

ORDINANCE NO. 2001-02

MAKING COMPREHENSIVE AMENDMENTS TO THE TORRANCE COUNTY ZONING MAP AND ORDINANCE, INCLUDING: MODIFICATIONS TO DEFINITIONS, TO ALLOWABLE PERMISSIVE AND CONDITIONAL USES AND TO ZONING DISTRICT STANDARDS, INCLUDING PARCEL MINIMUM SIZES FOR FAMILY TRANSFERS; RE-ZONING PART OF THE D-2 ZONE DISTRICT AS A NEW D-3 ZONE DISTRICT AND MAKING ADULT LAND USES ELIGIBLE THEREIN AS CONDITIONAL USES; DIVIDING AND RE-ZONING THE CP ZONE DISTRICT TO CREATE A NEW VILLAGE COMMUNITY PRESERVATION DISTRICT THAT ALLOWS FOR REDUCED PARCEL SIZE MINIMUM IN TRADITIONAL COMMUNITIES AND TO CREATE A RURAL COMMUNITY DISTRICT FOR THE REMAINDER OF THE CP ZONE DISTRICT; SETTING ZONE FILING FEES; REVISING REQUIREMENTS FOR ISSUANCE OF DEVELOPMENT REVIEW PERMITS; REVISING PARKING REQUIREMENTS; AND REQUIRING SITE DEVELOPMENT PLANS FOR ZONE MAP AMENDMENTS.

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

1. Table of Contents, delete "(AP)" and replace with "(AP-5, AP-10 & AP-40)"
2. Table of Contents, insert new section "14.1 MAJOR DEVELOPMENT DISTRICT, ADULT LAND USES (D-3)"
3. Table of Contents, delete "14 COMMUNITY PRESERVATION DISTRICT (CP)" and replace with "14.0 VILLAGE COMMUNITY PRESERVATION DISTRICT (VCP)" and "14.1 RURAL COMMUNITY PRESERVATION DISTRICT (RCP)"
4. Section 5.B.19, repeal all of the language and replace with the following:

"Lot" means a parcel of real property described by deed, or a tract of land described by metes and bounds and platted and recorded in the County Clerk's records in accordance with appropriate laws, and with access to public right-of-way.

5. Section 5.B.28, insert the following language after the word "glass," in the second sentence: "6 or more motor vehicles"
6. Section 5.B.35, insert the following new definition:

 "Supplemental Residential Dwelling Unit" means a secondary or auxillary structure used for residential purposes on land not within a previously approved subdivision for use by family members or guests and which may not be leased or rented.
7. Section 6.F., add new subsection by inserting the following language:

Setbacks. Unless otherwise specifically provided herein, all structures shall be located with a front, rear and side setback of at least 25 feet from the lot or property line.
8. Section 7.A, delete "(AP)" and replace with "(AP-5, AP-10 & AP-40)"
9. Section 7.A, after "Major Development District (D-2)", insert "Major Development District, Adult Land Uses (D-3),"
10. Section 7.B, add the following at the end: "The fee for a copy of an enlarged zoning map is \$10.00, and the fee for a copy of the Zoning Ordinance is \$5.00."
11. Section 8.0.B.7, add the following at the end: "necessary to carry out the above-listed permissive uses."
12. Section 8.0.C.7, add the following provision:

 One supplemental residential dwelling unit allowed on a parcel meeting district minimum standards; 2 supplemental residential dwelling units allowed on a parcel of at least eighty acres or 1/8 section.
13. Section 8.0.D.1.b, repeal in its entirety and replace with the following:

 The District Standards governing minimum parcel size do not prohibit a landowner from applying for a land division in order to make a family transfer, pursuant to the exemption procedures of the Torrance County Subdivision Regulations, of a parcel or parcels no smaller than 20 acres (or 1/32 of the section) per parcel. Furthermore, an applicant may seek approval of land divisions for

family transfer of a parcel or parcels of no smaller than 5 acres per parcel, upon satisfaction of the following conditions: (1) showing that the land is not within a previously approved subdivision; and (2) showing of adequate water supply for all proposed parcels and demonstration of no impairment of future water supply to surrounding landowners, by submission of a Water Availability Assessment as described in Section 6 of the Supplemental Guidelines for the Torrance County Subdivision Regulations, including any additional information requested by the Zoning Commission that will enable it to determine whether water supply will be adequate for the parcel(s). If the applicant does not propose to supply the parcel(s) by an on-site, domestic well, the applicant must demonstrate another method of supply satisfactory to the Zoning Commission.

14. Section 8.0.D.1.c, add the following at the end: "Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division."

15. Section 8.1.B.3 add the following at end: "..., as long as such use is not a Feedlot."

16. Section 8.1.C.8, add the following provision:

One supplemental residential dwelling unit allowed on a parcel meeting district minimum standards; 2 supplemental residential dwelling units allowed on a parcel of at least eighty acres or 1/8 section.

