

CHAPTER 6

PLANNING AND ZONING

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SECTION 6.1 ZONING REGULATIONS

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6.1.1 TITLE

These regulations including maps shall be known and may be cited as the "OFFICIAL ZONING ORDINANCE" of the Town of Carrizozo and is the comprehensive zoning plan.

6.1.2 APPLICATION OF THE OFFICIAL ZONING ORDINANCE

All property, except that property owned or controlled by the Federal Government (including land held in trust for the Indians), the State of New Mexico, the County of Lincoln, the Town of Carrizozo, and their subdivisions or agencies, is governed according to the zone in which it is located. Any use not classified as permissive or conditional within a particular zone is hereby prohibited from that zone, except as otherwise provided herein. The zones and boundaries of zones described herein are shown on the "ZONE MAP" attached hereto and made a part of this Ordinance.

6.1.3 PURPOSE

The regulations, restrictions and requirements of this Ordinance are intended to promote the general health, safety, morals, convenience and welfare of the residents of the Municipality. Such regulations, restrictions, and requirements are deemed necessary in order to provide light, air, to prevent undue concentration of population, to secure safety from fire, panic, and other dangers, to lessen congestion on the streets and public ways, to facilitate adequate provisions for community facilities and utilities such as transportation, water, sewer, schools, parks and other public requirements; to encourage the most appropriate use of land, to conserve and stabilize the value of property, and to control and abate the unsightly use of buildings or land.

6.1.4 BOUNDARIES OF ENFORCEMENT OF REGULATIONS

The regulations prescribed in this Ordinance shall apply within the corporate limits of the Municipality at the time of adoption of this Ordinance and shall in the future apply to all areas annexed to the Municipality and automatically voided in areas withdrawn or seceded. Zoning shown on one side of a street, alley, railroad, irrigation or drainage right-of-way which appears to fall near lines of platting shall be construed as following said lines. Abutting zoning along frontage on a public right-of-way shall automatically extend to the centerline upon vacation from public use of said right-of-way. In the event that the Town exercises its right pursuant to NMSA § 3-21-2 through § 3-21-3 to establish extraterritorial zoning in the three-mile periphery outside Town limits, the boundary of the Town's zoning authority will be extended by three miles.

BOARDING HOUSE / BED & BREAKFAST – Any building containing a single dwelling unit or kitchen and one or more but not more than five guest rooms where lodging for non-transients is provided with or without meals for compensation.

BODY WORK – The repair, replacement or reshaping of all or a portion of the frame, body, glass or outer portions of a motor vehicle.

BUILDABLE AREA –The remaining area of a lot or building site after setback and open space requirements are deducted.

BUILDING – Any structure built for the use or occupancy by persons or property.

BUILDING ACCESSORY – A building detached from and subordinate to the main building and located on the same lot or parcel of land as the main building, the use of which is appropriate, subordinate and customarily incidental to that of the main building or main use of land.

BUILDING HEIGHT – The vertical distance measured from the grade at the front of a building to the highest point of the roof.

BULK STATION – A place where liquefied petroleum, gas, crude petroleum, gasoline, naphtha, benzene, benzol, kerosene or any other liquid except as will stand a test of 150 degrees Fahrenheit, closed cupped testor, are stored in wholesale quantities where the aggregate capacity of all storage tanks is more than 10,000 gallons.

CERTIFICATE OF OCCUPANCY AND/OR COMPLIANCE – The certificate issued by the State Building Inspector allowing occupancy after satisfaction of all permitting and inspection requirements.

CHURCH – A building or group of buildings used primarily as a place of communion or worship. Includes convents, religious education buildings and parish houses. If the parcel owned by a church contains a parochial school, then it is considered a “school” for purposes of this ordinance.

CLINIC – An establishment in which patients are not lodged overnight but are treated and examined by one or more members of the healing profession.

CLUB OR LODGE – An association of persons who are members in a strict sense and pay regular dues to the organization for some common social, recreational, educational or professional purpose.

COMMERCIAL PARKING LOT – An open area providing four or more off-street parking spaces for public use.

COMMISSION – As used in this Ordinance, the term “Commission” shall refer to the Planning and Zoning Commission of the Town of Carrizozo, New Mexico, if such a commission exists. If there is no Planning and Zoning Commission in existence, the term “Commission” shall refer to the Board of Trustees of the Town of Carrizozo.

CONDOMINIUM OR COOPERATIVE - A type of residential complex held jointly by several persons each owning his own unit, but sharing ownership of certain common areas and facilities with others.

CONVENIENCE STORE – A small retail store which is open long hours, and that typically sells a narrow variety of staple groceries, snacks and household goods. May or may not have a gas station as part of its uses.

DAY CARE FACILITY – A place where three or more children are cared-for and where supplemental parental care is provided, including day nursery, day care home for children, and kindergarten.

DOUBLE FRONTAGE LOT – See LOT, DOUBLE FRONTAGE.

DWELLING - Any building containing one or more dwelling units, but not including a hotel, motel, boarding house, lodging house.

DWELLING UNIT – One or more rooms, with a kitchen and a separate bathroom, designed as a unit for occupancy by one family for living.

FAMILY – A person maintaining a household, or two or more persons maintaining a common household.

FENCE, SOLID OR WALL - A continuous, non-transparent, vertical enclosure (exclusive of openings for ingress and egress) erected to screen or shield view, define boundaries or to dissuade entry. Wire or chain link fencing is not to be construed as satisfying this definition.

FENCE, CHAIN-LINK OR WIRE. A continuous, transparent vertical enclosure made of steel wire, and erected to contain animals, define boundaries or dissuade entry.

FERTILIZER YARD OR PROCESSING PLANT – A place where animal matter is collected, processed or stored on a commercial basis.

FLOOR AREA RATIO – The total heated floor area of all combined dwelling units, divided by the total area of the designated parcel.

FUTURE STREET LINE – A line running more or less parallel to the centerline of a proposed street, and defining its outer boundaries.

GARAGE, PRIVATE – A detached accessory building, or portion of a main building, designed for housing the automobiles of the occupants of the premises.

GARAGE, PUBLIC – A structure or portion of a building, other than a private garage, repair shop, or storage garage, designed to be used as a public parking facility.

GAS STATION – A service business where petroleum is available for self-service by the public, and which may include convenience store products for retail sale, vehicle repair and other vehicle-related services.

GOVERNING BODY – The Board of Trustees of the Town of Carrizozo, New Mexico.

GRADE – The average elevation above sea level of the ground at the center of all walls of a building. In case walls are parallel to and located within five feet of a public sidewalk, the ground level shall be measured at the sidewalk at the center of the particular building wall that is nearest the sidewalk.

GRAZING – The feeding on plants growing in place on the ground by domestic livestock on an open range or fenced pasture.

HEIGHT – See BUILDING HEIGHT.

HOBBY – An interest, study, game, project, or human activity carried on for personal enjoyment, not producing an income in excess of the limitations defined by the federal tax code, and which does not create a disturbance in a residential area.

HOME OCCUPATION – An activity carried on by the occupant of a dwelling as a secondary use, when conducted and entered from within the dwelling, in connection with which there is no retailing or public display of stock in trade upon the premises, not more than one non-resident of the premises is employed in the activity, and not more than one-fourth of the floor area of the main dwelling, or detached home workshop of not more than 200 square feet in area, is used for such home occupation; and providing that the residential character of the dwelling is not changed by said use, and that such occupation does not cause any substantial or unpleasant noises or vibrations, noxious fumes or odors, or cause any unusual parking or traffic congestion in the immediate neighborhood.

HOSPITAL – A building or group of buildings arranged, intended, designed, or used for the housing, care, observation, and treatment of the health of human beings.

HOTEL OR MOTEL – A business establishment containing multiple guest rooms in which lodging is provided and offered to the public for compensation.

LIVING QUARTERS, ACCESSORY – Quarters within an accessory building having no kitchen facilities and not rented, nor used as a dwelling unit.

LOT - As applies in this Ordinance, a piece of land of specific area and dimensions, bounded, defined and memorialized by survey or plat of record.

LOT, CORNER – A lot located at the intersection of, and having frontage on, two or more public streets.

LOT, DOUBLE FRONTAGE – A lot with frontage on two streets which are parallel or more or less parallel.

LOT, FRONT LINE OF – The boundary of a lot bordering on a street, or if on a corner lot, the narrower side bordering on a street, or either side as chosen by the owner to accommodate building setback requirements.

LOT OF RECORD - A lot which exists through platting or metes and bounds description, which was filed in the office of the County Clerk or Recorder, and is reflected on the records of the County Assessor.

LOT, REAR LINE OF – That boundary which is opposite and more or less parallel to the front lot line of a lot. In the case of an L-shaped, T-shaped, or other irregularly shaped lot, all lot lines shall be considered to be rear lot lines except the front lot line. In the case of a pie-shaped or other lot which comes to a point, the rear lot line shall be that imaginary line parallel to the front lot line or chord thereof, and farthest from the front lot line.

