

#12429

P. 1373 -  
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TORRANCE COUNTY ZONING ORDINANCE

#95-9

DEVELOPMENT DISTRICT (D) RECLASSIFICATION

Justification

The Development District (D-zone) was originally set up to confine the development of businesses and specified industrial activities to corridors along the major highways in the County. These corridors were located in growth areas and typically included all lands within one mile of the highway. At the time that the zoning ordinance went into effect, existing development in the D-zone was minimal, scattered, and diverse. It was anticipated that a wide range of mixed land uses could locate in the D-zone subject to certain lot development standards and conditional use permitting.

Recent thinking about the D-zone has resulted in a proposal to refine and reclassify this zone district into two development districts: one which is suitable for neighborhood commercial and local service activities, and the other specifically oriented to more intensive, highway-related commercial activities. In other words, the D-zone could be split into minor (D-1) and major (D-2) categories of land use allowing business, service, and commercial establishments. Previous amendments to the zoning ordinance have transferred the industrial uses from the D-zone to the Special Use District.

Detailed land use inventories of existing development in the D-zone have been conducted to provide a basis for zone reclassification and to minimize nonconforming uses which may result following reclassification. In addition, the extent or width of the D-zone corridor along the highway is considered to be excessive and is therefore proposed to be reduced to focus more on those lands abutting the major highway, or containing direct highway access. A standard setback of 350 feet on either side of a highway right-of-way line has been selected to define the new boundary of the D-zone corridor overlaying or abutting segments of major highways. Most of the area previously designated under the D-zone will be rezoned to other zoning categories based on the prevailing land use of the area.

PROPOSAL: Minor Development District (D-1)

Intent. This zone district provides for commercial and business uses intended to serve the surrounding neighborhoods on a day-to-day basis including retailing and personal services. Development in this zone district shall be characterized as low intensity or small-scale, and shall not be detrimental to nearby residential uses.

PROPOSAL: Major Development District (D-2)

Intent. This zone district accommodates the major business activities in the area, including highway-related commercial activities, office and entertainment facilities, wholesale and retail sales, and service providers. The land uses within this district shall be developed with adequate transportation access and appropriate design to minimize any negative impacts to abutting lands.

ORDINANCE NO. \_\_\_\_\_

AMENDING THE TORRANCE COUNTY ZONING  
ORDINANCE IN ORDER TO RECLASSIFY THE  
DEVELOPMENT DISTRICT.BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE  
COUNTY:

Section 12 is deleted and replaced by a new Section 12 and Section 13, and all succeeding Sections are renumbered accordingly. The new Sections 12 and 13 are as follows:

SECTION 12. MINOR DEVELOPMENT DISTRICT (D-1).

- A. Intent. This zone district provides for commercial and business uses intended to serve the surrounding neighborhoods on a day-to-day basis including retailing and personal services. Development in this zone district shall be characterized as low intensity or small-scale, and shall not be detrimental to nearby residential uses.
- B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:
1. Accounting, bookkeeping, CPA;
  2. Ambulance service, rescue service;
  3. Antique dealers;
  4. Appliance sales, service, and repair;
  5. Art gallery or museum;
  6. Bakery, confectionery;
  7. Ballrooms, dancing instruction;
  8. Bank, ATM, Savings and Loan, Credit Union;
  9. Barber or beauty shop;
  10. Books, video, compact disk sales, service, and rental;
  11. Bowling alley, video game arcade;
  12. Carpet, floor coverings, cleaning and sales;
  13. Ceramics sales;
  14. Clinic (dental or medical), hospital, sanatorium, nursing home;
  15. Clothing or dry goods sales;
  16. Club, lodge (without liquor license);
  17. Data processing, computers, electronics, sales, service, repair;
  18. Department store, variety store, sales;
  19. Drug store, pharmacy, cosmetics, sales;
  20. Dwelling unit (singular) one unit per lot;
  21. Dwelling unit (multiple) subject to the following provisions;
    - a. Gross density for any lot shall not exceed three dwelling units per acre,