17. Section 8.1.C.8, add new provision:

A Small Feedlot centered on at least 100 acres. A Feedlot is subject to the following requirements:

- a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents that are detrimental to human habitation; and
- b. It shall be unlawful for an owner or keeper of livestock to allow livestock to run at large on public rights-of-way.

18. Section 8.1.D.1, repeal provision in its entirety and renumber.
19. Section 8.1.D.2.b (renumbered 8.1.D.1.b), repeal in its entirety and replace with the following:

The District Standards governing minimum parcel size do not prohibit a landowner from applying for a land division in order to make a family transfer, pursuant to the exemption procedures of the Torrance County Subdivision Regulations, of a parcel or parcels no smaller than 20 acres (or 1/32 of the section) per parcel. Furthermore, an applicant may seek approval of land divisions for family transfer of a parcel or parcels of no smaller than 5 acres per parcel, upon satisfaction of the following conditions: (1) showing that the land is not within a previously approved subdivision; and (2) showing of adequate water supply for all proposed parcels and demonstration of no impairment of future water supply to surrounding landowners, by submission of a Water Availability Assessment as described in Section 6 of the Supplemental Guidelines for the Torrance County Subdivision Regulations, including any additional information requested by the Zoning Commission that will enable it to determine whether water supply will be adequate for the parcel(s). If the applicant does not propose to supply the parcel(s) by an on-site, domestic well, the applicant must demonstrate another method of supply satisfactory to the Zoning Commission.

20. Section 8.1.D.2.c (renumbered 8.1.D.1.c), add the following at the end: "Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division."
21. Section 9.B.3, add the following at end: "..., as long as such use is not a Feedlot."
22. Section 9.B.4, repeal in its entirety.
23. Section 9.B.5, repeal in its entirety.

24. Section 9.C.1, repeal in its entirety and replace with the following:

One supplemental residential dwelling unit allowed on a parcel meeting district minimum standards; in the AP-5 and AP-10 zone districts, a temporary supplemental residential dwelling unit may only be used so that reasonably necessary medical or other caretaking services may be provided by a resident of the other on-site residential dwelling unit; in the AP-40 zone district, 2 supplemental residential dwelling units allowed on a parcel of at least eighty acres or 1/8 section.

25. Section 9.C.5, add the following at the end: "... primarily serving agricultural and agricultural-related uses."

26. Section 9.C.9, add new provision:

A Small Feedlot centered on at least 100. A Feedlot is subject to the following requirements:

- a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents that are detrimental to human habitation; and
- b. It shall be unlawful for an owner or keeper of livestock to allow livestock to run at large on public rights-of-way.

27. Section 9.D.1, add the following language at the end:

..., with the following exceptions:

- a. Parcels smaller than the minimum parcel size that existed on the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as may be allowed by Section 9.D.1.b, .c & .d below.
- b. The District Standards governing minimum parcel size do not prohibit a landowner from applying for a land division in order to make a family transfer, pursuant to the exemption procedures of the Torrance County Subdivision Regulations, of a parcel or

parcels no smaller than: 20 acres per parcel within the AP-40 District; and 5 acres per parcel within the AP-10 District . Furthermore, within the AP-40 District, an applicant may seek approval of land divisions for family transfer of a parcel or parcels of no smaller than 5 acres per parcel, upon satisfaction of the following conditions: (1) showing that the land is not within a previously approved subdivision; and (2) showing of adequate water supply for all proposed parcels and demonstration of no impairment of future water supply to surrounding landowners, by submission of a Water Availability Assessment as described in Section 6 of the Supplemental Guidelines for the Torrance County Subdivision Regulations, including any additional information requested by the Zoning Commission that will enable it to determine whether water supply will be adequate for the parcel(s). If the applicant does not propose to supply the parcel(s) by an on-site, domestic well, the applicant must demonstrate another method of supply satisfactory to the Zoning Commission.

- c. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of the property provided it is not less than five (5) acres in size, with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the borrower defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.
- d. A parcel used for a cemetery may be 2 acres or larger.

- 28. Section 10.B.1, 2., 3., 4., & 5., repeal provisions in their entirety and replace with the following: "All Permissive Uses allowed in the RR District."
- 29.. Section 10.C.; delete sentence after heading "Conditional Uses." and replace with the following: "The following uses may be allowed in this zone district only upon permit granted by the Zoning Commission:"
- 30. Section 10.C.1, repeal provision in its entirety and replace with the following: "All Conditional Uses allowed in the RR District."