MINING – That land use and activity, including the land, necessary or incidental to the digging, excavating, pumping, channeling or otherwise extracting or procuring of minerals, aggregates, rock slabs such as slate or lava rock, and ores found in their natural state, but does not include the operating of a rock crusher or rock screen as commonly used in small sand and gravel operations.

MOBILE HOME – A mobile, manufactured or modular home, intended for use as a dwelling, other than one held as inventory for sale or resale by a business dealing in such structures, and which otherwise complies with applicable building codes and the planning and zoning ordinance.

MOBILE HOME PARK – Premises where two (2) or more mobile homes or recreational vehicles are parked for living purposes, or where spaces or lots are offered for rent for use by mobile homes or recreational vehicles. A mobile home

park may also include land, structures, and facilities or common areas for use by the occupants of the mobile homes or recreational vehicles on said premises.

MUNICIPALITY – The Town of Carrizozo, New Mexico.

NON-CONFORMING – Any building, structure, land or use thereof, which does not conform to the zoning regulations set forth in this Ordinance.

NURSERY – A commercial establishment where vegetation is raised and/or sold, but which does not include commercial fertilizer yards or processing plants.

NURSING HOME – A home for the aged or infirm in which three or more are received, cared-for, or provided with food, shelter, or care for compensation, but not including hospitals, clinics, or similar institutions.

PARCEL – As applies in this Ordinance, a contiguous quantity of land, or collection of adjacent lots proposed for a specific use by, and in the possession of, owned by, or recorded as the property of, the same claimant, person or persons.

PARKING SPACE, OFF-STREET – An area not in a street or alley, and having an area of not less than 180 square feet exclusive of driveways, reserved for parking one automobile and connected to a street or alley by a driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

PERMISSIVE USE – A land use designated as permissible within the particular zone as indicated by this Ordinance.

PERSON – As applies in this Ordinance, any individual, or group of individuals acting as a unit, applying for approval of a project from the Board of Trustees.

RETAIL – Pertaining to a commercial establishment offering to sell goods, wares, or merchandise directly and entirely to individual consumers.

RV PARK – A parcel of land offering individual spaces for rent to users of recreational vehicles for overnight and short-term stays, which offers utility connections on a temporary basis, and which may offer additional common amenities and services.

SETBACK – The distance from that point on an existing or proposed structure which is closest to the present or future street line or property line, measured to the present or future street line or property line.

SHOP, REPAIR – A building or structure which may be designed to be used for some or all of the purposes indicated under “GAS STATION,” but which primarily offers vehicle service, major mechanical repairs or body repairs.

SHOPPING CENTER – A commercial complex of structures consisting of two or more retail enterprises planned for development as a unit to accommodate local shopping needs.

SIGN – Any device attached to, hung from, painted on, or displayed in any manner on the exterior of any building, or upon any tree, fence, structure, property or land, and which is intended primarily to attract attention or inform persons not on the premises on which the sign is located, excepting as follows:

- a. Flags or government insignias, excepting when used in commercial displays.
- b. Embellishment of architectural features of buildings or premises except letters, animated components, trademarks, moving or apparently moving lights, and advertising.
- c. Illustration of names of occupants, post office box numbers, and property numbers when smaller than one square foot.
- d. Posting, legal notification, traffic, and other directional signs erected or required to be erected by government bodies.
- e. Private traffic signs bearing no advertising matter.
- f. Murals, statues, or other artwork which contains no commercial advertisement.

SIGN, SURFACE AREA – That area, regardless of shape, including all elements of the material displayed excepting frames, purely structural elements outside the advertising area of the sign, blank masking, or masonry base support of background.

STABLE, COMMERCIAL – A building, corral, or other enclosure in which livestock are stored, boarded, used, let, hired, fed, bred, or otherwise kept on a commercial basis, or for compensation.

STABLE, PRIVATE – An enclosure for livestock which is used by the owners of the property and their guests without compensation.

STREET – A thoroughfare dedicated to the public.

STRUCTURE – Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including a tent or motor vehicle.

SYNAGOGUE – See CHURCH.

TOWNHOUSE – A dwelling having two or three stories and often connected to a similar structure by a common wall, also often on a common lot line. The side setbacks on such buildings exist only at the end units.

USE – The purpose for which any land, structure, or building is designed, built, maintained, or occupied.

USABLE OPEN SPACE – That area of a parcel, uncovered and open, or covered and open to light and air at least on one of its sides, and available to some or all of the occupants of the parcel for private or public recreation or leisure-time activities, but not including driveways or parking areas.

VARIANCE – A petition seeking approval for a departure from the strict application of an area, density, height, setback or use limitation, or zoning designation, found within this ordinance.

VISION CLEARANCE – A triangular space at the intersection of a street with another street, drive, or other path of vehicular access and within which no object wider than twelve inches shall project to a height greater than thirty inches including structures, vehicles, vegetation, or any other obstruction to clear eyesight. The area of vision clearance shall be determined by measuring along right-of-way lines a distance of twenty-five feet from each street corner, and connecting said points with a line, thereby forming a triangle.

ZONE – A zoning district of designated land use regulations, which are specified within this Ordinance.

6-1-6 ZONES

- A. The Municipality is hereby divided into fourteen (14) classes of zoning districts called "zones" located and shown on the official Zone Map designated as follows and further explained in subsequent sections of this Ordinance.

| | |
|---------------|---|
| A-1 | Agriculture and Low-density Residential |
| A-2 | Agriculture and Low-density Residential – Open Space |
| R-1 | Single-family Residential |
| R-2 | Apartment and Small Single-family Residential |
| C-1 | Neighborhood Commercial and Services |
| C-2 | Tourist Oriented and Community Commercial |
| M-1 | Light Manufacturing and Industrial |
| VDS-1 | Valle Del Sol Phase I |
| VDS-2 | Valle Del Sol Phase II |
| VDS-3 | Valle Del Sol Phase III |
| VDS-4 | Valle Del Sol Phase IV |
| VDS-4A | Valle Del Sol Phase IV-A |
| VDS-5 | Valle Del Sol Phase V |

VDS-6 Valle Del Sol Phase VI

B. General Provisions - Except as herein otherwise provided:

- 1. All proposed uses must comply with applicable zoning regulations and the master plan, and an application must be completed by the proponent and submitted with a \$25 fee to the Board of Trustees for approval, prior to commencement of work.**
- 2. The use and height of buildings hereafter erected, converted, enlarged or structurally altered, and the use of any land shall be in compliance with the regulations established herein for the zone in which such land or building is located, unless approval for a variance has been obtained from the Planning and Zoning Authority.**
- 3. All lots or parcels shall maintain such setbacks and open spaces as are required by this Ordinance, and the density of population be in conformity with the area regulations hereby established for the zone in which a building or premises is, or is to be, located.**
- 4. No setbacks or other open spaces associated with any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a setback or other open space associated with another building.**
- 5. Every building hereafter erected, converted, enlarged, or structurally altered shall be located on a single lot or parcel, and in no case shall there be more than one main building on one lot or parcel, unless specifically provided for in these regulations.**
- 6. Parking requirements - Off-street parking for each zone must be provided in accordance with the regulations set forth in this Ordinance.**
- 7. Unobstructed vision clearance for traffic safety shall be maintained by the property owner or occupant on all corner lots regardless of the zone classification with no building, sign, fence, ornament, hedge, shrub, tree, display, or other obstruction being permitted there, though not including buildings existing at the time this Ordinance is adopted. This restriction applies to a triangular area formed by drawing a line connecting two points each 25 feet back from the street corner.**
- 8. The Town of Carrizozo is responsible for enforcing the covenants and restrictions applicable in the Valle Del Sol subdivision.**

6.1.7. A-1: Agricultural and Low-Density Residential

1. Purpose and Intent

- a. Purpose and Intent- This zone is regulated to permit various types of agriculture including the growing of crops, grazing of a limited number of livestock, the conduct of related commercial activity, low-density residential development, and certain structures and land uses. These uses are permitted subject to restrictions intended to preserve and protect the agricultural environment and the quality and purpose of the primary use.**

2. Permissive Uses

i. Primary Use

- 1. Agricultural or horticultural activities including commercial orchards, crop fields and stables with livestock density not exceeding one animal unit per 10,000 square feet of open space. No feedlots shall be permitted in this zone.**
- 2. One single family dwelling or mobile home per half-acre (21,780 square feet) or lot of record in the office of the County Assessor.**
- 3. Livestock not exceeding one animal unit per 10,000 square feet of free roaming land, if maintained in a clean and sanitary manner, with weekly clean up and disposal of manure piles and uneaten food accumulations.**
- 4. Storage of trailers, boats, farm equipment, and recreational vehicles anywhere on premises except the front setback area.**
- 5. Building-in-progress storage yard for a period not to exceed twelve months.**
- 6. Parking of a vehicle owned by the property residents and guests provided such vehicle is in operative condition.**

ii. Mobile or modular structures

- 1. No single-wide mobile or modular homes, and no mobile or modular homes built more than eight years prior to the application date, are allowed.**

iii. Businesses

- 1. Commercial activities related to the primary use, including preparation for sale and the sale of commercial crops, livestock and associated agricultural products and services, provided that such activity is not conducted in a residential dwelling.**

