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TORRANCE COUNTY ZONING ORDINANCE

Final Draft for Approval and Adoption

by the

Board of County Commissioners of Torrance County

March 1990

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MIDDLE RIO GRANDE COUNCIL OF GOVERNMENTS OF NEW MEXICO
317 COMMERCIAL NE, SUITE 300, ALBUQUERQUE, N.M. 87102

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STATE OF NEW MEXICO
 County of Torrance
 I hereby certify that this instrument was
 filed for record on the 24th day
 of April A.D., 19 90
 at 8:58 o'clock A M. and duly
 recorded in book 261 at page 774-805
 Witness my hand and Seal of office

 County Clerk, Torrance Co., N.M.
 _____, Deputy

ZONING ORDINANCE
FOR
TORRANCE COUNTY, STATE OF NEW MEXICO

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS AND A ZONING MAP FOR THE UNINCORPORATED AREAS OF TORRANCE COUNTY, NEW MEXICO; AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF.

SECTION 1. TITLE.

These regulations shall be known as the "TORRANCE COUNTY ZONING ORDINANCE", and shall be referred to herein as "this Ordinance".

SECTION 2. PURPOSE.

The provisions of this Ordinance are designed to promote health and the general welfare of the County; to secure safety from fire, flood, and other dangers; to protect local water resources; to facilitate adequate provisions for transportation, water and wastewater systems, schools, parks and other community requirements; to conserve the value of property; and to provide for the compatible development of land and other natural resources in the County.

SECTION 3. JURISDICTION.

This Ordinance shall apply to all or any portion of the territory within the County that is not within the zoning jurisdiction of an incorporated municipality or any joint municipal-county extra-territorial zoning authority, and is not held in trust or ownership by the Federal Government or the State of New Mexico. Boundaries delineating the zoning jurisdiction of the County shall be as indicated on the adopted "Torrance County Zoning Map", and amendments thereto, which are made a part of this Ordinance as if described herein.

SECTION 4. INTERPRETATION.

No structure shall be constructed, placed or maintained, and no land use commenced or continued within the jurisdiction of this Ordinance except as authorized by this Ordinance. The provisions of this Ordinance are held to be minimum requirements to carry out the purpose of this Ordinance and are not intended to interfere with any other laws, covenants, or ordinances. Whenever any provisions of this Ordinance are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern.

SECTION 5. DEFINITIONS.

- A. Word Forms. Words used in the present tense include the future tense, and words used in the future tense include the present tense. The singular number includes the plural number, and the plural number includes the singular number. The Words "shall" and "must" are mandatory, and the word "may" is permissive.
- B. Definitions. The following definitions apply to this Ordinance:
1. "Accessory Uses and Structures" are customarily accessory but clearly incidental and subordinate to principal uses and structures on a premises. This definition includes detached living quarters within an accessory structure, and not rented or otherwise used as a separate dwelling unit.
 2. "Boarding, Rooming, or Lodging House" means a building other than a hotel or restaurant were lodging, with or without meals, is provided for compensation. This definition includes a "Bed and Breakfast" enterprise.
 3. "Conditional Use" means a use which may be or become a nuisance or hazard to neighboring properties if proper safeguards are not taken. Such uses require individual review and approval by the Zoning Commission.
 4. "County" means Torrance County, New Mexico.
 5. "County Board" means the Board of County Commissioners of Torrance County, New Mexico.
 6. "Dwelling Unit" means a structure or part of a structure containing one or more connected rooms designed for and occupied by no more than one family for living and sleeping purposes.
 7. "Dwelling Unit, Singular" means a dwelling unit which is not physically connected to any other dwelling unit.
 8. "Dwelling Unit, Multiple" means a structure containing two or more dwelling units.
 9. "Family" means one or more persons living together in a dwelling unit, provided that unless all members are related by blood, marriage, adoption, or legal assignment, no

such family shall include or contain more than 5 unrelated persons.

10. "Feedlot" means a place for cattle, sheep, swine, or other such animals, which are restricted and confined to pens or corrals where feeding is other than grazing and which is operated as a year-round enterprise. For purposes of this Ordinance, a Small Feedlot shall contain from 20 to 200 head of animals, and a Large Feedlot shall contain more than 200 head of animals.
11. "Floor Area" means the total area of all floors of a building.
12. "Floor Area Ratio" means the relationship of the floor area to the lot area, computed by dividing the floor area by the lot area.
13. "Front Setback" means the minimum allowable distance between any structure on a lot and the front property or easement line of the lot, bordering on or along a roadway. No structure shall have a front setback which is less than the minimum allowable distance from the front property or easement line, except as otherwise provided by this Ordinance. For any roadway easement less than 60 feet in width, setback shall be measured from a point located 30 feet from the centerline of the roadway easement. Front setback may be reduced for walls, fences, and signs provided there is no visual obstruction to vehicles passing or accessing the property upon which such structures are located.
14. "Home Occupation" means an occupation or activity clearly incidental and secondary to use of the premises for a dwelling unit. Not more than 25th percent of the floor area of a dwelling unit shall be used in the conduct of the home occupation. There shall be no exterior storage of materials unless completely enclosed by a wall, no public nuisances emitted from the premises, and no other exterior indications of the home occupation except for one unobtrusive sign. No more than three nonresident employees shall be stationed on the premises of the home occupation.
15. "Liquid Waste Disposal Regulations" means the Liquid Waste Disposal Regulations adopted by

the Environmental Improvement Board of New Mexico and administered by the Environmental Improvement Division of the New Mexico Health and Environment Department.