31. Section 11.B.4, add the following provision:
- c. Such land use shall not constitute a Feedlot and the number of livestock on the parcel shall not exceed an average density of one head per two acres.
32. Section 11.B.5, -.6 & -.7, make these permissive uses conditional uses by renumbering them Sections 11.C.5, -.6 & -.7, respectively.
33. Section 11.C.3, repeal this provision in its entirety and replace with the following: “One temporary supplemental residential dwelling unit allowed on a parcel meeting district minimum standards so that reasonably necessary medical or other caretaking services may be provided by a resident of the other on-site residential dwelling unit.”
34. Section 11.D.1, insert the word “net” in the first line before the word “acres” and insert the word “net” in the second line before the word “acre”.
35. Section 11.D.1, add the following at the end of the provision: “For purposes of determining minimum lot size, the calculation of net acreage shall exclude common easements and roadways for ingress and egress for adjoining lots or other lots within the same subdivision as the lot in question. A shared domestic well, permitted under Section 72-12-1 NMSA 1978 does not qualify as a “centralized water system”.
36. Section 13.1, create new section numbered and entitled “SECTION 13.1 MAJOR DEVELOPMENT DISTRICT, ADULT LAND USES (D-3).”
37. Section 13.1.A, add the following language:
- Intent. This zone is intended to allow the uses and apply the standards described in the D-2 District with the addition of a conditional use and additional standards and procedures for Adult Land Uses.
38. Section 13.1.B, add the following language:
- Permissive Uses. The following permissive uses are allowed in this zone district: All permissive uses allowed in D-2 District.
39. Section 13.1.C, add the following language:

Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Commission: All conditional uses allowed in the D-2 District and Adult Land Uses, as described and authorized in Subsection E below.

40. Section 13.1.D, add the following language:

District Standards. The following standards apply to all land uses within this zoning district: All the District Standards required in the D-2 District.

41. Section 13.1.E, add the following:

Additional Standards and Procedures for Adult Land Uses. In addition, the following standards and procedures apply to the below-defined Adult Land Uses that are lawful as conditional uses in the D-2 District.

1. DEFINITIONS:

Adult Amusement Establishment.

- a. An establishment which provides amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas;

1). Specified Anatomical Areas, means:

- a). Less than completely and opaquely covered by clothing:

- (1) Human genitals or pubic region;
- (2) Buttock; and
- (3) Female breast below a point immediately above the top of the areola; and

- b). Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2). Specified Sexual Activities, including the following:

- a). Human genitals in a state of sexual stimulation or arousal;
 - b). Acts of human masturbation, sexual intercourse, or sodomy; and
 - c). Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- b. An establishment which features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment; or
 - c. An establishment which, upon payment of a fee provides an escort or a partner to its patrons.
 - d. An establishment which upon payment of a fee provides its patrons with a male or female model fully or partially clothed or nude for the purposes of demonstrating body oils, body lotions or devices.

Adult Bookstore. An establishment having a substantial or significant portion of its stock in film, video tapes, trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Photo Studio. An establishment which, upon payment of a fee, provides photographic equipment or models for the purpose of photographing specified anatomical areas.

Adult Theater. A theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Land Use(s). Any one, any combination or all of the following uses: Adult Amusement, Adult Bookstore, Adult Photo Studio, Adult Theater.

2. PROCEDURES FOR OBTAINING CONDITIONAL USE PERMIT

- a. Application. In addition to the requirements described in Section 21.B & C of the Zoning Ordinance, an applicant seeking approval for an Adult Land Use defined above must show that the proposed land use satisfies the Approval Requirements stated below, and must provide the following information:
- 1.) The name, address, telephone number, principal occupation, and age of the applicant;
 - 2.) The name, address and principal; occupation of the managing agent or agents of the business;
 - 3.) The business name, business address and business telephone number of the establishment or proposed establishment, together with a description of the nature of the business;
 - 4.) Whether the business or proposed business is the undertaking of a sole proprietorship, partnership or corporation. If a sole proprietorship, the application shall set forth the name, address, telephone number and principal occupation of the sole proprietor. If a partnership, the application shall set forth the names, addresses, telephone numbers, principal occupations and respective ownership shares of each partner, whether general, limited or silent. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the names, addresses, telephone numbers and principal occupations of every officer, director and shareholder (having more than ten percent of the outstanding shares), and the number of shares held by each;

- 5.) The names, addresses, telephone numbers and principal occupations of every person, partnership or corporation having any interest in the real property utilized or to be utilized by the business or proposed business;
 - 6.) A description of all other business enterprises (sales or services), which shall occur on the premises;
 - 7.) Whether the applicant, anyone having a ten percent or more ownership interest in the business or proposed business has:
 - a.) ever had a business license denied, revoked or charges filed therefore, and if so, the application shall state the name of the business, date, jurisdiction, and outcome of any hearing,
 - b.) ever owned or operated an Adult Land Use business, and if so, the name of the business and address, dates involved and position or interest therein,
 - c.) been convicted within five years of application or renewal, of any felonious crime (and if so, shall state the person involved, the charge, date court and disposition of the charges).
- b. Time Limits. Review by the Zoning Commission shall be advisory to the County Board which shall decide whether to grant or deny the Application. The County shall render its decision according to following time limits:
- 1.) An Application submitted 15 or more days prior to the next regularly scheduled Zoning Commission monthly meeting shall be heard at that meeting;
 - 2.) Unless Applicant requests or consents to a deferral, the Zoning Commission shall render its oral

recommendation at the time of its meeting and, within 7 days following the meeting, the Zoning Commission shall submit a written Recommendation to the County Board;