2. Home occupations as permitted in R-1 and R-2.
3. Day care facility.
4. Real estate sales office operated for a period of one year for the purpose of retail sale of dwellings in the same land subdivision in which located.
5. Airport - Subject to airport zoning regulations adopted and applicable in the subject area.
6. Barber or beauty shop conducted as a secondary use by the owner of the residence.
7. Mining processing or refining operation for soil, rock or other natural resource material provided it does not result in uncompensated loss of neighboring property value.
8. Mobile Home Park
9. Veterinary hospital

iv. Public Buildings

1. Schools
 - a. Private elementary schools for children less than twelve years of age and located on sites of five acres or more.
2. Hospitals
 - a. Not permitted
3. Churches
 - a. Church provided it be located with direct frontage and access onto an arterial shown on the Comprehensive Plan.

v. Animals

1. Animals incidental to the primary use
2. Domestic animals as permitted by Animal Control Ordinance.

vi. Towers, antennas, fences, etc.

1. Antenna for radio or television sending or receiving (non-commercial).

2. Wall, fence or other structural screen which is less than eight feet high need not conform to setbacks but must observe vision clearance at intersections.
3. Public utility use or structure necessary for transmission of commodities or service of a utility company provided that all setbacks are observed and further provided that such area is screened by a wall, fence or well-maintained planting, whichever is most in keeping with the character of the abutting properties.
4. Microwave relay structures, commercial radio, television and telephone towers.

vii. Signs

1. If the property is used for residential purposes only, a one-sided sign of no more than three square feet total, or a two-sided sign of no more than six square feet total, is permitted.
2. If the property is used for commercial purposes, a single sign, or up to three separate signs, for advertising or identification with indirect, non-oscillating light source, of 20 square feet, or up to 5% of the total building frontage area in square feet (whichever is greater) may be used, provided:
 - a. The sign or signs are located on private property;
 - b. The sign or signs are so located as not to reflect into any R-1 or R-2 zone.

viii. Temporary Uses

1. Not unreasonably restricted

3. Area, Height and Setback Requirements:

a. Generally

- i. These regulations shall apply to any structure other than a wall, fence, flagpole, sign, or tower, public utility pole or other specified structure provided such structure shall observe vision clearance criteria as delineated in this Ordinance:

b. Setbacks

- i. Front yard setback shall be a minimum of thirty-five (35) feet.
- ii. Minimum side yard setback of any lot shall be 20 feet.
- iii. Rear yard setback shall be a minimum of 20 feet.

c. Structure heights

- i. No structure with a building height greater than 30 feet

- d. **Open spaces**
 - i. **Coverage of each lot by main and accessory buildings shall not exceed 25%.**
- e. **Off-street Parking Minimums**
 - i. **At least one (1) parking space for each dwelling unit, or at least one space per bathroom, whichever is greater.**

6.1.8 A-2: Open Space Agricultural and Low-Density Residential

1. Purpose and Intent

- a. **Purpose and Intent- This zone is regulated to permit various types of agriculture including the growing of crops, grazing of a limited number of livestock, the conduct of related commercial activity, low-density residential development, and certain structures and land uses, with special emphasis placed on open space and parcel size requirements. These uses are permitted subject to restrictions intended to preserve and protect the agricultural environment and the quality and purpose of the primary use.**

2. Permissive Uses

i. Primary Use

- 1. Agricultural or horticultural activities including commercial orchards, crop fields and stables with livestock density not exceeding one animal unit per 10,000 square feet of open space. No feedlots shall be permitted in this zone.**
- 2. One single family dwelling or mobile home per two-acre parcel (87,120 square feet) or lot of record in the office of the County Assessor.**
 - a. No homes whose total living area is less than 1,200 square feet.**
- 3. Livestock not exceeding one animal unit per 10,000 square feet of free roaming land, if maintained in a clean and sanitary manner, with weekly clean up and disposal of manure piles and uneaten food accumulations.**
- 4. Storage of trailers, boats, farm equipment, and recreational vehicles anywhere on premises except the front setback area.**
- 5. Building-in-progress storage yard for a period not to exceed twelve months.**

6. **Parking of a vehicle owned by the property residents and guests provided such vehicle is in operative condition.**

ii. Mobile or modular structures

1. **No single-wide mobile or modular homes, and no mobile or modular homes built more than eight years prior to the application date, are allowed.**

iii. Businesses

1. **Commercial activities related to the primary use, including preparation for sale and the sale of commercial crops, livestock and associated agricultural products and services, provided that such activity is not conducted in a residential dwelling.**
2. **Home occupations as permitted in R-1 and R-2.**
3. **Day care facility.**
4. **Real estate sales office operated for a period of one year for the purpose of retail sale of dwellings in the same land subdivision in which located.**
5. **Airport - Subject to airport zoning regulations adopted and applicable in the subject area.**
6. **Barber or beauty shop conducted as a secondary use by the owner of the residence.**
7. **Mining processing or refining operation for soil, rock or other natural resource material provided it does not result in uncompensated loss of neighboring property value.**
8. **Veterinary hospital.**

iv. Public Buildings

1. **Schools**
 - a. **Private elementary schools for children less than twelve years of age and located on sites of five acres or more.**
2. **Hospitals**
 - a. **Not permitted**
3. **Churches**

- a. Church provided it be located with direct frontage and access onto an arterial shown on the Comprehensive Plan.

v. Animals

1. Animals incidental to the primary use
2. Domestic animals as permitted by Animal Control Ordinance.

vi. Towers, antennas, fences, etc.

1. Antenna for radio or television sending or receiving (non-commercial).
2. Wall, fence or other structural screen which is less than eight feet high need not conform to setbacks but must observe vision clearance at intersections.
3. Public utility use or structure necessary for transmission of commodities or service of a utility company provided that all setbacks are observed and further provided that such area is screened by a wall, fence or well-maintained planting, whichever is most in keeping with the character of the abutting properties.
4. Microwave relay structures, commercial radio, television and telephone towers.

vii. Signs

1. If the property is used for residential purposes only, a one-sided sign of no more than three square feet total, or a two-sided sign of no more than six square feet total, is permitted.
2. If the property is used for commercial purposes, a single sign, or up to three separate signs, for advertising or identification with indirect, non-oscillating light source, of 20 square feet, or up to 5% of the total building frontage area in square feet (whichever is greater) may be used, provided:
 - a. The sign or signs are located on private property;
 - b. The sign or signs are so located as not to reflect into any R-1 or R-2 zone.

viii. Temporary Uses

1. Not unreasonably restricted

3. Area, Height and Setback Requirements

a. Generally

- i. These regulations shall apply to any structure other than a wall, fence, flagpole, sign, or tower, public utility pole or other specified structure provided such structure shall observe vision clearance criteria as delineated in this Ordinance:**

b. Setbacks

- i. Front yard setback shall be a minimum of fifty (50) feet.**
- ii. Minimum side yard setback of any lot shall be fifty (50) feet.**
- iii. Rear yard setback shall be a minimum of fifty (50) feet.**

c. Structure heights

- i. No structure with a building height greater than 30 feet**

d. Open spaces

- i. Coverage of each lot by main and accessory buildings shall not exceed 15%.**

e. Off-street Parking Minimums

- i. At least one (1) parking space for each dwelling unit, or at least one space per bathroom, whichever is greater.**

6.1.9 R-1: Single-family Residential

1. Purpose and Intent

- a. This zone is regulated to permit low-density residential development, certain structures and land uses required to serve governmental, educational, non-commercial recreation, public utility installations, and other compatible public needs. No residence shall be built on any lot in this zone unless said lot also satisfies the area requirements for water and sewerage established by the New Mexico Environmental Improvement Agency. No building, structure or land use shall be used, altered, or created for any purpose other than those designated for this zone.**

2. Permissive Uses

i. Generally

- 1. One dwelling unit per lot of record**
- 2. Accessory structure (non-commercial) for garage, storage, recreation, hobby, greenhouse, bathhouse, accessory living quarters.**

3. Storage

Trailer or boat as follows:

- 1. Outside storage of a trailer or a boat, not exceeding ten feet in height, within the required side yard or near yard setback of a lot containing a dwelling, provided:**
 - a. The trailer or boat stored outside in the side yard is placed on the lot behind the front building line of an existing dwelling or behind the front yard setback line, whichever is farther from the street, and cannot be placed within a side yard setback area.**
 - b. The trailer or boat is not used as a dwelling or as accessory living quarters.**
 - c. The trailer or boat is not connected to utilities, except for temporary electrical connection.**
 - d. The trailer or boat is not used for storage of goods, materials, or equipment other than those items considered to be a part of the trailer or boat or essential for its immediate use**