- 16. "Lot" means a parcel or tract of land, described by metes and bounds and platted and placed on the County Clerk's record in accordance with appropriate laws, and with access to public right-of-way.
- 17. "Mobile Home" (also known as Manufactured Housing) means a transportable structure, at least 8 feet by 32 feet, built to be towed on its own chassis, and designed to be used as a movable dwelling unit for connection to permanent utilities.
- 18. "Mobile Home Park" means an area of land platted under one ownership on which spaces are leased or rented for occupancy for 30 days or more by mobile homes, and which contains a centralized system of connections for utility services.
- 19. "Nonconformities" are any structures or portions thereof, or uses of any land or structures, or lots which do not conform to the regulations of this Ordinance but which lawfully exist on the effective date of the regulations to which it does not conform.
- 20. "Permissive Use" means a use which is allowed in a particular zone district.
- 21. "Premises" means any lot or combination of contiguous lots held in single ownership, together with the development thereon.
- 22. "Recreational Vehicle" means a vehicle which is designed or used as temporary living quarters for recreation, camping, or travel, and which may be a self-propelled motor vehicle or designed to be towed or mounted on a motor vehicle.
- 23. "Right-of-way" means dedicated public land deeded, reserved by plat, or otherwise acquired by the County, municipalities, or the State for use by the public for the movement of people, goods, and vehicles.

24. "Roadway" means that portion of a right-of-way or a private easement which is primarily devoted to vehicular use.
25. "Shopping Center" means an integrated retail commercial development occupying a site of 3 or more acres under a single ownership, control or interest, and containing 5 or more connected stores or a total gross floor area in a single structure which is greater than 25,000 square feet.
26. "Solid Waste Management Regulations" means the Solid Waste Management Regulations adopted by the Environmental Improvement Board of New Mexico and administered by the Environmental Improvement Division of the New Mexico Health and Environment Department.
27. "Structure" means anything constructed or erected on the ground or which is attached to something located on the ground. For purposes of this Ordinance, the term structure does not include a vehicle, vegetation and public utility poles.
28. "Travel Trailer or Recreational Vehicle Park" means an area of land used for transient commercial parking of occupied travel trailers, pick-up campers, converted buses, recreational vehicles, tents, or any other similar devices used for temporary portable housing.
29. "Variance" means a relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results or actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary hardship. As used in this Ordinance, a variance may be authorized only for area, height, dimension, distance, setback, walls, off-street parking, and off-street loading requirements. Financial gain or loss shall not be the only determining factor in deciding a variance.
30. "Wall" means a solid wall or fence which is visually solid, or a suitable screen of landscaping intended to provide a visual barrier.
31. "Zone District" means a section of the County, designated in the text of this Ordinance

and delineated on the Torrance County Zoning Map, in which requirements for the use of land and building and development standards are prescribed. Boundaries of zone districts shall follow existing property lines unless clearly otherwise shown on the Zoning Map, in which case, such boundary shall be defined by dimension and distance from existing property lines.

- 32. "Zoning Commission" means the Torrance County Planning and Zoning Commission.
- 33. "Zoning Officer" means the official person designated as the principal administrator and enforcement officer of this Ordinance.

SECTION 6. GENERAL PROVISIONS.

- A. Access to Structures. All structures shall be located such that safe and convenient access is provided for use of the structure, fire protection, and any required off-street parking or loading.
- B. Mobile Home Installation. No mobile home shall be occupied unless it is connected to adequate utilities, provided with skirting of a durable material if not installed at ground level, and stabilized and anchored, all in accordance with the regulations promulgated by the Manufactured Housing Act of New Mexico [60-14-1 et seq., NMSA 1978].
- C. Refuse Disposal. All persons owning or occupying lands within the County shall be responsible for the sanitary conditions of their premises. No person shall permit or cause the accumulation of solid or liquid waste which may become hazardous to public health or safety, or which obstructs traffic, drainage, or access to structures. Following the effective date of this Ordinance, the siting and installation of any new landfill operation or land application process for purposes of disposing any solid or liquid waste shall be reviewed by the County Board for conformance to this Ordinance, the County Solid Waste Ordinance No. 89-1, and any other relevant ordinance of the County. Furthermore, all solid waste shall be properly disposed in accordance with the New Mexico Solid Waste Management Regulations.
- D. Water and Wastewater Requirements. All lots and all structures located thereon shall be in compliance with applicable regulations established by the New Mexico Environmental Improvement Division and the New Mexico State Engineer's Office concerning water and wastewater facilities.

SECTION 7. ESTABLISHMENT OF ZONE DISTRICTS.

- A. Zone Districts. For the purpose of this Ordinance, the following zone districts are established: Conservation District (C), Agricultural Preservation District (AP), Preplatted Lands District (PL), Rural Residential District (RR), Development District (D), Community Preservation District (CP), and Special Use District (SU).
- B. Zoning Map. The boundaries of the zone districts shall be shown on the adopted "Torrance County Zoning Map". The original copies of the zoning map and this Ordinance, and subsequent amendments thereto, shall be maintained by the County Clerk of Torrance County. Zoning maps shall be made available for public reference by the Zoning Officer.
- C. Interpretation. Where, due to illegibility of the Zoning Map, there is any uncertainty as to the intended location of any zone district boundaries, interpretation concerning the exact location of such boundaries shall be determined by the Zoning Commission.

SECTION 8. CONSERVATION DISTRICT (C).

