

#10298

384-5294
P. 2136 - 2140

ORDINANCE NO. 95-5

AMENDING THE TORRANCE COUNTY ZONING ORDINANCE AS PERTAINING TO RENEWABLE CONDITIONAL USE PERMITS, FILING FEES, MOBILE HOME PARK DEFINITION, AND REQUIREMENTS OF THE NEW MEXICO LIQUID WASTE DISPOSAL REGULATIONS.

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

SECTION 5.B.15.

In the second sentence, delete the word, "renewable."

SECTION 5.B.16.

In the last sentence, delete the word, "renewable."

SECTION 5.B.20.

Delete the words, "area of land platted" and replace with the words, "unplatted tract of land."

SECTION 8.B.1.

Delete the words, "lot size."

SECTION 8.C.1.

Delete 8.C.1. in its entirety and renumber succeeding paragraphs.

SECTION 9.B.1.

Delete the words, "lot size."

SECTION 9.C.1.

Delete and replace 9.C.1. with the following:

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,

- 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.

SECTION 9.C.5.

Delete and replace 9.C.5. with the following:

- 5. Kennels, subject to the following regulations:
 - a. Minimum lot size for a kennel shall be five (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 10.C.2.

Delete 10.C.2. in its entirety and renumber succeeding paragraph.

SECTION 10.D.2.

Delete the words, "density and setback requirements deemed appropriate by the Zoning Commission" and replace with the words, "the setback requirements established for the RR zone district."

SECTION 11.C.1.

Delete and replace 11.C.1. with the following:

1. Home occupations, 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,
 - 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.

SECTION 12.C.8.

Delete and replace 12.C.8. with the following:

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.

SECTION 12.C.6. and 12.C.7.

Remove 12.C.6. and 12.C.7. and insert into Section 14.D. in appropriate alphabetical order and renumber paragraphs accordingly.

SECTION 13.B.1.

Delete the words, "lot size."

SECTION 13.C.

Delete 13.C. in its entirety and replace with the following:

- C. Conditional Uses. Property owners may request conditional use approval as prescribed by this Ordinance for uses other than the permissive uses allowed in this zone district. All requests for Conditional Use Permits in this zone district must be accompanied by a site plan (to scale) showing locations of all proposed uses and structures, property lines, roads and easements, utility lines, and major landscape features, both natural and manmade.

SECTION 18.D.

Delete and replace 18.D. with the following:

- D. Limitations. Conditional use permits issued in accordance with this Ordinance shall be considered permanent, with the following exceptions:
 - 1. For any conditional uses that have an exceptional tendency, because of their nature or character, to create an adverse impact on neighboring properties, the Zoning Commission may limit the term of the permit to a specified length of time after which the permit shall expire and may be renewed. An application for renewal of the conditional use permit may be submitted and processed in the same manner as the original application, with a reduced filing fee.
 - 2. Where there has been a significant change in the physical extent, operations, or character of a permitted conditional use, the Zoning Commission may require a renewal of the original conditional use permit. Significant change shall be determined by the Zoning Commission, based on a scheduled review of the conditional use permit.
 - 3. An approved conditional use permit shall become void one (1) year after the date of approval if the rights and privileges granted thereby have not been utilized.

- 4. An approved conditional use permit shall become void if, after the use has begun, it ceases on the approved site for a continuous period of one (1) year or more.

SECTION 18.E.

Delete 18.E. in its entirety.

SECTION 22.B.

Insert a new filing fee for renewal of conditional use permits and renumber list of filing fees as appropriate:

- 2. Conditional use permit renewal: \$25;

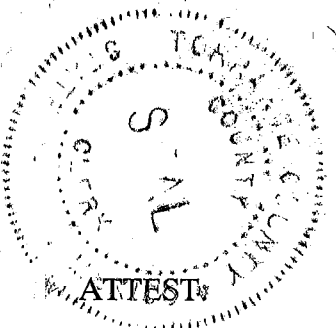
PASSED, APPROVED AND SIGNED this 10 day of May, 1995, by the Board of County Commissioners of Torrance County, New Mexico

This Ordinance shall become effective on the 10 day of June, 1995, following publication by title and general summary.

Bud Pitt
Chairman

Rodney Rainer
Member

Roy Spence
Member



Carla Clayton
County Clerk

STATE OF NEW MEXICO
County of Torrance
I hereby certify that this instrument was
filed for record on the 11 day
of May A.D. 1995
at 9:14 o'clock A M and duly
recorded in book 2071 at page 236-2140
Witness my hand and Seal of office
Carla Clayton
County Clerk, Torrance Co., N.M.