4. Parking

- a. At least one (1) parking space.**
 - b. Parking incidental to another use permitted in this zone, provided all vehicles parked are in operative condition and as provided in the Off-street Parking section of this Ordinance.**
 - c. No truck over one-ton rated capacity may be parked in this zone.**
- ii. Mobile or modular structures**
- 1. No single-wide mobile or modular homes, and no mobile or modular homes built more than eight years prior to the application date, are allowed.**
- iii. Businesses**
- 1. Home occupation or hobby as defined in this Ordinance under "Definitions"**
 - 2. Day care facility, operated within a structure that has the external appearance of a dwelling.**

3. **Clubs, associations**
 - a. **Clubs and non-profit business associations allowed provided that it is operated within a structure that has the external appearance of a dwelling.**

iv. Public Buildings

1. **Schools**
 - a. **Not permitted**
2. **Hospitals, clinics, nursing homes**
 - a. **Not permitted**
3. **Churches**
 - a. **Not permitted**
4. **Community Uses**
 - a. **Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.**

v. Animals

1. **No animals other than household cats, dogs, poultry or rabbits and similar small animals raised only for non-commercial purposes in conjunction with the residential use of a lot.**

vi. Towers, antennas, fences, etc.

1. **Antenna (non-commercial)**
2. **Public utility structure such as a transformer, switching, pumping and similar technical installations essential to the operation of a public utility.**

vii. Signs

1. **A one-sided sign of no more than three square feet total, or a two-sided sign of no more than six square feet total, is permitted.**

viii. Temporary Uses

1. **Real estate office in connection with a specific development, providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office.**
2. **Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or**

work on the project has been dormant for a period of six or more months.

3. Temporary parking or use of a trailer, or recreational vehicle on a lot containing a dwelling without regard to area or setback regulations, provided:
 - a. The trailer or recreational vehicle may be used for dwelling purposes and be served by electricity for lighting purposes only, but no other utility connection is permitted.
 - b. Temporary parking and use of the trailer or recreational vehicle is limited to a maximum period of two weeks in any calendar year.

4. The trailer or recreational vehicle may be used as a dwelling with connections to any or all utilities during construction of a dwelling, provided use of the trailer or recreational vehicle is limited to a maximum period of twelve months, the period commencing with the date of issuance of a building permit for construction of the dwelling.

3. Area, Height and Setback Requirements

- i. These regulations shall apply to any structure other than a wall, fence, flagpole, sign, or tower, public utility pole or other specified structure provided such structure shall observe vision clearance criteria as delineated in this Ordinance.

 - ii. Minimum parcel area shall be 5,000 square feet

 - iii. Minimum parcel width shall be 50 feet measured at the actual front setback of a building or proposed building
- b. Setbacks**
- i. Front yard setback shall be a minimum of 25 feet.

 - ii. Minimum side yard setback of any lot shall be 5 feet on the interior side of corner lots or on interior lots but 10 feet on the street side of corner lots.

 - iii. Rear yard setback shall be a minimum of 20 feet on single frontage or corner lots, but shall be a minimum of 30 feet on any double frontage lot.
- c. Structure heights**
- i. All buildings and structures in this zone shall be limited to 30 feet above natural adjacent ground level.
- d. Open spaces**

- b. The trailer or boat is not used as a dwelling or as accessory living quarters.**
- c. The trailer or boat is not connected to utilities, except for temporary electrical connection.**
- d. The trailer or boat is not used for storage of goods, materials, or equipment other than those items considered to be a part of the trailer or boat or essential for its immediate use**

5. Parking

- a. At least one (1) parking space.**
- b. Parking incidental to another use permitted in this zone, provided all vehicles parked are in operative condition and as provided in the Off-street Parking section of this Ordinance.**
- c. No truck over one-ton rated capacity may be parked in this zone.**

ii. Mobile or modular structures

- 1. No single-wide mobile or modular homes, and no mobile or modular homes built more than eight years prior to the application date, are allowed.**

iii. Businesses

- 1. Beauty shop, barber shop or cosmetologist operated within a structure that has the external appearance of a dwelling.**
- 2. Home occupation or hobby as defined in this Ordinance under "Definitions"**
- 3. Day care facility, operated within a structure that has the external appearance of a dwelling.**
- 4. Clubs, associations**
 - a. Clubs and non-profit business associations allowed provided that it is operated within a structure that has the external appearance of a dwelling.**

iv. Public Buildings

- 1. Schools**
 - a. Permitted, provided that off-street parking requirements of this ordinance are met**

2. **Hospitals, clinics, nursing homes**
 - a. **Hospital, clinic, nursing home or day care facility**
3. **Churches**
 - a. **Permitted, provided that off-street parking requirements of this ordinance are met**
4. **Community Uses**
 - a. **Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.**

v. Animals

1. **No animals other than household cats, dogs, poultry or rabbits and similar small animals raised only for non-commercial purposes in conjunction with the residential use of a lot.**

vi. Towers, antennas, fences, etc.

1. **Antenna (non-commercial)**
2. **Public utility structure such as a transformer, switching, pumping and similar technical installations essential to the operation of a public utility.**

vii. Signs

1. **If the property is used for residential purposes only, a one-sided sign of no more than three square feet total, or a two-sided sign of no more than six square feet total, is permitted.**
2. **If the property is used for commercial purposes, a single sign, or up to three separate signs, for advertising or identification with indirect, non-oscillating light source, of 20 square feet, or up to 5% of the total building frontage area in square feet (whichever is greater) may be used, provided:**
 - a. **The sign or signs are located on private property;**
 - b. **The sign or signs are so located as not to reflect into any R-I zone.**

viii. Temporary Uses

1. **Real estate office in connection with a specific development, providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office.**

2. **Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six or more months.**
3. **The trailer or recreational vehicle may be used as a dwelling with connections to any or all utilities during construction of a multi-family dwelling, provided use of the trailer or recreational vehicle is limited to a maximum period of twelve months, the period commencing with the date of issuance of a building permit for construction of the dwelling.**

3. Area, Height and Setback Requirements

- i. **These regulations shall apply to any structure other than a wall, fence, flagpole, sign, or tower, public utility pole or other specified structure provided such structure shall observe vision clearance criteria as delineated in this Ordinance.**
- ii. **Minimum parcel area shall be 5,000 square feet**
- iii. **Minimum parcel width shall be 50 feet measured at the actual front setback of a building or proposed building**

b. Setbacks

- i. **Front yard setback shall be at least 15 feet with off-street parking at the side or rear of building or at least 30 feet with parking intended to be located in the front setback area.**
- ii. **Minimum side yard setback shall be five feet on any interior lot or interior side of a corner lot, and shall be 10 feet or more on the side abutting a public or private way.**
- iii. **Rear yard setback shall be a minimum of 15 feet excepting when off-street parking will be located in the rear yard when thirty feet minimum setback will be required from an alley, private access easement or rear lot line.**

c. Structure heights

- i. **Maximum height of any building or structure excepting a flagpole, antenna, or similar element shall be 35 feet. Maximum height of any antenna, flagpole, or similar element shall be 65 feet.**

d. Open spaces

Trailer or boat as follows:

Outside storage of a trailer or a boat, not exceeding ten feet in height, within the required side yard or near yard setback of a lot containing a dwelling, provided:

- a. The trailer or boat stored outside in the side yard is placed on the lot behind the front building line of an existing dwelling or behind the front yard setback line, whichever is farther from the street, and cannot be placed within a side yard setback area.**
- b. The trailer or boat is not used as a dwelling or as accessory living quarters.**
- c. The trailer or boat is not connected to utilities, except for temporary electrical connection.**
- d. The trailer or boat is not used for storage of goods, materials, or equipment other than those items considered to be a part of the trailer or boat or essential for its immediate use**
 - i. No unscreened outdoor storage will be permitted in this zone.**

5. Parking

- a. Off-street parking spaces must be provided as indicated in the Off-Street Parking section of this Ordinance. Off-street loading space must be provided per Section (3)(e) of this Ordinance.**
 - b. Parking incidental to another use permitted in this zone, provided all vehicles parked are in operative condition and as provided in the Off-street Parking section of this Ordinance.**
- ii. Mobile or modular structures**
- 1. No single-wide mobile or modular structures, and no mobile or modular structures built more than eight years prior to the application date, are allowed.**
- iii. Businesses**
- 1. Appliance store and incidental repair shop.**
 - 2. Art gallery or antique shop provided all activities are conducted within a completely enclosed building.**
 - 3. Bakery goods shop or confectionery store in which a majority of**

the products are sold on the premises at retail.