- 3.) Directly following the Zoning Commission meeting, the County Board shall call for a public meeting by notification of the time and place of the public hearing published in the next available newspaper of general circulation in the County at least 15 days prior to the hearing; and,
- 4.) The hearing of the Application shall take place at the next regularly scheduled bi-weekly meeting of the County Board following the expiration of the 15-day notice period. Upon conducting its public hearing, the County Board shall render either an oral or written decision, either to approve or deny the Conditional Use Permit, at the conclusion of the hearing. If the Board makes only an oral decision, it may adopt a written decision at its next regularly scheduled meeting.

From the date of submission of a completed application, a decision of the County Board must be made within 60 days. If a decision is not rendered, either approving or denying the Conditional Use Application, within the 60-day period, the Application will be approved and issued as a matter of law. Any time that lapses during a deferral requested by or consented to by the Applicant shall be excluded from the calculation of the 60-day period.

3. APPROVAL REQUIREMENTS

The approval standards of Section 21.D of the Zoning Ordinance shall be satisfied if the Application meets all of the following Approval Requirements:

- a.. The proposed land use will not violate any civil or criminal law otherwise applicable, including, but not limited to, this Ordinance and the applicable building, fire and health

regulations; criminal code sections 30-9-14, -14.1, -14.2 & -14.3 NMSA 1978 prohibiting indecent exposure, indecent dancing, indecent waitering and aggravated indecent exposure; and the Liquor Control Act, sections 60-3A-1, et seq., NMSA 1978, and all regulations promulgated thereunder;

- b. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any building approved for another Adult Land Use, as measured in a straight and the most direct line;
- c. The closest edge or corner of the building proposed for an Adult Land Use is at least 1000 feet from the closest edge or corner of any conforming residential dwelling, as measured in a straight and the most direct line, except that this provision may be waived if the owner(s) of any residential dwelling(s) located closer than the minimum separation distance consents in writing to the proposed use:
- d. The closest edge or corner of the building proposed for an Adult Land Use is at least 300 feet from the closest edge or corner of any conforming commercial structure and has a side setback of at least 150, as measured in a straight and the most direct line, except that this provision may be waived if the owner(s) of any commercial structure(s) or property located closer than the minimum separation distance consent in writing to the proposed use;
- e. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any church or from its grounds, whichever is closer, as measured in a straight and the most direct line. Church "grounds" are any developed, fenced or enclosed outside area used by church members proximate to a church;
- f. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any primary or secondary school or from its grounds, whichever is closer, as measured in a straight and

the most direct line. School "grounds" are any developed, fenced or enclosed outside area used by school children proximate to a school.

- g. The Applicant, whether an individual or any of the stockholders, officers or directors, if a corporation, or any of the partners, if a partnership, including limited partners, or the manager or other person principally in charge of the operation of the business, or any person receiving, or having a right to receive any sum from, or percentage of the profits due to an interest in or sale of the business, has not been convicted within a five-year period immediately prior to the application, of any crimes involving fraud, consumer fraud or intent to defraud, prostitution;
- h. Neither the applicant nor any ten percent corporation shareholder nor a corporate officer has had a revocation of a business license for violations of code regulations relating to Adult Land Uses within the preceding two years; and
- i. The land use will meet the parking requirements of Section 17.
- j. The applicant has provided all required information.

4. APPEALS

An appeal to the District Court for the County of Torrance may be made anytime within 30 days after a denial.

5. OPERATION REQUIREMENTS AND RESTRICTIONS. Once the Applicant has received a permit for an Adult Land Use, the permittee shall abide by the following requirements and restrictions

- a. Signs. In addition to the sign regulations stated in Section 18 of this Ordinance, any sign advertising an Adult Land Use shall not contain any emphasis, either by wording, picture or otherwise, on matters related to specified sexual activities or specified anatomical areas.