- A. Intent. This zone district protects and preserves large areas within the County which are characterized by arid rangelands, minimal development, and extreme limitations on water resources. Dispersed, low-density residential development and low-intensity agricultural activities are allowed, but any other use of land in this district is subject to site plan review and approval.
- B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:
 1. Residential dwelling units, provided they are in compliance with the lot size requirements of the New Mexico Liquid Waste Disposal Regulations;
 2. Livestock grazing and related ranching activities;
 3. Small Feedlots, containing from 20 to 200 head of animals;
 4. Cultivation and harvesting of plants and croplands; and
 5. Accessory uses and structures.
- C. Conditional Uses. Property owners may request conditional use approval as prescribed by this Ordinance for uses other

than the permissive uses allowed in this zone district, subject to the following requirements:

1. Any of those uses which are designated for the Special Use District must be reviewed and approved in accordance with the procedures established in this Ordinance for a Special Use District;
2. All requests for Conditional Use Permits in this zone district must be accompanied by a site plan (to scale) showing locations of all proposed uses and structures, property lines, roads and easements, utility lines, and major landscape features, both natural and man-made; and
3. The Zoning Commission may determine that a zoning map change is more appropriate for a proposed development in this zone district.

SECTION 9. AGRICULTURAL PRESERVATION DISTRICT (AP).

A. Intent. This zone district is intended to protect and preserve areas of suitable agricultural soil for agricultural and agriculture-related uses. The standards prescribed for this district are intended to preserve the open character of the area and thereby to protect the business of agriculture. The minimum lot size in this zone district shall be either five acres or ten acres, as indicated on the Zoning Map.

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Residential dwelling units, provided they are in compliance with the lot size requirements of the New Mexico Liquid Waste Disposal Regulations;
2. Cultivation and harvesting of plants and croplands;
3. Raising, breeding, management and sales of livestock;
4. Small Feedlots, containing from 20 to 200 head of animals; and
5. Accessory uses and structures.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Commission:

1. Home occupations;
2. Farm equipment stores, animal feed stores, tack shops, and other agricultural support services;
3. Large-scale commercial processing of agricultural products;
4. Business, service, and commercial establishments;
5. Kennels and veterinary hospitals; and
6. Essential public utility distribution structures.

D. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum lot size shall be ten acres where identified as AP-10 on the Zoning Map, or five acres where identified as AP-5 on the Zoning Map; and
2. All structures shall be located with a front setback of no less than 25 feet.

SECTION 10. PREPLATTED LANDS DISTRICT (PL).

A. Intent. This zone district provides for the appropriate development of preplatted subdivisions which are not considered adequate by current planning or environmental standards. This zone district is comprised of certain subdivisions platted and placed on record with the County Clerk prior to 1973, often held in multiple ownership, and substantially or totally undeveloped. This zone district is established to encourage and promote private land readjustment through techniques such as subdivision replatting, land pooling, and lot consolidation, followed by a change to a more appropriate zone district, if necessary.

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. One singular dwelling unit per lot;
2. Accessory uses and structures;
3. Cultivation and harvesting of croplands;
4. The raising of animals for personal use; and

5. Essential public utility distribution structures.

C. Conditional Uses. Property owners may request conditional use approval for uses other than the permissive uses allowed in this zone district, provided such uses are not in conflict with the comprehensive plans of the County and subject to the following requirements:

1. All requests for Conditional Use permits in this zone district must be accompanied by a site plan (to scale) showing all uses, location of buildings and structures, property lines, roads and easements, utility lines, and major landscape features, both natural and manmade;
2. Any of those uses which are designated for the Special Use District must be reviewed and approved in accordance with the procedures established for the creation of a Special Use District; and
3. The Zoning Commission may determine that a zone change or variance, instead of a Conditional Use Permit, is more appropriate for a proposed development in this zone district.

D. District Standards. The following standards apply to all land uses within this zone district:

1. Any lots which are one acre or less in size shall not be further subdivided or replatted into lots less than one acre in size; and
2. In the event that contiguous lots within a specified area are assembled for readjustment and a master plan or site plan for future development is proposed, then such area shall be subject to density and setback requirements deemed appropriated by the Zoning Commission.

SECTION 11. RURAL RESIDENTIAL DISTRICT (RR).

A. Intent. This zone district accommodates rural residential development and certain agricultural uses such as irrigated croplands and limited livestock management. Large-lot residential land subdivision is characteristic of this district.

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. One singular dwelling unit per lot;
2. Accessary uses and structures;
3. Cultivation and harvesting of croplands;
4. Raising, breeding, management, and sales of livestock, subject to the following requirements:
 - a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents which are detrimental to human habitation, and
 - b. It shall be unlawful for any owner or keeper of livestock to allow such livestock to run at large on public right-of-way;
5. Boarding, rooming, or lodging house for no more than 12 residents;
6. Residential group training home for developmentally or physically handicapped, and residential nursing home, providing for no more than 12 persons at any one time; and
7. Day care or child care services as regulated by the New Mexico Health and Environment Department.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Commission:

1. Home occupations;
2. Religious and educational institutions;
3. Small Feedlots, containing from 20 to 200 head of animals; and
4. Essential public utility distribution structures.

D. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum lot size shall be two and one-half acres for dwelling units served by individual private wells, and one acre for dwelling

units with connections to a centralized water system;

- 2. All structures shall be located with a front setback of no less than 25 feet; and
- 3. Non-residential buildings shall be situated no less than 25 feet from any lot in residential use.

SECTION 12. DEVELOPMENT DISTRICT (D).

A. Intent. This zone district accommodates the development of business, commercial, service-related, and limited industrial activities which are provided with adequate infrastructure and which would not cause a detriment to any abutting lands in residential use. This district consists of areas where such development should logically locate because of established land use patterns, planned or existing public facilities, and adequate transportation system capacity and access. Although this district allows a wide diversity of land uses, there are controls intended to minimize any nuisances or negative impacts caused by such land uses.