4. Bank
5. Beauty shop, barber shop or cosmetologist
6. Book or stationery store.
7. Bowling alley
8. Clothing store, tailor, custom dressmaking, or millinery shop.
9. Day care facility
10. Drugstore.
11. Dry cleaning, laundry, or clothes-pressing establishment,
including self-service establishment.
12. Dry goods store.
13. Florist or gift shop.
14. Furniture store
15. Grocery, fruit, vegetable, or delicatessen store, meat market.
16. Hardware or building materials store without outdoor storage.
17. Hobby shop.
18. Home occupation or hobby as defined in this Ordinance under
"Definitions"
19. Interior decorating shop.
20. Jewelry store or watch repair shop.
21. Mortuary
22. Music and musical instrument shop.
23. Newsstand.
24. Notions store.
25. Nursing home.
26. Package liquor store and/or bar without live entertainment.
27. Commercial Parking lot, provided it is surfaced or treated so as
to eliminate rising of dust from the surface.
28. Restaurant, cafe, provided it has no liquor dispenser's license.
29. Services and professional offices excepting veterinarian,
kennel, or other service use which produces noise or odors

beyond the limits of the property.

30. Shoe store and shoe repair shop.

31. Studio for instruction in music, dance, or personal development.

32. Other commercial uses which are compatible with those uses listed above, and upon the approval of the Board of Trustees.

iv. Clubs, associations

- a. Clubs and non-profit business associations allowed provided that it is operated within a structure that has the external appearance of a dwelling.

v. Public Buildings

1. Schools

- a. Permitted, provided that off-street parking requirements of this ordinance are met

2. Hospitals, clinics, nursing homes

- a. Hospital, clinic, nursing home or day care facility

3. Churches

- a. Permitted, provided that off-street parking requirements of this ordinance are met

4. Community Uses

- a. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.

vi. Animals

1. Household cats, dogs, poultry or rabbits and similar small animals raised only for non-commercial purposes in conjunction with the residential use of a parcel.

2. Animals used for security purposes on commercial premises, provided that they are properly lodged and restrained as per the Animal Control Ordinance.

vii. Towers, antennas, fences, etc.

1. Antenna (commercial AND non-commercial)

2. Public utility structure such as a transformer, switching, pumping and similar technical installations essential to the operation of a public utility.

viii. Signs

- 1. If the property is used for residential purposes only, a one-sided sign of no more than three square feet total, or a two-sided sign of no more than six square feet total, is permitted.**
- 2. If the property is used for commercial purposes, a single sign, or up to three separate signs, for advertising or identification with indirect, non-oscillating light source, of 20 square feet, or up to 5% of the total building frontage area in square feet (whichever is greater) may be used, provided:**
 - a. The sign or signs are located on private property;**
 - b. The sign or signs are so located as not to reflect into any R-1 or R-2 zone.**

ix. Temporary Uses

- 1. Real estate office in connection with a specific development, providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office.**
- 2. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six or more months.**
 - a. The trailer or recreational vehicle may be used as a dwelling with connections to any or all utilities during construction of a multi-family dwelling, provided use of the trailer or recreational vehicle is limited to a maximum period of twelve months, the period commencing with the date of issuance of a building permit for construction of the dwelling.**

3. Area, Height and Setback Requirements

- i. These regulations shall apply to any structure other than a wall, fence, flagpole, sign, or tower, public utility pole or other specified structure provided such structure shall observe vision clearance criteria as delineated in this Ordinance.**
- ii. If a parcel is to be used for residential purposes, the minimum parcel area shall be 5,000 square feet**

- iii. Restaurants, other eating places, bowling alley - At least one (1) off-street parking space for each 100 square feet of total floor area.
 - iv. Hospital, clinic or Nursing Home - At least one-third (1/3) off-street parking space for each room or office in the building or group of buildings, excluding storage rooms.
 - v. All other uses: At least one (1) off-street parking space for each three hundred (300) square feet of total floor space.
- f. **Shipping and Unloading Spaces**
- i. All shipping and unloading must be accomplished on private property. No trucks shall be permitted to ship or unload from public streets, sidewalks or alleys. The following shipping and receiving areas shall be provided by the owner of the property when permitted uses include regular shipping activities:
 - 1. General Delivery Trucks (no more than two axles): 350 square feet.
 - 2. Shipping & Receiving Trucks (more than two axles): 450 square feet

6.1.12 C-2: Open Commercial and Service

1. Purpose and Intent

- a. This zone permits C-1 uses, heavier commercial activities, and certain specified outside storage, provided that it is properly screened, and provided that the activities not emit vibration, smoke, fumes, odors, or particles beyond the boundaries of the parcel.

2. Permissive Uses. All permissive uses

i. Generally

- 1. Single dwelling-unit homes
- 2. Apartments or other multi-family dwellings
- 3. Accessory structure (non-commercial) for garage, storage, recreation, hobby, greenhouse, bathhouse, accessory living quarters.
- 4. Storage

iii. If a parcel is to be used for residential purposes, the minimum parcel width shall be 50 feet measured at the actual front setback of a building or proposed building

b. Setbacks

i. Front yard setback shall be at least 15 feet with off-street parking at the side or rear of building or at least 30 feet with parking intended to be located in the front setback area.

ii. Minimum side yard setback shall be five feet on any interior lot or interior side of a corner lot, and shall be 10 feet or more on the side abutting a public or private way.

iii. Rear yard setback shall be a minimum of 15 feet excepting when off-street parking will be located in the rear yard when thirty feet minimum setback will be required from an alley, private access easement or rear lot line.

c. Structure heights

i. Maximum height of any building or structure excepting a flagpole, antenna, or similar element shall be 35 feet. Maximum height of any antenna, flagpole, or similar element shall be 65 feet.

d. Open spaces

i. If a parcel is to be used for residential purposes, all buildings of a group shall either be connected by covered walks or be separated by a distance equal to the height of the highest adjoining building or flammable structure.

ii. If a parcel is to be used for residential purposes, the total floor area must be no more than one half of the total parcel area.

iii. Beyond setback requirements, open spaces are not required for commercial premises.

e. Off-street Parking Minimums

i. At least one (1) parking space for each dwelling unit, or at least one space per bathroom, whichever is greater.

ii. Schools, churches, clubs and community buildings: At least one (1) off-street parking space for each four (4) seats and at least one (1) off-street parking space for each 100 square feet of open floor area.

RV, trailer or boat as follows:

1. Outside storage of a RV, trailer or a boat, not exceeding ten feet in height, within the required side yard or near yard setback of a lot containing a dwelling, provided:

a. The RV, trailer or boat stored outside in the side yard is placed on the lot behind the front building line of an existing dwelling or behind the front yard setback line, whichever is farther from the street, and cannot be placed within a side yard setback area.

b. The RV, trailer or boat is not used as a dwelling or as accessory living quarters.

c. The RV, trailer or boat is not connected to utilities, except for temporary electrical connection.

d. The RV, trailer or boat is not used for storage of goods, materials, or equipment other than those items considered to be a part of the RV, trailer or boat or essential for its immediate use.

2. No unscreened outdoor storage will be permitted in this zone.

3. Commercial businesses which require outdoor storage and sales must screen the storage areas with a six-foot high wall or fence

5. Parking

a. Off-street parking spaces must be provided as indicated in the Off-Street Parking section of this Ordinance. Off-street loading space must be provided per subsection 3 (e) of this Ordinance.

b. Parking areas are to be graded and surfaced so as to eliminate the emission of dust

c. Parking incidental to another use permitted in this zone, provided all vehicles parked are in operative condition and as provided in the Off-street Parking section of this Ordinance.

ii. Mobile or modular structures

1. No single-wide mobile or modular structures, and no mobile or modular structures built more than eight years prior to the application date, are allowed.

iii. Businesses

1. Appliance store and incidental repair shop.
2. Art gallery or antique shop provided all activities are conducted within a completely enclosed building.
3. Automobile, trailer, or other vehicle sales
4. Automobile, equipment or trailer rental, service, repair or storage
5. Bakery goods shop or confectionery store in which a majority of the products are sold on the premises at retail.
6. Bank
7. Bar with live entertainment
8. Beauty shop, barber shop or cosmetologist
9. Book or stationery store.
10. Bowling Alley
11. Carpentry shop
12. Caterer
13. Clothing store, tailor, custom dressmaking, or millinery shop.
14. Commercial Parking lot, provided it is surfaced or treated so as to eliminate rising of dust from the surface.
15. Contracting office and yard
16. Curio shop
17. Day care facility
18. Drive-up food services
19. Drugstore.
20. Dry cleaning, laundry, or clothes-pressing establishment, including self-service establishment.
21. Dry goods store.
22. Equipment rental
23. Feed Store
24. Florist or gift shop.

