

ORDINANCE NO. 2008-003



AMENDING THE TORRANCE COUNTY ZONING ORDINANCE PERTAINING TO THE PURPOSE OF THE ZONING ORDINANCE, REGULATION OF RESIDENTIAL CLUSTER DEVELOPMENT, LOT SIZE CALCULATIONS, AND LAND DIVISIONS FOR FAMILY TRANSFER.

BE IT ORDAINED BY THE GOVERNING BODY OF TORRANCE COUNTY:

PART 1.

Section 2, regarding the purpose of the Torrance County Zoning Ordinance, is amended by adding the following new sentence at the end of Section 2:

This Ordinance shall be interpreted to be in accordance with the current Torrance County Comprehensive Land Use Plan.

PART 2.

Section 5 is amended by inserting the following new definition and renumbering all subsequent definitions in Section 5:

9. "Dwelling Unit, Cluster" means a development pattern consisting of a grouping of dwelling units on a portion of available land, reserving not less than 40 percent of the development site as protected and permanent open space.

Section 12.B. is amended by inserting the following new Permissive Use and renumbering all subsequent permissive uses in Section 12.B:

22. Dwelling Unit (cluster) subject to the following provisions:
 - a. A site development plan shall be provided to adequately describe a unified scheme for residential and other supportive land uses which cover any size acreage,
 - b. The site development plan shall include written statements and information describing types and locations of structures, utilities, internal circulation and traffic impact, landscaping and site drainage, and a development phasing schedule if appropriate,
 - c. The gross density of a cluster development shall not exceed two dwelling units per acre, however, structural densities shall be in accordance with the water supply well and wastewater treatment standards set by the New Mexico Environment Department,
 - d. A portion of the land within a cluster development, comprising no less than 40

- percent of the development site, shall be designated as open space for the common use of the residents or for preservation of an environmentally sensitive area,
- e. Ownership of the common area shall be clearly defined with appropriate covenants forbidding future partition, and the responsibility for improvements and maintenance of the common area shall be established with a procedure for funding such improvement and maintenance of the common area,

Section 16.D.11. is amended by deleting and replacing paragraph (a) to read as follows:

- a. A PAD shall incorporate a unified planning scheme for residential development comprised of singular, multiple, and/or cluster dwelling units and other supportive land uses which cover an area of 40 acres or more,

Section 16.D.11.c. is amended by adding a new requirement and revising associated punctuation to read as follows:

- 5) proposed public features,
- 6) projected traffic impact when PAD is fully built out, and
- 7) consideration of the view shed among all other factors;

PART 3.

Section 11.D.1. is amended by deleting and replacing part 1 to read as follows:

1. Minimum lot size shall be two and one-half acres for dwelling units served by individual private wells, and one acre for dwelling units with connections to a centralized water system. For purposes of determining minimum lot size, the calculation of acreage shall include common easements and private roadways for ingress and egress for adjoining lots. A shared domestic well permitted under Section 72-12-1 NMSA 1978 does not qualify as a "centralized water system."

Section 14.0.D.1. is amended by deleting and replacing part 1 to read as follows:

1. Minimum lot size for dwelling units served by individual private wells shall be two and one-half acres. Minimum lot size for dwelling units served by a centralized water system shall be as determined by the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations. For purposes of determining minimum lot size, the calculation of acreage shall include common easements and private roadways for ingress and egress for adjoining lots. A shared domestic well permitted under Section 72-12-1 NMSA 1978 does not qualify as a "centralized water system."

PART 4.

Section 8.0.D.1. is amended by deleting paragraph (b) and amending paragraph (a) to read as follows, then reassigning the lettering for the succeeding paragraphs in Section 8.0.D.1:

- a) Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 8.0.D.1.b. regarding collateral for a mortgage.

Section 8.1.D.1. is amended by deleting paragraph (b) and amending paragraph (a) to read as follows, then reassigning the lettering for the succeeding paragraphs in Section 8.1.D.1:

- a) Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 8.1.D.1.b. regarding collateral for a mortgage.

Section 9.D.1. is amended by deleting paragraph (b) and amending paragraph (a) to read as follows, then reassigning the lettering for the succeeding paragraphs in Section 9.D.1:

- a) Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 9.D.1.b. regarding collateral for a mortgage.

Section 14.1.D.1. is amended by deleting paragraph (b) and amending paragraph (a) to read as follows, then reassigning the lettering for the succeeding paragraphs in Section 14.1.D.1:

- a) Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 14.1.D.1.b. regarding collateral for a mortgage.

PART 5.

Section 5 is amended by deleting and replacing the definition for Immediate Family Member to read as follows:

16. "Immediate Family Member" means family relations up to and including the Grandparent, Parent, Brother, Sister, and Child. Relationships of the half blood shall be recognized as natural relationships so long as the step relationship is legally extant at the time of a family transfer of land. Land divisions for the purpose of achieving a family transfer shall be subject to the exemption procedures of the Torrance County Subdivision Regulations.

This Ordinance shall become effective on the 23rd day of April, 2008, following publication by title and general summary.

PASSED, APPROVED AND SIGNED this 23rd day of April, 2008, by the Board of County Commissioners of Torrance County, New Mexico.

[Signature]
Chairman

[Signature]
Member

[Signature]
Member

ATTEST:

[Signature] for
County Clerk Linda Kayser,
T.C.C.



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