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

- 1. One singular dwelling unit per lot;
- 2. Business, service, and commercial establishments; and
- 3. Accessory uses and structures.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Commission:

- 1. Home occupations;
- 2. Multiple dwelling units, subject to the following provisions:
 - a. Gross density for any lot shall not exceed three dwelling units per acre,
 - b. The above stated gross density may be exceeded only upon permit granted by the New Mexico Environmental Improvement Division if site conditions are suitable for compliance with the Liquid Waste Disposal Regulations, and

- c. If centralized water and sewer systems are available to the site, then a floor area ratio of 0.3 is permitted for each lot;
- 3. Boarding, rooming, or lodging house for no more than 12 residents;
- 4. Residential group training home for developmentally or physically handicapped and residential nursing home, providing for no more than 12 persons at any one time;
- 5. Day care or child care services as regulated by New Mexico Health and Environment Department;
- 6. Religious and educational institutions;
- 7. Limited industrial activities subject to the following regulations:
 - a. The manufacturing, processing, assembling, renovating, treatment, storage, or warehousing of raw materials, goods, merchandise, or equipment shall be conducted within an enclosed building and/or within an area completely enclosed by a wall,
 - b. No building for manufacturing purposes shall be located less than 150 feet from any existing dwelling unit, except for a resident caretaker dwelling,
 - c. Any process using explosive material shall not be located within 500 feet of any dwelling unit unless sufficient blast, explosion, or fire confinement structures are installed according to appropriate State regulatory agencies,
 - d. All buildings on a manufacturing site shall not cover an aggregate area of more than 40 percent of such site, and
 - e. All manufacturing activities shall be conducted in accordance with State and Federal environmental standards;
- 8. Salvage yards for scrap material, including automobile bodies, provided that:

- a. All activities are conducted within an enclosed building or within an area completely enclosed by a wall,
 - b. Outside storage of salvage materials or automobile bodies may not be stacked higher than the surrounding wall,
 - c. Any walls surrounding outside storage of materials shall be located with a front setback of no less than 50 feet, and
 - d. The entire site for a salvage yard shall not exceed five acres;
9. Flea markets and auction facilities, subject to the following regulations:
- a. Adequate off-street parking to contain the largest anticipated crowd,
 - b. Sufficient refuse containers shall be provided to control litter, and
 - c. No merchandise intended for sale or auction shall be stored on-site continuously for more than two days;
10. Essential public utility distribution structures.
- D. District Standards. The following standards apply to all land uses within this zoning district:
- 1. Minimum lot size shall be as determined by the New Mexico Environmental Improvement Division in order to comply with Liquid Waste Disposal Regulations; and
 - 2. All structures shall be located with a front setback of no less than 25 feet, unless otherwise specified in this Ordinance; and
 - 3. Non-residential buildings shall be situated no less than 25 feet from any lot in residential use, unless otherwise specified in this Ordinance.

SECTION 13. COMMUNITY PRESERVATION DISTRICT (CP).

A. Intent. This zone district preserves residential clusters in established unincorporated communities, and is intended to protect development of historic significance. This

district allows residential development with necessary commercial, business, and other non-residential activities which serve local residents. The district regulations permit future development consistent with the existing character of the community, subject to health and safety standards.

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Residential dwelling units, provided they are in compliance with the lot size requirements of the New Mexico Liquid Waste Disposal Regulations;
2. Raising, breeding, management, and sales of livestock, subject to the following requirements:
 - a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents which are detrimental to human habitation, and
 - b. It shall be unlawful for any owner or keeper of livestock to allow such livestock to run at large on public right-of-way;
3. Business, service, and commercial establishments, primarily intended to serve local residents; and
4. Accessory uses and structures.

C. Conditional Uses. Property owners may request conditional use approval as prescribed by this Ordinance for uses other than the permissive uses allowed in this zone district, subject to the following requirements:

1. Any of those uses which are designated for the Special Use District must be reviewed and approved in accordance with the procedures established in this Ordinance for a Special Use District; and
2. All requests for Conditional Use Permits in this zone district must be accompanied by a site plan (to scale) showing locations of all proposed uses and structures, property lines, roads and easements, utility lines, and major landscape features, both natural and manmade.

D. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum lot size shall be as determined by the New Mexico Environmental Improvement Division in order to comply with Liquid Waste Disposal Regulations; and
2. All structures shall be located with a front setback of no less than 15 feet.

SECTION 14. SPECIAL USE DISTRICT (SU).

A. Intent. This zone district provides for singular developments which require special consideration because of their magnitude, unusual nature, infrequent operations, questionable impact on surrounding property, or other such reason. The boundaries of this zone district shall be defined as needed on a case-by-case basis following the amendment procedures provided in this Ordinance. Special conditions may be imposed by the County Board following recommendation by the Zoning Commission. The County Board may not grant a zone change for establishment of a Special Use District unless satisfactory provisions have been made:

1. To assure that compatibility of property uses shall be maintained in the general area;
2. To preserve the integrity and character of the area in which the Special Use District will be located, and the utility and value of property in the Special Use District and in adjacent zone districts; and
3. To assure that the Special Use District will not become detrimental to the public health, safety, or general welfare of the County.

B. Application. Each application for a zone change to establish a Special Use District must declare the proposed use and, unless otherwise specified, must be accompanied by a site development plan of sufficient size and scale in order to:

1. Show boundaries and topography of the property to be developed;
2. Show the proposed size, location, use, and arrangement of all structures, signs, parking and loading areas, drainage facilities, landscaping, and traffic and pedestrian circulation routes; and

3. Indicate the location, type, use and size of structures on adjacent properties within 100 feet of the proposed Special Use District boundary.

