

#3459

ORDINANCE NO. 94-2

276
P. 1156 -
1162

AMENDING THE TORRANCE COUNTY ZONING ORDINANCE AS PERTAINING TO INTERPRETATION, HOME OCCUPATIONS, HEIGHT OF STRUCTURES, MUNICIPAL COMMENTS, FLEA MARKETS, WALL CONSTRUCTION, KENNELS, SALVAGE YARDS, SOLID WASTE TRANSFER STATIONS, LANDFILL OPERATION, POWER GENERATION FACILITIES, SETBACKS, FILING FEES, AND RENEWABLE CONDITIONAL USE PERMITS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY:

SECTION 4.

At the end of the first sentence, insert the words, "and amendments hereto."

SECTION 5.B.

Following the definition of "Feedlot", insert a definition for "Flea Market" and renumber succeeding paragraphs accordingly:

"Flea Market" means an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public. A flea market shall not include temporary residential garage sales lasting no more than three days per six-month period, and seasonal agricultural produce stands.

SECTION 5.B

Preceding the definition of "Home Occupation", insert a definition for "height" and renumber succeeding paragraphs accordingly:

"Height" means the vertical distance measured from the lowest ground elevation to the highest point on a structure.

SECTION 5.B.14.

Delete and replace the definition of "Home Occupation" to read as follows:

"Home Occupation" means a business, commercial, or manufacturing activity that is clearly a secondary use of the premises for a dwelling unit, and which results in a product or service for financial gain. Home occupations require a renewable conditional use permit subject to special requirements provided by this Ordinance.

297
P. 1157

SECTION 5.B.

Following the definition of "Home Occupation", insert a definition for "Kennel" and renumber succeeding paragraphs accordingly:

"Kennel" means any building or buildings or land designed or arranged for housing dogs, cats, and other household pets, and where grooming, breeding, boarding, training, or selling animals is conducted. For purposes of this Ordinance, the housing or boarding of more than five (5) dogs or cats in any combination thereof over the age of three (3) months shall constitute a kennel. Kennels require a renewable conditional use permit subject to special requirements provided by this Ordinance.

SECTION 5.B.

Following the definition for "Roadway", insert a definition for "Salvage Yard" and renumber succeeding paragraphs accordingly:

"Salvage Yard" means an enclosed building or outside area where used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Such materials include but are not limited to metals, paper, textiles, glass, and components of motor vehicles. This definition does not include solid waste transfer stations or sanitary landfills.

SECTION 5.B.13.

Delete B.13, and insert the following definitions regarding setbacks in alphabetical order and numbered appropriately:

"Setback" means the required distance between every building or structure and a boundary line of the lot upon which it is located. Setbacks shall consist of an open space, unoccupied and unobstructed by any part of a building or structure, except as otherwise provided in this Ordinance. Setbacks shall not apply to walls, fences, and free-standing signs, unless a building or structure creates a visual obstruction to vehicles passing or accessing the property upon which such building or structure is located.

"Setback, Front" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, bordering on a roadway. No more than one front setback shall be designated on corner lots or double frontage lots. For any roadway easement less than 60 feet in width, setback shall be measured from a point located 30 feet from the centerline of the roadway easement.

"Setback, Rear" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which is

opposite and most distance from a roadway and does not intersect with a roadway. On double frontage lots, the rear setback shall be designated on the opposite side of the lot from the designated front setback.

"Setback, Side" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which intersects a roadway. On corner lots, a side setback shall be designated along the lot line bordering a roadway that is not designated as the front setback.

SECTION 5.B.

Following the definition for "Solid Waste Management Regulations", insert a definition for "Solid Waste Transfer Station" and renumber succeeding paragraphs accordingly:

"Solid Waste Transfer Station" means a facility that receives, processes, temporarily stores, and prepares solid waste for transport to a final disposal site, with or without materials recovery prior to transport.

SECTION 5.B.30.

At the end of the sentence, add the following new sentence:

Materials used in the construction of a wall or fence shall not pose health or safety hazards to the community and shall not be disruptive to the character of surrounding properties.

SECTION 6.

Insert a new paragraph, 6.B., and reletter succeeding paragraphs accordingly:

- B. Height Regulations. Any structure may not exceed 80 feet in height unless granted a variance in accordance with this Ordinance.

SECTION 9.C.1.

After the word, occupations, insert the following:

(Renewable permit required, refer to SECTION 18)

SECTION 9.C.5.

Delete and replace as follows, with appropriate renumbering:

- 5. Kennels (Renewable permit required, refer to SECTION 18);
- 6. Veterinary hospitals; and

299
p. 1159

SECTION 11.C.1.

After the word, occupations, insert the following:

(Renewable permit required, refer to SECTION 18)

SECTION 12.C.1.

Delete Home Occupations as a conditional use and renumber the succeeding paragraphs.

SECTION 12.C.9.

Delete C.9 and replace with the following:

9. Flea markets and auction facilities (Renewable permit required, refer to SECTION 18);

SECTION 14.D.7.