- b. The above stated gross density may be exceeded only upon permit granted by the New Mexico Environment Department if site conditions are suitable for compliance with the Liquid Waste Disposal Regulations, and
  - c. If centralized water and sewer systems are available to the site, then a floor area ratio of 0.3 is permitted for each lot;
22. Dwelling, boarding, rooming, or lodging house for no more than 12 residents;
  23. Equipment and tools, rental, sales, or service;
  24. Floral shop, plant store;
  25. Food products, sales or storage;
  26. Food store, grocery store, convenience store;
  27. Funeral home, mortuary;
  28. Gift shop, crafts store, curios shop;
  29. Glass products, sales, service, installation;
  30. Greenhouse, nursery, landscaper;
  31. Gunsmith, gun sales and service;
  32. Hardware sales;
  33. Hospital equipment and supplies, sales and services;
  34. Home furnishings, sales and services;
  35. Ice cream store;
  36. Interior decorator;
  37. Janitorial service and supplies;
  38. Jewelry, sales and manufacture;
  39. Laboratory, dental or medical;
  40. Laundromat, dry cleaner;
  41. Library (Public);
  42. Linen supply, sales, and service;
  43. Locksmith;
  44. Music store;
  45. Offices, professional, semi-professional, administrative, clerical;
  46. Office equipment and supplies, sales, and services;
  47. Parcel, package, delivery services;
  48. Pest control, exterminator;
  49. Photographic (equipment, supplies, studio), sales, service, repair;
  50. Printing;
  51. Reducing salon, health spa, aerobic exercise, racquetball court;
  52. Restaurant, cafe, cafeteria, delicatessen, catering;
  53. Shoes, boots, sales, repair;
  54. Sporting goods, sales, services, rental;
  55. Tailor shop;
  56. Theater;
  57. Vehicle parts, sales, supplies; and
  58. Watch repair, sales, and service.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Commission:

1. Accessory buildings;
2. Automobile, truck, trailer, camper, RV, boat, sales, service, repair, rental;
3. Bars, lounges, package liquor sales;
4. Bus (common carriers) depot;
5. Cabinets, furniture, upholstery, manufacture, sales, and services;
6. Cable TV, receiving center, distribution center, service center;
7. Churches, places of worship;
8. Club, lodge (with liquor license);
9. Construction contractor, building trade contractor, storage, sales, and service;
10. Dwelling, temporary watchman or caretaker;
11. Farm supplies or equipment, sales and service;
12. Fireworks stand (temporary), sales;
13. Gasoline service station, commercial garage subject to the following regulations;
  - a. All major repair work on vehicles shall be conducted within an enclosed building,
  - b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone districts, and
  - c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high;
14. Home occupation;
15. Hotel, motel, motor lodge;
16. Motorcycles, sales, service, repair, rental;
17. Offices, temporary;
18. Ornamental iron products, sales assembly, repair;
19. Pawn shop, surplus, salvage goods, second-hand store, sales, trades (indoor only);
20. Recreation hall, billiard parlor;
21. Restaurant (with liquor license);
22. Signs, sales and manufacture;
23. Storage sheds, rental;
24. Storage (outside), rental, warehousing, rental;
25. Taxidermist;
26. Telephone switching facility (toll or local); and

D. District Standards. The following standards apply to all land uses within this zoning district:

1. Minimum lot size shall be as determined by the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations;
2. All structures shall be located with a front setback of no less than 25 feet, unless otherwise specified in this Ordinance;
3. Non-residential buildings shall be situated no less than 25 feet from any lot in residential use, unless otherwise specified in this Ordinance; and

- 4. Any non-residential activity in this zoning district that requires outdoor storage of supplies or materials, other than living plants, must provide an outdoor storage area enclosed by a wall or fence of sufficient structure to conceal the outdoor storage area.

SECTION 13. MAJOR DEVELOPMENT DISTRICT (D-2).

A. Intent. This zone district accommodates the major business activities in the area, including highway-related commercial activities, office and entertainment facilities, wholesale and retail sales, and service providers. The land uses within this district shall be developed with adequate transportation access and appropriate design to minimize any negative impacts to abutting lands.