C. Removal of Zones. In the event that a use authorized as a Special Use District is permanently discontinued, the Special Use District may be cancelled and removed under the provisions for an amendment to this Ordinance. That area delineated by a discontinued Special Use District shall be rezoned to the prevailing zone district as determined by the County Board following recommendation by the Zoning Commission.

D. Uses Allowed in Special Use District. A Special Use District may be authorized only for uses designated by the County Board, including but not limited to the following:

1. Airports, subject to the following requirements:

a. Application for airport development shall be accompanied by a site plan showing: boundary lines including approach zones; runway layout with aprons, taxi strips, and parking and tie-down area; locations and heights of all buildings, structures, trees, and overhead wires within the airport boundary and the approach zones and also within 100 feet outside of such boundary; and other pertinent data such as topography and grading plan, drainage, water and sewer services, and access roadway,

b. The planned airport area shall be sufficient to meet Federal Aviation Administration requirements for the class of airport proposed, and

c. Any buildings or other structures in the proposed airport development shall be at least 100 feet from any right-of-way or lot line;

2. Commercial or cooperative cemetery, mausoleum, or crematory;

3. Correction, detention, or penal institution;

4. Dairies, slaughter houses, and Large Feedlots containing more than 200 head of animals;

5. Fuel wholesalers and storage (gasoline, liquified petroleum) provided that all facilities shall not be within 500 feet of any dwelling unit unless sufficient blast, explosion, or fire confinement structures are installed according to appropriate State regulatory agencies;
6. Hospital, sanatorium, nursing home, or mental institution;
7. Landfill operations and land application processes for purposes of disposing any solid or liquid waste, provided such activities are in conformance with the County Solid Waste Ordinance No. 89-1, if applicable;
8. Mining, processing, or stockpiling of rock, sand, gravel, clay, or similar materials; provided it complies with the following requirements for land rehabilitation:
 - a. Backfilling shall be made with non-noxious and non-combustible materials, and
 - b. Peaks and depressions of the land resulting from the operation shall be reduced to a surface which is in substantial conformity to the surrounding topography and measures are taken to minimize erosion;
9. Mobile Home Park, subject to the following requirements:
 - a. The maximum density of the Mobile Home Park shall be subject to the approval of the New Mexico Environments Improvement Division; however, if public water and sewer systems are available, then maximum density of the Mobile Home Park shall be 6 mobile homes per acre,
 - b. No mobile home shall be located within 40 feet of any other mobile home,
 - c. Any mobile home shall be located at least 25 feet from the right-of-way line of any roadway and at least 25 feet from any property line of the Mobile Home Park, and

- d. All interior roadways shall be at least 25 feet wide, and shall be either paved or graveled;
- 10. Major facilities for the generation, transfer, or distribution of power and communications public utilities;
- 11. Planned Area Development (PAD), subject to the following requirements:
 - a. A PAD shall incorporate a unified planning scheme for residential and other supportive land uses which cover an area of 75 acres or more,
 - b. A PAD may be constructed in increments provided a development phasing schedule showing anticipated initiation and completion of each phase is documented, and provided each phase includes a site development plan as required for this zoning district and is reviewed and approved prior to development as a separate but component plan of the PAD,
 - c. A Supportive Data Document shall be required and shall contain statements and information concerning the following:
 - 1) purpose and intent of the PAD
 - 2) internal and external land use relationships,
 - 3) distribution, type, and intensity of land uses,
 - 4) development phasing schedule, if applicable,
 - 5) proposed public features, and
 - 6) projected traffic impact when PAD is fully built out,
 - d. The gross density of the PAD shall not exceed 3 dwelling units per acre, unless the dwelling units are served by public water and/or sewer systems, in which case the maximum gross density may be increased to a density

which is appropriate for the area as determined by the Zoning Commission,

- e. A portion of the land within a PAD may be designated as open-space common area for resident use, provided ownership of the common area is clear, with appropriate covenants forbidding partition for future sale and development, and provided the maintenance responsibility for the common area is definite, and a method is provided for funding such maintenance of the common area,
 - f. Minimum lot size shall be as determined by the New Mexico Environmental Improvement Division in order to comply with Liquid Waste Disposal Regulations, or shall be subject to approval by the Zoning Commission in areas where public water and sewer systems are available, and
 - g. All building setbacks within the PAD shall be subject to approval by the Zoning Commission;
11. Shopping Centers, subject to the following requirements:
- a. The shopping center site shall be located with direct access to a State or Federal arterial highway, or a designated County arterial road,
 - b. All buildings must be placed at least 30 feet from any property line of the shopping center land,
 - c. At least 10 percent of the required off-street parking area shall be landscaped and maintained in a clean and healthy condition,
 - d. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened to the extent possible such that it does not shine directly or reflect into any adjoining residential properties or streets,

- e. Loading docks and outside storage areas shall be screened from public streets and abutting residential properties, and
 - f. Any shopping center proposal for an ultimate development containing more than 100,000 square feet of floor area shall include a traffic impact analysis of traffic generated by the shopping center and its effect on the surrounding street system;
12. Travel Trailer or Recreational Vehicle Park provided it complies with the following requirements:
- a. The minimum park size shall be 2 acres,
 - b. The park site shall be graded, drained, and free of rubbish,
 - c. The park site shall have a wall, fence or planted area, 6 feet in height, that buffers the site from adjoining areas, and
 - d. The park shall contain individual campgrounds and each campground shall be at least 1,000 square feet in area with adequate parking such that no portion of any vehicle extends into a road within the park.