25. Furniture store
26. Grocery, fruit, vegetable, or delicatessen store, meat market.
27. Gym, health club, spa
28. Hardware, lumber yard or building materials store
29. Hobby shop.
30. Home occupation or hobby as defined in this Ordinance under "Definitions"
31. Hotel or motel
32. Indoor amusement enterprise or meeting place including auditorium, billiard or pool hall, boxing arena, dance hall, game of skill, theater, penny arcade, shooting gallery, skating rink, and swimming pool.
33. Interior decorating shop.
34. Jewelry fabricating store or watch repair shop.
35. Liquified Petroleum Gas Sales
36. Massage parlor, baths, physical therapy, alternative healing
37. Metal shop
38. Mobile home park
39. Mortuary
40. Moving, transfer or storage of household goods (commercial)
41. Music and musical instrument shop.
42. Newsstand.
43. Notions store.
44. Nursery or greenhouse
45. Nursing home.
46. Package liquor store
47. Passenger Transportation Terminal
48. Plumbing shop
49. Printing, publishing, copying store
50. Restaurant, cafe, provided it has no liquor dispenser's license.
51. Retail store

52. Services and professional offices excepting veterinarian, kennel, or other service use which produces noise or odors beyond the limits of the property.

53. Sheet metal shop

54. Shoe store and shoe repair shop.

55. Shop in which products may be manufactured, compounded, processed, assembled, or treated.

56. Sign shop

57. Studio for instruction in music, dance, or personal development.

58. Thrift store

59. Tire recapping or retreading, provided:

- i. The activity is incidental to the major use and is conducted within a completely enclosed building.**
- ii. Outdoor storage of tires is enclosed by a solid wall or fence at least six feet high.**
- iii. Tires stored outdoors may not be stacked above the plane established by the top of the required surrounding wall.**

60. Truck stop

61. Upholstery shop

62. Veterinary hospital

63. Other commercial uses which are compatible with those uses listed above, and upon the approval of the Board of Trustees.

iv. Clubs, associations

- a. Clubs and non-profit business associations allowed provided that it is operated within a structure that has the external appearance of a dwelling.**

v. Public Buildings

1. Schools

- a. Permitted, provided that off-street parking requirements of this ordinance are met**

2. **Hospitals, clinics, nursing homes**
 - a. **Hospital, clinic, nursing home or day care facility**
3. **Churches**
 - a. **Permitted, provided that off-street parking requirements of this ordinance are met**
4. **Community Uses**
 - a. **Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.**

vi. Animals

1. **Household cats, dogs, poultry or rabbits and similar small animals raised only for non-commercial purposes in conjunction with the residential use of a parcel.**
2. **Animals used for security purposes on commercial premises, provided that they are properly lodged and restrained as per the Animal Control Ordinance.**

vii. Towers, antennas, fences, etc.

1. **Antenna (commercial AND non-commercial)**
2. **Public utility structure such as a transformer, switching, pumping and similar technical installations essential to the operation of a public utility.**

viii. Signs

1. **If the property is used for residential purposes only, a one-sided sign of no more than three square feet total, or a two-sided sign of no more than six square feet total, is permitted.**
2. **If the property is used for commercial purposes, a single sign, or up to three separate signs, for advertising or identification with indirect, non-oscillating light source, of 20 square feet, or up to 5% of the total building frontage area in square feet (whichever is greater) may be used, provided:**
 - a. **The sign or signs are located on private property;**
 - b. **The sign or signs are so located as not to reflect into any R-1 or R-2 zone.**

ix. Temporary Uses

1. Real estate office in connection with a specific development, providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office.
2. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six or more months.
3. The trailer or recreational vehicle may be used as a dwelling with connections to any or all utilities during construction of a multi-family dwelling, provided use of the trailer or recreational vehicle is limited to a maximum period of twelve months, the period commencing with the date of issuance of a building permit for construction of the dwelling.

3. Area, Height and Setback Requirements

- i. These regulations shall apply to any structure other than a wall, fence, flagpole, sign, or tower, public utility pole or other specified structure provided such structure shall observe vision clearance criteria as delineated in this Ordinance.
- ii. If a parcel is to be used for residential purposes, the minimum parcel area shall be 5,000 square feet
- iii. If a parcel is to be used for residential purposes, the minimum parcel width shall be 50 feet measured at the actual front setback of a building or proposed building

b. Setbacks

- i. Front yard setback shall be at least 15 feet with off-street parking at the side or rear of building or at least 30 feet with parking intended to be located in the front setback area.
- ii. Minimum side yard setback shall be five feet on any interior lot or interior side of a corner lot, and shall be 10 feet or more on the side abutting a public or private way.
- iii. Rear yard setback shall be a minimum of 15 feet excepting when off-street parking will be located in the rear yard when thirty feet minimum setback will be required from an alley, private access easement or rear lot line.

c. Structure heights

1. General Delivery Trucks (no more than two axles): 350 square feet.
2. Shipping & Receiving Trucks (more than two axles): 450 square feet

6.1.13 M-1: Light Manufacturing and Industrial

1. Purpose and Intent

- a. This zone is intended to permit all uses of the C-2 zone, excepting residential, and in addition, to permit certain wholesale unscreened outdoor storage, and manufacturing or industrial uses which do not contribute to the pollution of the air or water in the surrounding properties or zones. Permissive use activities must not emit vibration, smoke, fumes, odors, or particles beyond the boundaries of the parcel.

2. Permissive Uses

i. Generally

1. No residential use.
2. Light manufacturing, compounding, or assembling. Such uses are conditioned upon a wall or minimum six-foot fence where any outdoor storage area abuts an R-1 or R-2 zone.
3. Warehouses
4. Watchman's quarters to serve another use allowed in this zone.
5. Detention Facility
6. Garage, recreation, hobby, greenhouse, bathhouse.
7. Storage

Transfer or storage of household goods.

RV, trailer or boat as follows:

1. Outside storage of a RV, trailer or a boat, provided that:
 - a. The RV, trailer or boat is not used as a dwelling or as accessory living quarters.
 - b. The RV, trailer or boat is not connected to utilities, except for temporary electrical connection.

- c. The RV, trailer or boat is not used for storage of goods, materials, or equipment other than those items considered to be a part of the RV, trailer or boat or essential for its immediate use.

8. Parking

- a. Off-street parking spaces must be provided as indicated in the Off-Street Parking section of this Ordinance. Off-street loading space must be provided per subsection 3 (e) of this Ordinance.
- b. Parking areas are to be graded and surfaced so as to eliminate the emission of dust
- c. Parking incidental to another use permitted in this zone, provided all vehicles parked are in operative condition and as provided in the Off-street Parking section of this Ordinance.

ii. Mobile or modular structures

- 1. No single-wide mobile or modular structures, and no mobile or modular structures built more than eight years prior to the application date, are allowed.

iii. Businesses

- 1. Appliance store and incidental repair shop.
- 2. Art gallery or antique shop provided all activities are conducted within a completely enclosed building.
- 3. Automobile, trailer, or other vehicle sales
- 4. Automobile, equipment or trailer rental, service, repair or storage
- 5. Bakery goods shop or confectionery store in which a majority of the products are sold on the premises at retail.
- 6. Bank
- 7. Bar with live entertainment
- 8. Beauty shop, barber shop or cosmetologist
- 9. Book or stationery store.
- 10. Bowling Alley
- 11. Cannery

- 12. Carpentry shop**
- 13. Caterer**
- 14. Clothing store, tailor, custom dressmaking, or millinery shop.**
- 15. Commercial Parking lot, provided it is surfaced or treated so as to eliminate rising of dust from the surface.**
- 16. Concrete or cement products manufacturing, batching plant, or processing of sand, gravel or stone**
- 17. Contracting office, yard and equipment storage**
- 18. Curio shop**
- 19. Day care facility**
- 20. Dismantling yard. (Provided activities are conducted within a completely enclosed building or within an area enclosed on all sides by a solid wall or fence at least six feet high. Disassembled chassis and parts may not be stacked above the plane formed by the top of the surrounding wall.**
- 21. Drive-up food services**
- 22. Drugstore.**
- 23. Dry cleaning, laundry, or clothes-pressing establishment, including self-service establishment.**
- 24. Dry goods store.**
- 25. Equipment rental**
- 26. Feed Storage and Sales**
- 27. Florist or gift shop.**
- 28. Fuel storage and sales**
- 29. Furniture store**
- 30. Grocery, fruit, vegetable, or delicatessen store, meat market.**
- 31. Gym, health club, spa**
- 32. Hardware, lumber yard or building materials store**
- 33. Heavy equipment rental, sales, display and repair**
- 34. Hobby shop.**
- 35. Hotel or motel**