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

- 1. All permissive uses allowed in the D-1 zone district;
- 2. Animal shelter, animal pound, animal kennel;
- 3. Auction house (excluding livestock);
- 4. Automobile, truck, trailer, camper, RV, boat, sales, service, repair, rental;
- 5. Bars, lounges, package liquor sales;
- 6. Bottling plant;
- 7. Bus (common carriers) depot;
- 8. Cabinets, furniture, upholstery, manufacture, sales, services;
- 9. Cable TV, receiving center, distribution center, service center;
- 10. Candle, manufacture;
- 11. Car wash;
- 12. Club, lodge (with liquor license);
- 13. Cold storage plant;
- 14. Construction contractor, building trade contractor, storage, sales, service;
- 15. Dairy products, wholesale;
- 16. Farm supplies or equipment, sales, service;
- 17. Hotel, motel, motor lodge;
- 18. Liquor wholesaler;
- 19. Lumber yard, sales and storage, firewood sales and storage;
- 20. Masonry, plastics, fiberglass, sales and service;
- 21. Mobile home sales, service, repair;
- 22. Motorcycle, sales, service, repair, rental;
- 23. Moving and transfer company (including warehouse);
- 24. Ornamental iron products, sales, assembly, repair;
- 25. Pawn shop, surplus, salvage goods, second-hand store, sales trades (indoor only);
- 26. Radio or microwave transmission, repeater, multiplexing, dispatching;
- 27. Recreation hall, billiard parlor;
- 28. Restaurant (with liquor license);
- 29. Shopping center;
- 30. Signs, sales, manufacture;
- 31. Skating rink;

32. Storage sheds, rental;
33. Taxidermist; and
34. Veterinary hospital (small animals).

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Commission.

1. Accessory buildings;
2. Amusement parks, carnival, circus;
3. Ceramics, manufacture;
4. Churches, places of worship;
5. Dwelling, temporary watchman or caretaker;
6. Fireworks stand (temporary), sales;
7. Flea market subject to the following requirements;
  - 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 (rest rooms), either portable or permanent, shall be provided on site for use by patrons;
8. Gasoline service station, commercial garage subject to the following regulations;
  - a. All major repair work on vehicles shall be conducted within an enclosed building,
  - b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone district, and
  - c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high;
9. Home occupation;
10. Laboratory, research;
11. Offices, temporary;
12. Radio or television station;
13. Storage (outside), rental, warehousing, rental;
14. Telephone switching facility (toll or local);
15. Truck terminal and maintenance;
16. Utility company, service center, storage;
17. Veterinary hospital (large animals); and
18. Welding shop.

D. District Standards. The following standards apply to all land uses within this zoning district:

1. Minimum lot size shall be as determined by the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations;

- 2. All structures shall be located with a front setback of no less than 25 feet, unless otherwise specified in this Ordinance; and
- 3. Non-residential buildings shall be situated no less than 25 feet from any lot in residential use, unless otherwise specified in this Ordinance.
- 4. Any non-residential activity in this zoning district that requires outdoor storage of supplies or materials, other than living plants, must provide an outdoor storage area enclosed by a wall or fence of sufficient structure to conceal the outdoor storage area.

PASSED, APPROVED AND SIGNED this 13<sup>th</sup> day of September, 1995, by the Board of County Commissioners of Torrance County, New Mexico.

This Ordinance shall become effective on the 13<sup>th</sup> day of September, 1995, following publication by title and general summary.

Bill R. Will  
Chairman

Rodger Rainey  
Member

Ray Spain  
Member

Carla Clayton  
County Clerk

STATE OF NEW MEXICO  
County of Torrance

I hereby certify that this instrument was filed for record on the 13 day of Sept A.D. 19 95 at 3:49 o'clock P M and duly recorded in book 272 at page 1373-1379

Witness my hand and Seal of office  
Carla Clayton  
County Clerk Torrance Co. N.M.  
W. Lucero

