific geographic area created to accommodate the development of businesses in the Town that serve the traveling and recreational public, which will increase capital investment and create employment opportunities; and,**
 - 4. Further improve the Town of Red River’s environment as a family-oriented vacation destination with activities ranging from mountain-based options such as skiing, hiking and biking to exploring creeks, the river, fishing, and various wilderness trails (Town of Red River Comprehensive Plan, adopted January 22, 2013, § 8.2); and**
 - 5. Encourage new and retain existing tourist-related activities and services concentrated in central Red River and along Main Street between Caribel Trail on the west and Jay Hawk Trail on the east; and**
 - 6. Further the Comprehensive Plan’s goal for "the establishment of character zones,' particularly for Main Street, that would enhance Red River's identity as a small, mountain town in New Mexico" (Comprehensive Plan, § 7, Land Use Goal 2, Strategy 2.3); and**
 - 7. Preserve the character of Main Street, particularly in the core area between Caribel Trail and Jay Hawk Trail, to enhance the visitor experience and thus contribute to the core of the Town's economy; and,**

B. BOUNDARIES – The Tourism Overlay Zone (TOZ) shall be shown on the Town’s Zone Map, as may be amended from time to time by subsequent ordinances; and the TOZ shall overlay the existing General Business Zone and only amend that zone within the boundaries of the TOZ as specifically identified in this Ordinance.

The boundaries of the TOZ shall be all of the lots located adjacent to Main Street, between Caribel Trail, to the West and Jayhawk Trail to the East. Off of Main Street, the TOZ also includes the Red River Ski & Summer Area.

C. PERMISSIVE USES – The permissive uses in the TOZ correspond to the permissive uses in the General Business Zone of the Town’s Comprehensive Zoning Ordinance, with the following exceptions and additions:

1. Uses listed as permissive in the R-1 Zone shall not be permissive uses in the TOZ.
2. Uses listed as permissive in the R-2 Zone shall not be permissive uses in the TOZ.
3. Uses listed as permissive in the R-3 Zone shall not be permissive uses in the TOZ.
4. Service stations shall not be permissive uses in the TOZ.
5. Seated restaurants, including hybrid brewery/eateries are permissive uses in the TOZ.
6. Performing arts centers (i.e., theatres) are additional permissive uses in the TOZ.
7. Commercial outdoor recreational area and accessory facilities, including ski area-related establishments are permissive uses in the TOZ.
8. Business establishments for Off-Highway Vehicle (OHV) and Jeep 4X4 vehicle rentals and tours are permissive uses in the TOZ.

D. CONDITIONAL USES – Conditional uses may be permitted provided they are first recommended by the Planning Commission and approved by the Town Council. In determining whether to recommend and approve a conditional use, the Council may base its determination on parking, signage and setback considerations, in addition to any potential adverse effects such uses may have on the promotion of tourism and the character of the TOZ and Main Street as described herein. The conditional uses in the TOZ exclude the conditional uses listed in the General Business Zone, and include the following additions:

1. Uses listed as permissive in the R-1 Zone are conditional uses in the TOZ.
2. Uses listed as permissive in the R-2 Zone are conditional uses in the TOZ.
3. Uses listed as permissive in the R-3 Zone are conditional uses in the TOZ.

E. MIXED USE – Within the TOZ, uses may be mixed in a single building so as to accommodate multiple permissive or conditional uses to be co-located within a building so long as the ground floor uses in a building’s street frontage adjacent to Main Street are permissive uses in the TOZ. The upper floors in a building or uses on the ground floor

setback over fifty (50) feet from Main Street are acceptable to locate conditional uses not listed as permissive in the TOZ.

F. PROHIBITED USES AND STRUCTURES – Prohibited uses and structures in the TOZ correspond to the prohibited uses and structures in the General Business Zone, with the following additional prohibited uses:

1. The retail sale, lease or rental of automobiles;
2. Commercial Storage Facilities;
3. Contractor's yard;
4. Car Wash;
5. Laundry Service;
6. Public Showers;
7. Landscaping business;
8. Septic Service;
9. Tattoo Parlor;
10. Funeral Home;
11. Pet Kennels;
12. All other uses or structures not specifically permitted in this Article are expressly prohibited.

G. PRESERVATION OF MAIN STREET CHARACTER -To preserve the character of Main Street as a destination for family-oriented tourism with the style and architecture of a New Mexico mountain community, the following provisions shall apply to lots and parcels of land with frontage on Main Street within the TOZ:

1. New construction and exterior modification of existing structures shall be consistent in external appearance with pre-existing architectural styles prevalent in a New Mexico mountain community and in Red River specifically, including but not necessarily limited to late nineteenth century mining-camp styles (log cabins; buildings with wood siding and pitched or gabled roofs) and Swiss chalet style with steeply pitched roofs. Architectural elements that should be considered include facades, doors and windows, roof treatments, awnings and setbacks.
2. Applicants for new construction or new uses must show how the proposed new construction or new uses will serve the hospitality and tourism goals described in the Town's Comprehensive Plan, as well as the needs of local residents and businesses.

H. HEIGHT, AREA AND SETBACK REGULATIONS – Height, area and setback requirements in the TOZ correspond to the height, area and setback requirements in the General Business Zone.

I. NON-CONFORMING USES – All existing uses and structures in the TOZ that become non-conforming as a result of the adoption of this Ordinance shall be treated as nonconforming uses under the Zoning Code, Article 19, Non-conforming Uses, Sections A and B and that existing residence can remain a residence until converted to a business and then must stay a business and not be allowed to be turned back into a residence.

SECTION 2. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council to enact each section, subsection, sentence, clause or phrase of this Ordinance separately and independently of each other section, subsection, sentence clause or phrase.

SECTION 3. REPEAL

This Ordinance repeals and replaces Town of Red River Ordinance No. 2014-02 in its entirety.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after passage and publication as provided by law.

THE TOWN COUNCIL HAS APPROVED AND ADOPTED THIS 21ST DAY OF NOVEMBER, 2016.



TOWN OF RED RIVER

Georgiana Rael

**Georgiana Rael
Administrator Clerk**

Linda Calhoun

**Linda Calhoun
Mayor**