- 36. Indoor amusement enterprise or meeting place including auditorium, billiard or pool hall, boxing arena, dance hall, game of skill, theater, penny arcade, shooting gallery, skating rink, and swimming pool.**
- 37. Interior decorating shop.**
- 38. Jewelry fabricating store or watch repair shop.**
- 39. Liquified Petroleum Gas Sales**
- 40. Lumber mill**
- 41. Massage parlor, baths, physical therapy, alternative healing**
- 42. Meat processing plant**
- 43. Metal shop**
- 44. Mining**
- 45. Mobile home park**
- 46. Mortuary (may include crematory)**
- 47. Moving, transfer or storage of household goods (commercial)**
- 48. Music and musical instrument shop.**
- 49. Newsstand.**
- 50. Notions store.**
- 51. Nursery or greenhouse**
- 52. Nursing home.**
- 53. Package liquor store**
- 54. Passenger Transportation Terminal**
- 55. Plumbing shop**
- 56. Printing, publishing, copying store**
- 57. Restaurant, cafe, provided it has no liquor dispenser's license.**
- 58. Retail store**
- 59. Services and professional offices excepting veterinarian, kennel, or other service use which produces noise or odors beyond the limits of the property.**
- 60. Sheet metal shop**
- 61. Shoe store and shoe repair shop.**

62. Shop in which products may be manufactured, compounded, processed, assembled, or treated.

63. Sign shop

64. Self-storage facility

65. Studio for instruction in music, dance, or personal development.

66. Thrift store

67. Tire recapping or retreading, provided:

- a. The activity is incidental to the major use and is conducted within a completely enclosed building.**
- b. Outdoor storage of tires is enclosed by a solid wall or fence at least six feet high.**
- c. Tires stored outdoors may not be stacked above the plane established by the top of the required surrounding wall.**

68. Truck stop

69. Upholstery shop

70. Veterinary hospital

71. Other commercial uses which are compatible with those uses listed above, and upon the approval of the Board of Trustees.

iv. Clubs, associations

- a. Clubs and non-profit business associations allowed**

v. Public Buildings

- 1. No Schools**
- 2. No Hospitals, clinics, nursing homes**
- 3. No Churches**
- 4. No Community Uses**

vi. Animals

1. **Animals used for security purposes on industrial premises, provided that they are properly lodged and restrained as per the Animal Control Ordinance.**

vii. Towers, antennas, fences, etc.

1. **Antenna (commercial AND non-commercial)**
2. **Public utility structure such as a transformer, switching, pumping and similar technical installations essential to the operation of a public utility.**
3. **Cell Towers**

viii. Signs

1. **If the property is used for residential purposes only, a one-sided sign of no more than three square feet total, or a two-sided sign of no more than six square feet total, is permitted.**
2. **If the property is used for commercial purposes, a single sign, or up to three separate signs, for advertising or identification with indirect, non-oscillating light source, of 20 square feet, or up to 5% of the total building frontage area in square feet (whichever is greater) may be used, provided:**
 - a. **The sign or signs are located on private property;**
 - b. **The sign or signs are so located as not to reflect into any R-1 or R-2 zone.**

ix. Temporary Uses

1. **Real estate office in connection with a specific development, providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office.**
2. **Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six or more months.**

3. Area, Height and Setback Requirements

- i. **These regulations shall apply to any structure other than a wall, fence, flagpole, sign, or tower, public utility pole or other**

specified structure provided such structure shall observe vision clearance criteria as delineated in this Ordinance.

b. Setbacks

i. Vision clearance:

c. Structure heights

i. Maximum height of any building or structure excepting a flagpole, antenna, or similar element shall be 35 feet.

Maximum height of any antenna, flagpole, or similar element shall be 65 feet.

d. Open spaces

i. Beyond setback requirements, open spaces are not required for commercial premises.

e. Off-street Parking Minimums

i. Schools, churches, clubs and community buildings: At least one (1) off-street parking space for each four (4) seats and at least one (1) off-street parking space for each 100 square feet of open floor area.

ii. Restaurants, other eating places, bowling alley - At least one (1) off-street parking space for each 100 square feet of total floor area.

iii. Hospital, clinic or Nursing Home - At least one-third (1/3) off-street parking space for each room or office in the building or group of buildings, excluding storage rooms.

iv. Hotel, or motel: At least one (1) off-street parking space for each guest room.

v. Industrial or Manufacturing establishments: At least one (1) off-street parking space for each employee on the peak operating shift

vi. All other uses: At least one (1) off-street parking space for each three hundred (300) square feet of total floor space.

f. Shipping and Unloading Spaces

i. All shipping and unloading must be accomplished on private property. No trucks shall be permitted to ship or unload from public streets, sidewalks or alleys. The following shipping and

receiving areas shall be provided by the owner of the property when permitted uses include regular shipping activities:

- 1. General Delivery Trucks (no more than two axles): 350 square feet.**
- 2. Shipping & Receiving Trucks (more than two axles): 450 square feet**

6.1.14

VDS-1:

Valle Del Sol Phase I

6.1.15

VDS-2:

Valle Del Sol Phase II

6.1.16

VDS-3:

Valle Del Sol Phase III

6.1.17

VDS-4:

Valle Del Sol Phase IV

6.1.18

VDS-4A: Valle Del Sol Phase IV(A)

6.1.19

VDS-5:

Valle Del Sol Phase V

6.1.20

VDS-6:

Valle Del Sol Phase VI

6.1.21 Non-conforming Land Use and Structures

1. Permissive Uses

i. Generally:

- 1. Uses in existence at the time of the adoption of this ordinance which are non-compliant with the Planning and Zoning provisions of this ordinance, are exempt from those limitations relating to “use”, unless and until**
 - a. Emissions of dust, noise become too much / health, safety and welfare [nuisance]**
 - b. Conversion to conforming structure or use**
 - c. Non-compliant Use stops**
 - 1. Deliberate cessation of non-conforming use for a period exceeding six months**
 - 2. Vacant and unoccupied for one year**
 - d. Ownership changes. Sale of the property to a third party with whom the seller has no familial relationship or financial attachment.**
 - i. Does not apply to R-1, R-2, M-1**
- 2. Non-compliance. Uses of land which are non-conforming, and which arise after the adoption of this ordinance, violate the restrictive provisions of this ordinance, and shall be enforced as follows:**
 - a. Uses of Land**
 - i. Failure to gain prior approval**
 - 1. For conforming use**
 - a. Apply with us and all other required entities**
 - b. Pay double the fee**
 - 2. For non-conforming use**
 - a. Warning: Use should stop w/in 30 days**

b. 30 + days: \$20/day after day 30

c. 90-days: Criminal – 90 days \$500

ii. Mobile or modular structures

1. Mobile or modular homes in place at the time of the adoption of this ordinance which are non-compliant with the Planning and Zoning provisions of this ordinance, are exempt from those limitations relating to “use”, unless and until:

a. Disruption to health, safety and welfare [nuisance]

b. Structure is removed, remodeled at more than 50% of its value, or destroyed

c. Ownership changes

i. Does not apply

iii. Businesses

1. Businesses in existence at the time of the adoption of this ordinance which are non-compliant with the Planning and Zoning provisions of this ordinance, are exempt from those limitations relating to “use”, unless and until:

a. Emissions of dust, noise become too much / health, safety and welfare [nuisance]

b. The specific, Non-compliant Use stops for twelve months

c. Ownership change has no effect

iv. Public Buildings

1. Uses of public buildings in existence at the time of the adoption of this ordinance which are non-compliant with the Planning and Zoning provisions of this ordinance, are exempt from those limitations relating to “use

v. Animals

1. Uses of land relating to the ownership, care and boarding of animals in existence at the time of the adoption of this

ordinance which are non-compliant with the Planning and Zoning provisions of this ordinance, are exempt from those limitations relating to “use”, unless and until:

- a. Number of animals does not increase / stock #s by area are adhered to**
- b. Non-compliant Use stops for three months**

vi. Towers, antennas, fences, etc.