SECTION 15. OFF-STREET PARKING AND LOADING.

- A. Parking and Loading Space Required. There shall be provided on site, when any new building is erected, off-street parking and loading spaces as set forth herein. Existing buildings need supply such parking and loading space only to the extent ground space is available on site.
- B. Number of Parking Spaces. The minimum number of parking spaces to be provided shall be as follows:
 - 1. Dwelling units: 2 spaces per dwelling unit;
 - 2. Eating and drinking establishments: one space per 100 square feet of floor area;
 - 3. Industrial, manufacturing, and wholesaling establishments: one space per 2 employees on largest shift;

4. Medical and dental offices, clinics, including veterinary clinics: 5 spaces per doctor;
5. Offices, public buildings, and service establishments: one space per 300 square feet of floor area;
6. Places of public assembly: one space per 5 seats when fully occupies;
7. Retail and commercial business establishments: one space per 200 square feet of floor area; and
8. Rooming or boarding house: one space for each 2 rooms.

C. Parking Design Standards. The following standards shall be applied to off-street parking area:

1. All parking spaces shall be provided with adequate circulation and access to a road or street; and
2. Each parking space shall consist of an area not less than 9 feet by 20 feet.

D. Off-Street Loading Requirements. Sufficient off-street loading space shall be provided on all premises which receive or distribute bulk materials by motor vehicle. Off-street loading space shall not be located on designated off-street parking space or public right-of-way.

SECTION 16. ADMINISTRATION.

A. Administrative Official. A Zoning Officer shall be appointed by the County Board to administer the provisions of this Ordinance. The Zoning Officer may also serve in some other capacity as an employee or appointed official of the County.

B. Inspection. The Zoning Officer has the authority to conduct inspection of buildings, structures, and the use of land to determine compliance with this Ordinance. The Zoning Officer shall carry an identification card provided by the County during all inspections. This provision does not grant right of entry without due process of law if necessary. The Zoning Officer shall provide for on-site inspections and other relevant information which may be requested by the County Board or the Zoning Commission as necessary to carry out the purpose of this Ordinance.

C. Information and Records. The Zoning Officer shall maintain an office to supply the public with information concerning this Ordinance, and shall maintain copies of this Ordinance and the County Zoning Map in an updated form. A "Zoning Action File" shall be maintained and shall contain records of the following:

1. Conditional Use Approvals;
2. Variances Allowed Under this Ordinance;
3. Applications for Amendments to this Ordinance;
4. Certificates of Nonconformance;
5. Zoning Appeals; and
6. Zoning Violations and Complaints.

D. Development Review Process. The Zoning Officer shall review all State Building Permit applications and State Manufactured Housing Installation Permits received through the County Assessors Office. Such review shall be for the purpose of determining compliance with this Ordinance.

E. Violations: Complaints and Notification. The Zoning Officer may institute any appropriate actions or proceedings whenever there is probable cause to believe there is a violation of this Ordinance. Any person aggrieved by an apparent violation of this Ordinance shall file a written complaint with the Zoning Officer who shall immediately investigate such complaint to determine if a violation of this Ordinance is found to exist. Whenever the Zoning Officer finds probable cause to believe a violation of this Ordinance exists, whether acting on independent initiative or in response to a complaint, the Zoning Officer shall notify the person responsible for the alleged violation in writing. Such notification shall order the necessary correction to be made within 60 days following the date of notification. Any person who fails to comply with the notification order shall be subject to penalties as stated in this Ordinance.

SECTION 17. NONCONFORMITIES.

A. Definition. Within the zone districts established by this Ordinance, there exist: lots, structures, or uses of land or structures which were lawful before this Ordinance was passed or amended, but would be prohibited or restricted under the terms of this Ordinance. It is the intent of this Ordinance to allow these nonconformities to continue until they are removed, but not to encourage their survival.

- B. Certificate of Nonconformance. Nonconformities shall be identified and issued Certificates of Nonconformance as determined by the Zoning Officer. Upon receipt of a written notification from the Zone Officer, it shall be the responsibility of owners of nonconforming property to obtain a Certificate of Nonconformance from the Zoning Officer within 60 days after the date of notification.
- C. Nonconformities Allowed. A nonconformity existing at the time this Ordinance takes effect may be continued under the Certificate of Nonconformance. The authority to continue a nonconforming use is transferable to the successors and assigns of the owner. The transfer of authority shall be evidenced by transfer of the Certificate of Nonconformance to the successor or assignee. A continuing nonconforming use may also be referred to as a "grandfathered use".
- D. Expansion. A nonconformity shall not be enlarged, expanded, or extended. However, the addition of a lawful use to any portion of a nonconforming building shall not be deemed an extension of such nonconforming building.
- E. Restoration. If a nonconforming use or structure is damaged or destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, then restoration must be for a permitted use. Singular dwelling units, however, may be exempt from this restoration requirement if approved by the Zoning Commission and the New Mexico Environmental Improvement Division in order to comply with Liquid Waste Disposal Regulations.
- F. Abandonment. Whenever a nonconforming use has been discontinued or abandoned for a period of one year or more, such use shall not thereafter be reestablished, and any future use must be in conformance with the provisions of this Ordinance. Any nonconforming dryland or irrigated farmland shall be exempt from this abandonment requirement.
- G. Nonconforming Lot Size. Any lot of record existing prior to the effective date of this Ordinance, which fails to meet the minimum area requirements, may be developed, redeveloped, or improved provided that any other requirements of the lot are in conformance with the provisions of this Ordinance. Unless specifically cited by the Zoning Commission, a Certificate of Nonconformance will not be required for nonconforming lots.