- b. Exterior Display. No Adult Land Uses shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public way or from any property not permitted for the Adult Land Use. This provision shall apply to any display decoration, sign, show window or other opening.
- c. Employee Records. The permittee shall at all times maintain and retain for the preceding three years the legal names/aliases and addresses of all persons employed as dancers by the permittee.
- d. Employee Age Minimum. The permittee shall not employ or allow as a dancer a person under the age specified by state law or regulation where alcohol is consumed.
- e. Admittee Age Minimum. No person under the age of 18 years shall be admitted where a nonalcoholic Adult Land Use is permitted. No person under the age of 21 years shall be admitted where a Adult Land Use with a liquor license is permitted. No employee of an Adult Land Use establishment shall allow any minor to loiter around or to frequent the establishment or to allow any minor to view a permitted Adult Land Use.
- f. Consumption of Alcohol. No permittee shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor, or any beverage represented as containing any alcohol, upon the permitted premises without a valid liquor license.
- g. Display of Licenses. The permittee shall conspicuously display all licenses required by this Ordinance.
- h. No Dancing in Concealed Areas. All dancing permitted as part of an Adult Amusement Enterprise shall take place within an area which is visible immediately upon entrance to the establishment premises, or is visible immediately from the entry room area of the establishment's premises;

however, no permitted dancing shall be visible to or from any outside or unpermitted areas.

- i. Contact Limitation. No dancer shall touch, fondle or caress any patron and no patron shall touch, fondle or caress any dancer on either the dancer's or patron's genitals, pubic region, buttock or female breast.
- j. Advertisement Disclaimer. Any Adult Land Use establishment that does not have a liquor license and which uses the words that imply the availability of alcoholic liquor on the premises, such as "bar," or "lounge" or "saloon," in any advertisement or name must state in all such advertisements that alcoholic beverages are not sold or allowed on the premises.
- k. Posted Warning. All Adult Land Use establishments shall post at each entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind any bar a sign with letters not less than three inches high stating:

"PROSTITUTION IS
UNLAWFUL"

All Adult Land Use establishments that are not licensed to sell alcoholic beverages shall post at each entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind the bar a sign with letters not less than three inches high stating:

"ALCOHOL IS NOT SOLD HERE"

The letters for all such signs must be black on a yellow background and the sign at each entrance door and behind the bar must be between four and six feet above floor level. Each sign must be located and illuminated sufficient to be visible by a person with normal eyesight or eyesight corrected to 20/20, thirty feet from the sign.

- j. The permittee shall maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.
- k. The permittee must meet the parking requirements of Section 17.

6. RESPONSIBILITIES OF THE OPERATOR

- a. It is the responsibility of the permittee to assure that the requirements of this Ordinance are satisfied in the exercise of the permit for an Adult Land Use. Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the permittee, if such act or omission occurs either with the authorization, knowledge, or approval of the permittee, or as a result of the permittee's negligent failure to supervise the employee's conduct, and the permittee or shall be punishable for such act or omission in the same manner as if the permittee committed the act or caused the omission.
- b. Any act or omission of any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the permittee for purposes of determining whether the permittee's permit shall be revoked, suspended or renewed.
- c. The permittee shall insure compliance of the establishment and its patrons with the provisions of this Ordinance.

7. RENEWAL

After the first issuance of a Conditional Use Permit for an Adult Land Use, the permit shall terminate upon the first-year anniversary of its issuance, unless it is renewed. Once the permit is renewed, it shall

terminate upon the five-year anniversary of its most recent renewal, unless renewed again. There is no limit to the number of times a permit may be renewed. Any application for renewal must comply with the rules and regulations in effect at the time the application for renewal is submitted.

42. Section 14, revise section number and heading to read as follows: "SECTION 14.0 VILLAGE COMMUNITY PRESERVATION DISTRICT (VCP)."
43. Section 14.B.2, delete provision in its entirety.
44. Section 14.B.3, delete provision in its entirety and renumber succeeding provisions.
45. Section 14.C, delete entirety of provision and replace with the following:

Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Commission: All Conditional Uses allowed in the RR District and business, service and commercial establishments, primarily intended to service local residents..
46. Section 14.D, repeal standards adopted by Ordinance No. 99-2 and replace with the following:
 1. Minimum lot size for dwelling units served by individual private wells shall be two and one-half net acres. Minimum lot size for dwelling units served by a centralized water system shall be as determined by the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations. For purposes of determining minimum lot size, the calculation of net acreage shall exclude common easements and roadways for ingress and egress for adjoining lots or other lots within the same subdivision as the lot in question. A shared domestic well, permitted under Section 72-12-1 NMSA 1978 does not qualify as a "centralized water system."
47. Section 14.1, create new section numbered and entitled "SECTION 14.1 RURAL COMMUNITY PRESERVATION DISTRICT (RCP)."
48. Section 14.1.A, repeat language contained in Section 8.0.A, as amended.
49. Section 14.1.B, repeat language contained in Section 8.0.B, as amended.
50. Section 14.1.C, repeat language contained in Section 8.0.C, as amended.