1. Towers, antennas, fences and other similar auxiliary structures in existence at the time of the adoption of this ordinance which are non-compliant with the Planning and Zoning provisions of this ordinance, are exempt from those limitations relating to “use”, unless and until:

- a. Emissions of dust, radiation, noise become too much / health, safety and welfare [nuisance]:**
- b. Must comply with shielding requirements within six months of adoption of this ordinance**
- c. Non-compliant Use stops for twelve months**

vii. Signs

- a. Any sign, billboard, or commercial advertising structure non-conforming as to use shall be removed within three (3) years of the effective date of this Ordinance, except that any sign, excluding illuminated roof sign, attached to a building non-conforming to use shall be allowed for the life of the use of the building.**

viii. Temporary Uses

- 1. Not applicable. No temporary uses are exempt beyond the temporary period defined for that zone.**

2. Area, Height and Setback Requirements.

- i. Any building or structure non-conforming as to use or open space requirements shall not be added to nor enlarged unless such building or structure afterwards is converted to a conforming use and becomes compliant with open space requirements for the applicable zone.**

- 1. Setbacks in existence at the time of the adoption of this ordinance which are non-compliant with the setback provisions of this ordinance for the designated zone, are exempt from such setback requirements, unless and until:**
 - a. The structure encroaching into the defined setback area is destroyed (more than 50% of floor space requiring rebuild)**
 - b. The structure encroaching into the defined setback area is remodeled (more than 50% of floor space being rebuilt)**
 - c. Non-compliant structures as regard to setbacks may not be enlarged, except if the enlargement maintains all other zone setback requirements, and does not intrude further into the non-compliant setback area**
 - d. A structure with a historical designation, and of greater height than 35 feet, or which encroaches into the defined setback or open space area for that zone, may be destroyed and rebuilt, or remodeled, to any extent without harming its exemption from the area, height and setback requirements of this ordinance.**
- 2. Non-compliance. Area, height and setback designations for parcels and buildings which are non-conforming, and which arise after the adoption of this ordinance, violate the restrictive provisions of this ordinance, and shall be enforced as follows:**
 - a. Failure to gain prior approval**
 - i. For conforming area, height and setbacks**
 - 1. Apply with us and all other required entities**
 - 2. Pay double the fee**
 - 3. Have surveyor's approval of site plan**
 - ii. For non-conforming area, height and setbacks**
 - 1. Warning: Corrections should be made w/in 30 days**

- 2. Before 30 days: Apply for variance (no more than 20%): Must have all contiguous neighbors' signatures**
- 3. 30+ days: Tear it down**
- 4. 90-days: Criminal – 90 days \$500**

**SECTION 6.2
PLANNING & PERMITTING**

- 6.2.1 POLICIES & PROCEDURES**
- 6.2.2 CONFORMANCE TO COMPREHENSIVE PLAN**
- 6.2.3 TERMS OF REFERENCE**
- 6.2.4 PLANNED UNIT DEVELOPMENT**
- 6.2.5 PERMITTING**
- 6.2.6 ENFORCEMENT**
- 6.2.7 PENALTIES**

6.2.1 POLICIES & PROCEDURES

The Policies and Procedures of land use is the town's plan developed by the Town of Carrizozo Board of Trustees to guide the use of public lands and public resources in the Town, to protect the rights of private landowners, and to promote coordination and cooperation between the Town, County, State and Federal agencies in decisions affecting the uses of public lands and resources in the Town of Carrizozo, Lincoln County, New Mexico. The nature and intent of the Town of Carrizozo's land use planning is to protect the custom, culture and economic stability of the Town's citizens through protection of private property rights, the facilitation of a free market economy, and the establishment of a process to ensure coordination, definition and self-determination by local communities, individuals and entities in federal and state land management decisions.

6.2.2 CONFORMANCE TO COMPREHENSIVE PLAN

This Ordinance is in accordance with recommendations of the Town of Carrizozo and is designed to:

- a. lessen congestion in the streets or public ways;
- b. secure safety from fire, flood waters, panic, and other dangers;
- c. promote health and the general welfare;
- d. provide adequate light and air;
- e. prevent the overcrowding of land;
- f. avoid undue concentrations of population;
- g. protect and enhance private property interests
- h. address all classes of grazing rights
- i. facilitate adequate provision for transportation, water, sewerage, schools, parks, and other public requirements; and
- j. control and abate the unsightly use of building or land

6.2.3 TERMS OF REFERENCE:

Town of Carrizozo Board of Trustees also means Trustees.

Town of Carrizozo Planning and Zoning Committee Members also mean the Committee.

Town of Carrizozo Planning and Zoning Administration also mean the Administrator.

6.2.4 PLANNED UNIT DEVELOPMENT

- A. Purpose and Intent - Planned unit development is intended to permit the development of large tracts of undeveloped land and the redevelopment of land for residential, commercial, industrial, or a combination of these uses. Specific uses which must comply with requirements of this zone include airports, churches, trailer parks, golf courses, cemeteries, shopping centers, drive-in theaters, industrial parks, parochial schools, outdoor recreational or amusement facilities for commercial purposes, heavy manufacturing, etc.**
- B. Acreage Requirements - In order to develop land in conformance with the provisions of this Section, tracts of land must contain at least one acre.**
- C. Development Plan Required - The proposed development shall follow all applicable procedures, standards and requirements of the Subdivision Regulations. The development plan shall be prepared by a professionally trained architect, landscape architect, urban planner, or engineer. No construction shall commence until a final plat of the proposed development is approved and recorded in the office of the County Clerk. The official Zone Map shall be revised to indicate the area covered by the Development Plan and labeled PD-1 following approval by the governing body. The following additional information shall be required:**
- a. Locations, dimensions, setbacks, and heights of all proposed structures and clear designations of all land uses.**
 - b. Design of vehicular and pedestrian entrances and exits.**
 - c. Design of parking, loading, or traffic handling facilities and methods.**
 - d. Location and height of walls, fences, or other screens.**
 - e. Adjacent platting, structures, and land use for a distance of 300 feet from the boundaries of the premises on which the proposed plan is to be located.**
 - f. Elevations or heights of structures.**
 - g. Existing and proposed contours of ground elevations at a contour interval of five feet or less.**

- h. **Drainage plan prepared by a registered professional engineer or architect and indicating quantities and methods of handling surface runoff based on 100-year frequency storm.**

D. Standards - The following development standards shall be followed:

1. **Residential - Proposed residential planned development (including mobile home parks) shall be permitted in any of the residential zones and shall conform to the standards of that one as outlined in this Ordinance except that the Council may waive yard and height requirements consistent with the recognized principles of design and land use planning. The minimum lot area and minimum lot frontage of the single-family dwelling lots may be two-thirds of the normal minimum lot area and lot frontage established for the zone. In no case shall a single-family lot be created with an area of less than 5,000 square feet or frontage of less than 50 feet. All land lost from individual lots shall be shown as gained in the form of communal open space which shall be improved and maintained by the developer, or by a perpetual corporation.**
 2. **Commercial - Proposed commercial planned unit developments shall conform to the standards outlined in the C-2 zone. Development plan with only planned commercial development need not be recorded as a plat but must be on file with the municipality. Uses may vary from those permitted in the C-1 or C-2 zones provided they are first approved by the Council.**
 3. **Industrial Park - Structures and land uses may be approved by the Council.**
- E. Annexation - When new land is annexed to the Municipality, said annexed land shall be exempt of the requirements of the Planned Unit Development Zone and the guidelines set forth in this Section for a period of two years by the end of which time an approved development plan shall be in effect or said use of land or structures shall be removed from the property in question.**

6.2.5 PERMITTING

All proposed land uses must comply with applicable zoning regulations and the comprehensive plan, and an application must be completed by the proponent and submitted with a \$25 fee to the Board of Trustees for approval, prior to commencement of work.

6.2.6 ENFORCEMENT

- A. The Council may appoint a Zoning Administrator who shall have the authority and duty to enforce this Ordinance. Lack of knowledge or alleged lack of knowledge of the requirements of this Ordinance shall not justify waiver or variance from these minimum standards.**
- B. Any application for permit, license, or certificate pertaining to the use of land or buildings shall be subject to the approval of the Zoning Administrator. Any such permits, license or certificates issued in conflict with the provisions of this Ordinance shall be void.**
- C. The Zoning Administrator or his designated representative shall have the authority to enter any building or upon any premises for the purpose of inspection; provided that no dwelling shall be entered without the consent of the occupant unless at least 24 hours' notice of intent to enter shall have been served upon such occupant.**
- D. In the event any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the Zoning Administrator, in addition to other remedies, may institute any appropriate action to restrain, correct, or abate such violation, to prevent the occupation of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.**

6.2.7 PENALTIES

Any person violating any of the provisions of this Ordinance shall be punishable by a fine not to exceed \$300 and/or imprisonment in jail for a period not to exceed 90 days.

SECTION 6.3 CONDEMNATION

The Town of Carrizozo is specifically authorized by the State of New Mexico to bring an action for the "taking" of privately-owned real property, for public purposes, pursuant to NMSA § 3-18-10 A. Such anticipated municipal use may include a restriction on certain uses by the property owner, such as zoning restrictions, use limitations, land use restrictions, the imposition of easements, or the complete condemnation of such private property, if necessary for public purposes. Such purposes could include:

1. laying out, opening and widening streets, alleys and highways or their approaches; or
2. constructing, maintaining and operating:
 - a. storm drains; or
 - b. garbage and refuse disposal areas and plants.

The Town of Carrizozo may acquire by eminent domain any property within the municipality:

1. for park purposes;
2. to establish cemeteries or mausoleums or to acquire existing cemeteries or mausoleums; or
3. for the purpose of correcting obsolete or impractical planning and platting of subdivisions. For the purpose of this paragraph, "obsolete or impractical planning and platting" applies only to property that:
 - a. was platted prior to 1971;
 - b. has remained vacant and unimproved; and
 - c. threatens the health, safety and welfare of persons or property due to erosion, flooding and inadequate drainage.

Any action for condemnation, regardless of its scope, shall be brought pursuant to and in compliance with the provisions of the Eminent Domain Code [42A-1-1 to 42A-1-33 NMSA].