SECTION 18. CONDITIONAL USE PERMITS.

- A. Approval and Permit Required. Conditional uses established by this Ordinance shall not be allowed without the review and approval of the Zoning Commission, which shall be guided in making a decision by the criteria set forth in

this section. Anyone seeking a conditional use permit shall provide to the Zoning Officer such information as may be reasonably required to determine whether the requested conditional use is consistent with the intent and purpose of this Ordinance.

B. Application. Any request for a conditional use permit shall be submitted with filing fee to the Zoning Officer on a prescribed application form obtainable from the Zoning Officer. The Zoning Officer shall transmit the application and any supplementary information to the Zoning Commission for review and consideration at their next regularly scheduled meeting. To the extent possible, all abutting property owners shall be notified of the Zoning Commission meeting at which the conditional use permit application will be considered.

C. Guidelines. The Zoning Commission shall not approve any conditional use permit unless satisfactory provision has been made concerning the following, where applicable:

1. Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood, or catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the refuse and service areas;
3. Water and liquid waste facilities, with reference to soil limitations, locations, and public health;
4. The economic, noise, glare, or odor effects of the conditional use on adjoining properties; and
5. General compatibility with adjacent properties.

SECTION 12. VARIANCES.

A. Definition. The Zoning Commission may approve a variance from the strict application of area, dimension, distance, setback, off-street parking, and off-street loading requirements of this Ordinance in the case of exceptional physical conditions where the strict application of the requirements of this Ordinance would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of land or building.

- B. Application. Any request for a variance should be submitted with filing fee to the Zoning Officer on a prescribed application form obtainable from the Zoning Officer. The Zoning Officer shall transmit the application and any supplementary information to the Zoning Commission for review and consideration at their next regularly scheduled meeting. To the extent possible, all abutting property owners shall be notified of the Zoning Commission meeting at which the variance application will be considered.

- C. Requirements. The Zoning Commission may impose any necessary requirements in approving a variance to assure that the requested variance:
 - 1. Will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property; and
 - 2. Will not significantly change the character of the neighborhood or reduce the value of nearby property.

SECTION 20. AMENDMENTS.

- A. Amendment. The County Board may amend any part of this Ordinance, including the zone district boundaries, following a review and recommendation made by the Zoning Commission.

- B. Application. Any request for an amendment to this Ordinance shall be submitted with filing fee to the Zoning Officer on a prescribed application form obtainable from the Zoning Officer. The Zoning Officer shall transmit the application and any supplementary information to the Zoning Commission for review and consideration at their next regularly scheduled meeting. The Zoning Commission shall prepare and transmit a recommendation in writing, to the County Board within 7 days after their review of the proposed amendment is completed. To the extent possible, all abutting property owners of any land proposed for a zone change shall be notified of the Zoning Commission meeting at which a zone change will be reviewed for recommendation to the County Board.

- C. Public Hearing. Upon receipt of the written recommendations of the Zoning Commission, the County Board shall call for a public hearing in which to make its decision on an application for amendment to this Ordinance. Notification of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least 15 days prior to the hearing.

- D. Notification by Mail. Whenever a zone change is proposed for an area of one block (or 5 acres) or less, notice of

the public hearing shall be mailed by certified mail, return receipt requested, to the owners of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulations. Whenever a zone change is proposed for an area of more than one block (or 5 acres), notice of the public hearing shall be mailed by first class mail to the owners of land within the area proposed to be changed by zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulations. If any notice by first class mail is returned undeliverable, the County shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested.

SECTION 21. APPEALS.

- A. Right of Appeal. Anyone aggrieved by a decision of the Zoning Officer or the Zoning Commission in carrying out the provisions of this Ordinance may appeal such decision to the County Board. Such appeal must set forth specifically wherein it is claimed there was an error or an abuse of discretion, or where the decision was not supported by evidence in the matter.
- B. Application. Any appeal following a decision of the Zoning Officer or the Zoning Commission shall be made in writing to the County Board on prescribed forms obtainable from the Zoning Officer upon payment of the applicable filing fee. Any appeal not submitted within 30 days after the decision which is the subject of the appeal shall not be considered by the County Board.
- C. Public Hearing. The decision on an appeal shall be made by the County Board following a public hearing. Notification of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least 15 days prior to the hearing.
- D. Stay of Proceedings. An appeal shall stay all proceedings in the action unless the Zoning Officer or Zoning Commission certifies that a stay will cause imminent peril to life or property. Upon such certification, the proceedings shall not be stayed except by order of district court.
- E. Decision. An appeal shall be decided within 30 days of the date of application of the appeal. A majority vote of the members of the County Board is required to reverse, change, or affirm a decision made by the Zoning Officer or the Zoning Commission.

SECTION 22. FILING FEES.

- A. Applications. Any applications required by this Ordinance shall be filed on prescribed forms obtainable from the Zoning Officer upon payment of filing fee. Such fees shall not be required where the County or any official thereof is the moving party.

- B. Fees. Beginning six months after the effective date of this Ordinance, filing fees will be charged as follows:
 - 1. Conditional use permit: \$40;
 - 2. Variance: \$25;
 - 3. Amendment to this Ordinance: \$100;
 - 4. Appeal: \$75.

SECTION 23. PENALTIES.

Anyone violating any of the provisions of this Ordinance shall upon conviction be subject to a fine not exceeding \$300 or imprisonment for a period not exceeding 90 days, or both such fine and imprisonment. Any violation continued for a period of 30 days after conviction shall be prosecuted and treated as a separate offense.