51. Section 14.1.D, repeat language contained in Section 8.0.D, as amended.
52. Section 17.A, in the second line after the word "erected" insert the following: "or change of land use is approved"; and in the third line after the first word "buildings" insert the following: "continuing existing land uses".
53. Section 17.B.9, add the following provision: "Additional space for parking may be required to prevent the occurrence of off-site parking along roadways and rights-of-way and on adjoining property."
54. Section 17.C.3, add the following provision: "Where parking is used for larger vehicles such as semi-tractor trailers, spaces of sufficient size and adequate circulation and access for such vehicles must be provided."
55. Section 19.D, repeal the subsection in its entirety and replace with the following:
 Development Review Permit; For purposes of this ordinance, with respect to any premises within the jurisdiction of Torrance County,
 1. No building shall be constructed, nor mobile home installed, nor
 2. Shall electric service be connected to any building or mobile home if such building or mobile home has not already had electric service previously connected or has not already been issued a Development Review Permit in connection with such electric service, nor
 3. Shall any building or mobile home be used as a residence if the building has not previously been used as a residence or has not previously been issued a Development Review Permit in connection with such use as a residence, without first being reviewed by the Planning and Zoning Officer, and issued a Development Review Permit. In addition to these requirements, an applicant for a Development Review Permit shall;
 - a) Submit a recorded deed or real estate contract that the applicant is the owner in fee simple or equitable title owner of the property or, proof that owner has authorized the application, through lease or other written authority .
 - b) Submit a suitable Building Permit or appropriate documentation establishing the applicant's right to construct a building or residence.

- c) Submit the appropriate septic permit by the State Environmental Department.
- d) Submit the appropriate well permit by the State Engineer's Office or letter of intent from a centralized water system which states the proper legal description for the subject property and confirms there is a sufficient amount of water to provide service for this dwelling.
- e) Submit a copy of the Registration/Title or Manufacture Certificate of Origin for a mobile or modular home.
- f) Submit a statement from the Solid Waste Authority that you will be receiving their services.
- g) Submit a statement from the Torrance County Treasurer showing taxes are paid to date.
- h) Submit the applicable permit fee of \$100 to the Planning and Zoning officer.

Upon the review and approval of the zoning officer, a Development Review Permit will be issued, a property address can be assigned and a site inspection will be performed.

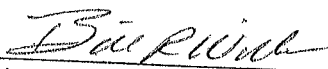
- 56. Section 21.E.5, add the following provision: The County Board may revoke a permit if the requirements and restrictions required by this Ordinance are not met. Before a permit may be revoked, the permittee must be given at least 10 days written notice of the specific charges and be given the opportunity for a hearing before the County Board.
- 57. Section 24.B, add the following at the end of the existing paragraph: An application to amend the zone map for a specific parcel of land must be accompanied by a site development plan, showing to scale and in detail the proposed structures on the site, distance from structures on adjoining properties, ingress and egress, parking and signage. If the application is approved by the County Board, the land uses on the parcel shall conform to the site development plan and may only be modified by approval of the Zoning Commission of a revised plan."
- 58. Section 26.B, repeal the existing subsection and replace with the following: "Fees. The filing fees under this Ordinance are as follows:

- 1. Conditional Use Permit: \$100
- 2. Conditional Use Permit renewal: \$50
- 3. Variance: \$100
- 4. Zone Change Permit: \$150
- 5. Special Use Permit: \$150
- 6. Amendment to this Ordinance: \$150
- 7. Appeal: \$100
- 8. Development Review Permit: \$100
- 9. Initial Solid Waste Facility Permit: \$2,500
- 10. Solid Waste Facility Permit Renewal: \$1,000


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

- 1. The Major Development District, Adult Land Uses (D-3), is created and established as shown on Exhibit A hereto.
- 2. The Village Community Preservation District (VCP) and the Rural Community Preservation District (RCP) are created and established as shown on Exhibit B hereto.

PASSED AND APPROVED the 14 day of March, 2001, by the Board of County Commissioners of Torrance County, New Mexico.