At the end of the sentence, add the following new words:

"and the New Mexico Solid Waste Management Regulations"

SECTION 14.D.

Within proper alphabetical order, number and insert the following:

Solid Waste Transfer Station, subject to the following requirements:

- a. The facility shall be designed and maintained in consideration of fire protection, erosion mitigation, dust control, and debris retention,
- b. Animal remains shall be prohibited,
- c. The facility shall be provided with all-weather access roads, and
- d. The site shall be located where there will be a minimum threat for contamination of surface or ground water.

SECTION 14.D.10.

Delete and replace paragraph 14.D.10 to read as follows:

10. Major power generation facilities including fuel-fired power plants as well as region-serving developments of solar or wind-driven energy generators.

SECTION 16.D.

At the end of the last sentence, add the following new sentences:

Property owners must be informed immediately if a zoning action is required. For any zoning actions relating to premises within a municipal planning and platting jurisdiction, the Zoning Officer shall seek written comment from appropriate municipal officials regarding such zoning action.

SECTION 18.

At the end of this Section, add the following new paragraphs (18.D. and E.):

D. Expiration. Conditional use permits shall be either permanent or renewable. Unless specified otherwise, all conditional uses designated by this Ordinance shall be considered permanent. Permanent conditional uses will not be subject to expiration and renewal provided all other conditions and requirements of this Ordinance are met and provided there are no significant changes in the extent, duration, or character of use. Renewable conditional uses shall be identified in this Ordinance and shall be subject to expiration and renewal after a period of time as specified herein. Upon the expiration of any renewable conditional use permit, an application for renewal of the conditional use may be submitted and processed in the same manner as the original application, including payment of filing fee.

E. Renewable Conditional Uses. The following conditional uses may be approved for a time period of one (1) year:

- 1. Home occupation, subject to the following provisions:
 - a. Not more than 40 percent of the floor area of the dwelling unit, nor more than 800 square feet of an accessory building, shall be used in the conduct of the home occupation,
 - b. No more than three (3) non-resident employees shall be stationed on the premises,
 - c. There shall be no exterior storage of materials unless completely enclosed by a wall,

301
P. 1161

- d. No equipment or process shall be used in a home occupation which creates a nuisance such as noise, vibration, lighting, fumes, odors, or electrical interference detectable to the normal senses off the premises,
 - e. If there is an occasional requirement to park additional vehicles or to provide temporary outside storage of equipment or materials on the premises, then such arrangements or conditions shall be stated fully on the permit application,
 - f. There shall be no sales or traffic in connection with a home occupation that would disrupt the residential nature of the neighborhood, and
 - g. There shall be no change in the outside appearance of the building, or other visible evidence of the conduct of a home occupation other than one (1) unobtrusive sign not to exceed six (6) square feet in size.
2. Flea markets and auction facilities, subject to the following regulations:
- a. Adequate off-street parking shall be provided to contain the largest anticipated crowd,
 - b. The site shall be kept free of litter and adequate refuse containers shall be provided,
 - c. Overnight storage of merchandise shall be prohibited, and
 - d. Adequate sanitary facilities (restrooms), either portable or permanent, shall be provided on site for use by patrons.
3. Kennels, subject to the following regulations:
- a. Minimum lot size for a kennel shall be 5 acres,
 - b. All animals shall be contained on the premises in a manner that prevents escape of kennel animals or entry by other animals,

- c. All animal containment structures, including outdoor runs, shall maintain a setback of no less than 50 feet from any property line,
- d. Animal quarters shall be designed and maintained to ensure safe, healthy, and sanitary conditions for all animals on the premises, and
- e. Facilities shall be operated and maintained to discourage the concentration and breeding of insects and rodents.

SECTION 22.A.

Following the first sentence, insert the following sentence:

The purpose of the filing fee is to cover administrative and processing costs and shall not be refundable.

This ordinance shall become effective on the 10th day of February, 1993⁹⁴, following publication by title and general summary.

PASSED, APPROVED AND SIGNED this 10 day of January, 1993⁹⁴, by the Board of County Commissioners of Torrance County, New Mexico.

Bill P. Wick
Chairman

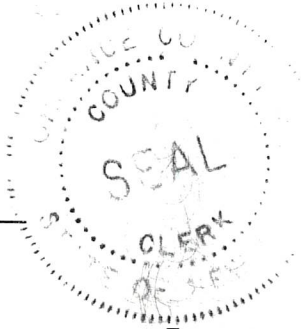
Bill Carter
Member

Roy B. Spain
Member



ATTEST:

Carla Clayton
County Clerk



STATE OF NEW MEXICO
 County of Torrance
 I hereby certify that this instrument was
 filed for record on the 10 day
 of January, A.D. 19 94
 at 10:31 o'clock AM and duly
 recorded in book 268 at page 1156-1162
 Witness my hand and Seal of office
Carla Clayton
 County Clerk, Torrance Co., N.M.
Nancy Sedillo Deputy