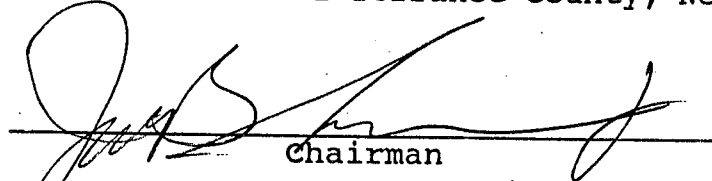
SECTION 24. SEVERABILITY.

The provisions of this Ordinance shall be deemed to be severable, and should any sentence, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 25. EFFECTIVE DATE.

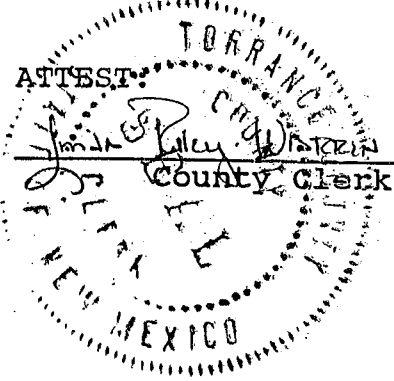
This ordinance shall become effective on the 20th day of April, 1990, following publication by title and general summary.

PASSED APPROVED AND SIGNED this 21 day of March, 1990, by the Board of County Commissioners of Torrance County, New Mexico.

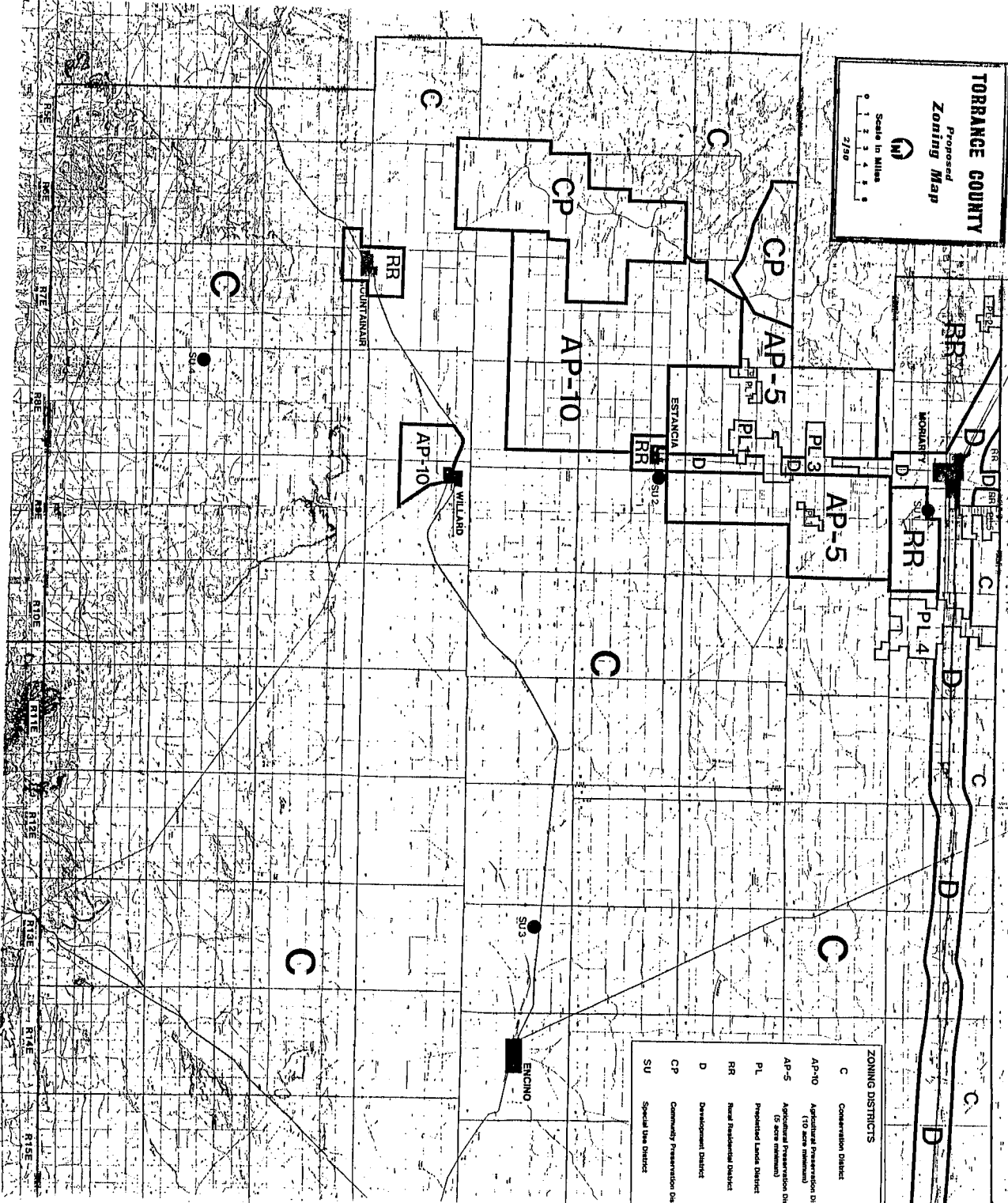

Chairman


Member

Member



TORRANCE COUNTY
 Proposed
 Zoning Map
 (M)
 Scale in Miles
 0 1 2 3 4 5
 2150



ZONING DISTRICTS

C	Conservation District
AP-10	Agricultural Preservation District (10 acre minimum)
AP-5	Agricultural Preservation District (5 acre minimum)
PL	Proprietary Lands District
RR	Rural Residential District
D	Development District
CP	Community Preservation District
SU	Special Use District