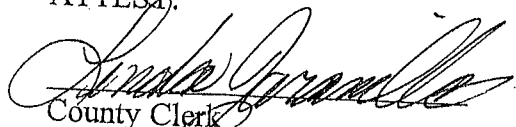
 Chairman



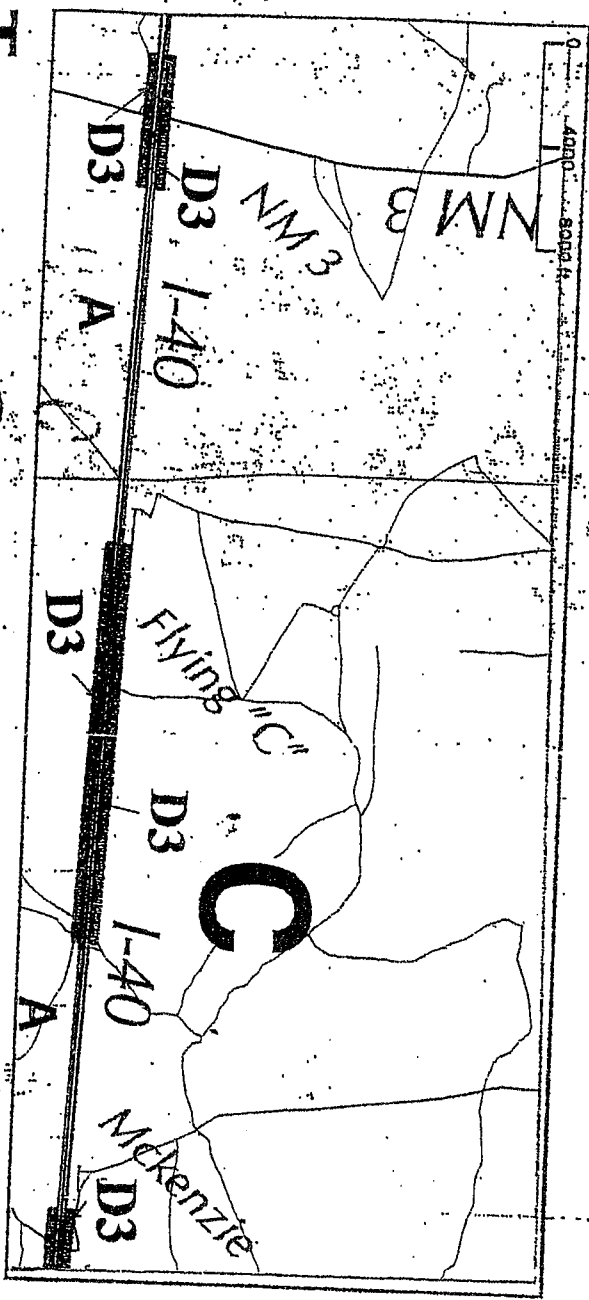
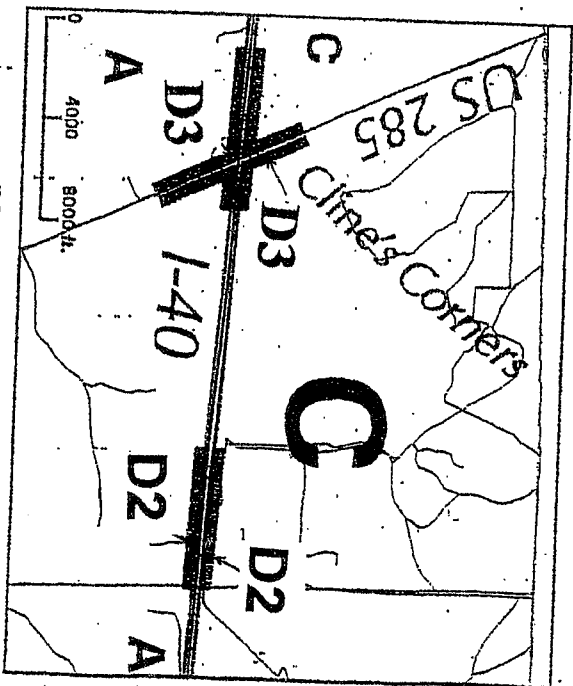
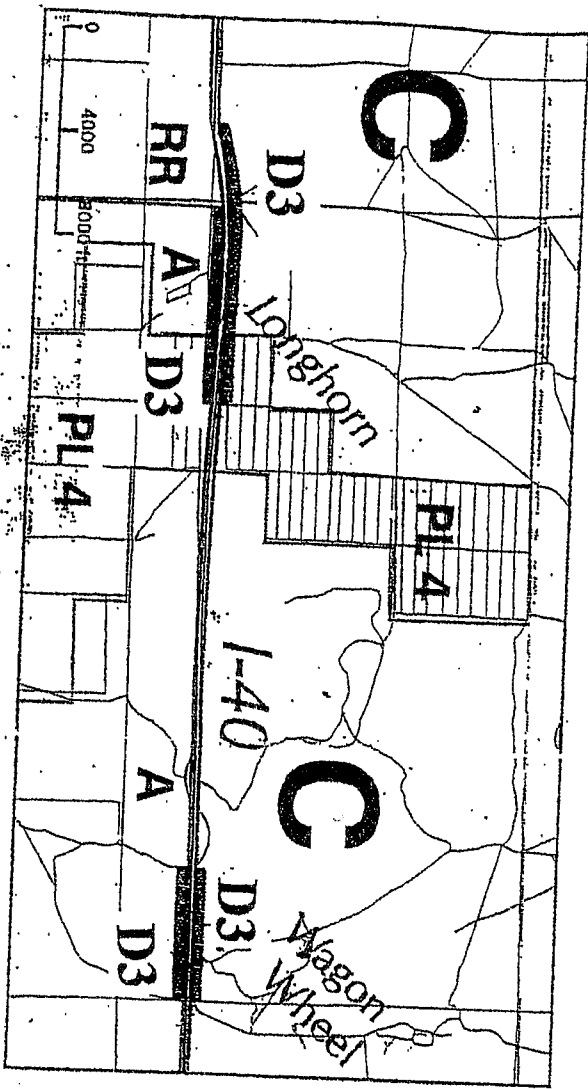
 Member



