

ORDINANCE NO. 97-2

**AMENDING THE TORRANCE COUNTY ZONING ORDINANCE
AS PERTAINING TO THE CONSERVATION ZONE DISTRICT,
PLANNED AREA DEVELOPMENT UNDER THE SPECIAL USE
DISTRICT, NOTIFICATION REQUIRED FOR ZONE CHANGES,
HOME OCCUPATIONS, AND ENFORCEMENT PROCEDURES
RELATING TO VIOLATIONS OF THE ZONING ORDINANCE.**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY that the Torrance County Zoning Ordinance is amended as follows:

1. Add the following sentence at the end of Section 8.A. (Conservation District):

Development may be considered within a 1 mile buffer zone where the "C" Zone joins an incorporated municipality and density or minimum lot size or use within the buffer area may be dictated by the standards set for the adjoining area.

2. Delete and replace Section 16.D.11.f. (Planned Unit Development) with the following:

Minimum lot size shall be one-and-one-half acres, or shall be subject to approval by the Zoning Commission in areas where public water and sewer systems are available; and

3. Delete and replace Section 23.D. (Amendments) to read as follows:

Notification by Mail. Whenever a property owner initiates a zone change for an area of one block or less (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 property owner initiates a zone change for an area of more than one block (or more than 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 a 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, to that address. Notification by mail is not required for County-wide changes, initiated by the County, for purposes of revising or adopting a new zoning category; however such changes are subject to the public notice requirements provided herein for the public hearing to consider an amendment to this Ordinance.

4. Delete and replace Section 5.B.15. to read as follows:

"Home Occupation" means a business, commercial, or manufacturing activity that is clearly a secondary use of the premises for a dwelling unit, and which results in a product or service for financial gain. Whenever a dwelling unit and/or its premises are used for a home occupation and there is no outside appearance or other off-site evidence of the conduct of a home occupation, such home occupation may be designated as a permissive use in any zone district, subject to the requirements of this Ordinance. However, any home occupation that exhibits an outside appearance, with the exception of a sign as regulated by this Ordinance, or produces an off-site impact on surrounding lands shall require a Conditional Use Permit subject to special requirements provided by this Ordinance.

5. Add a new Section 6.E. to read as follows:

Home Occupations. All property owners of lands containing home occupations must file a completed copy of the Torrance County Business Registration Application with the Zoning Officer for each home occupation. In order to designate a home occupation as a Permissive Use, the property owner may file a written statement with the Zoning Officer declaring that the home occupation will not create any off-site impacts or a non-residential appearance.

6. Delete and replace Section 19.E. with the following:

- E. Violations and Enforcement. Whenever a violation of this Ordinance is discovered or is alleged to have occurred, the Zoning Officer shall investigate and inspect the site of the violation or alleged violation and take action as follows:
1. Any person aggrieved by an apparent violation of this Ordinance may file a written complaint with the Zoning Officer. Such complaint shall describe the location and circumstances of the apparent violation with specific references to the provisions of this Ordinance which are alleged to have been violated.
 2. 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 written complaint, the Zoning Officer shall notify the person responsible for the alleged violation. Such notification shall be made in writing to the owner or tenant of the property, indicating the nature of the violation and ordering the action necessary to correct the violation. Corrective action may require discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions; alterations or structural changes thereto; discontinuance of any illegal work being done; or shall require the taking of any other action authorized by this Ordinance to ensure compliance with or to prevent violations of the provisions of this Ordinance. Absence of personal service of the notice of

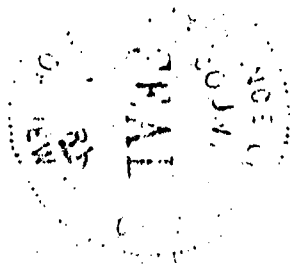
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violation shall not constitute a defense when the Zoning Officer has made a diligent effort to locate the owner or tenant.

- 3. Action to correct a violation of this Ordinance shall be completed within 60 days following the date of notification by the Zoning Officer. If a violator fails to take corrective action within 60 days, the County shall seek imposition of the penalties set forth in this Ordinance.

PASSED, APPROVED AND SIGNED this 26th day of February, 1997, by the Board of County Commissioners of Torrance County, New Mexico.

This Ordinance shall become effective on the 26th day of March, 1997, following publication by title and general summary.



Bill R. Will
Chairman

Rodger Rasmus
Member

Charles R. J. Jr.
Member

ATTEST:

Linda Sujan
County Clerk

STATE OF NEW MEXICO
COUNTY OF TORRANCE

I hereby certify that this instrument was filed for record on the 26th day of March A.D. 19 97 at 2:25 o'clock P M and duly recorded in book 276 at page 372-373

Witness my hand and seal of office
Linda Sujan
County Clerk, Torrance Co., N.M.
Linda Sujan, Deputy

STATE OF NEW MEXICO
COUNTY OF TORRANCE

I hereby certify that this instrument was filed for record on the 26th day of February A.D. 19 97 at 3:57 o'clock P M and duly recorded in book 276 at page 372-0050

Witness my hand and Seal of office
Linda Sujan
County Clerk, Torrance Co., N.M.
Linda Sujan, Deputy