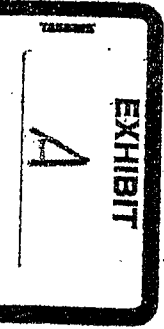
 Member

ATTEST:


 County Clerk

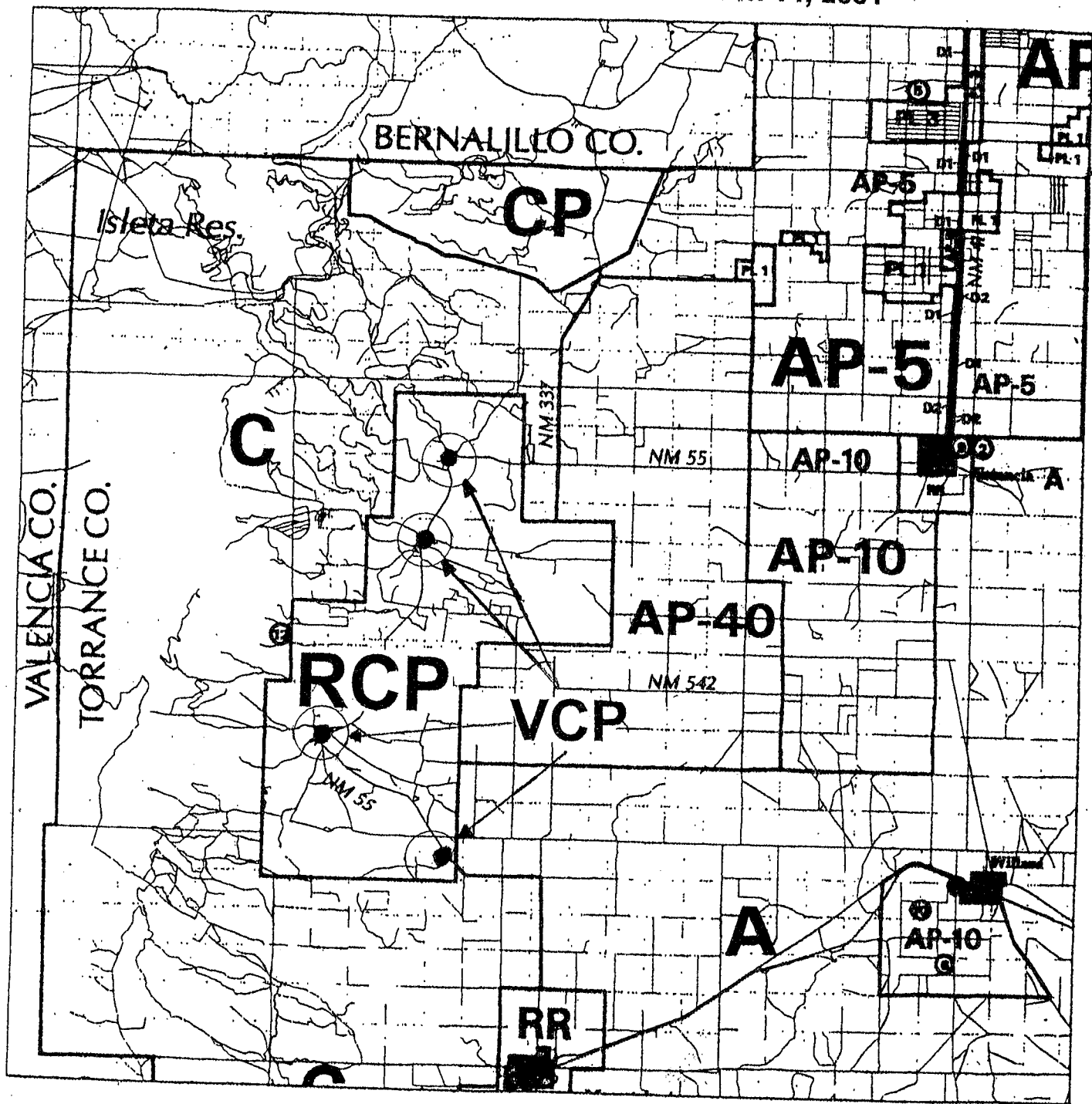


Torrance County Zoning Map



Proposed Rezoning of CP Community Preservation Zone
 Creating a Village and Rural Community Preservation Zone
 Torrance County, New Mexico. March 14, 2001

2948



State of New Mexico
 County of Torrance

EXHIBIT B

I, hereby certify that this instrument was
 filed for record in the 15 day
 of March A.D., 2001
 at 2:10 o'clock P M and duly
 recorded in book 289 at page 2926-2948

Witness my hand and Seal of Office
Cheryl Garamuth
 County Clerk, Torrance Co., N.M.
Ryan Deputy

