

SAN MIGUEL COUNTY
AMENDMENTS TO ORDINANCE 86-2, LAND DEVELOPMENT STANDARDS

WHEREAS, the amendments included herein are in conformance with the Comprehensive Plan and Policies adopted by the San Miguel Board of County Commissioners on July 8th, 1986 as incorporated in Ordinance 86-2 and

WHEREAS, the amendments included herein are necessary for the public health, safety and welfare and

WHEREAS, the amendments included herein are permitted under the powers granted to San Miguel County under the relevant laws of the State of New Mexico.

NOW THEREFORE, BE IT ORDAINED BY THE SAN MIGUEL BOARD OF COUNTY COMMISSIONERS, that the following amendments are hereby adopted on the 14th day of March, 1987 and for the public welfare, shall become effective immediately.

San Miguel Board of County Commissioners

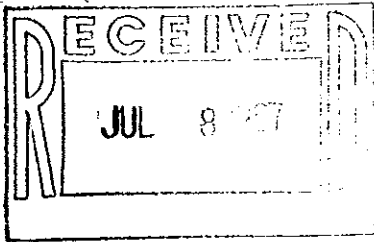
Max Madrid
Max Madrid, Chairman

Mrs. Casimiro Encinias
Mrs. Casimiro Encinias, Member

Ernest E. Quintana
Ernest E. Quintana, Member

Attest.

Alex S. Gonzales
Alex S. Gonzales, County Clerk



FILED IN MY OFFICE
AT 8:57 O'CL. A M

JUL 13 1987
Alex S. Gonzales
COUNTY CLERK
Margaret Hume

SAN MIGUEL COUNTY
AMENDMENTS TO ORDINANCE 86-2, LAND DEVELOPMENT STANDARDS

WHEREAS, the amendments included herein are in conformance with the Comprehensive Plan and Policies adopted by the San Miguel Board of County Commissioners on July 8th, 1986 as incorporated in Ordinance 86-2 and

WHEREAS, the amendments included herein are necessary for the public health, safety and welfare and

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NOW THEREFORE, BE IT ORDAINED BY THE SAN MIGUEL BOARD OF COUNTY COMMISSIONERS, that the following amendments are hereby adopted on the 14th day of March, 1987 and for the public welfare, shall become effective immediately.

San Miguel Board of County Commissioners

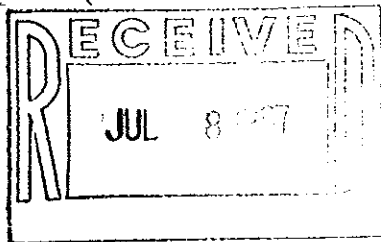
Max Madrid
Max Madrid, Chairman

Mrs. Casimiro Encinias
Mrs. Casimiro Encinias, Member

Ernest E. Quintana
Ernest E. Quintana, Member

Attest

Alex S. Gonzales
Alex S. Gonzales, County Clerk



FILED IN MY OFFICE
AT 8:57 O'CL. A M

JUL 13 1987
Alex S. Gonzales
COUNTY CLERK
Margaret Hesse

SAN MIGUEL COUNTY
SECOND AMENDMENT TO ORDINANCE 86-2, LAND DEVELOPMENT STANDARDS

WHEREAS, the amendments included herein are in conformance with the Comprehensive Plan and Policies adopted by the San Miguel Board of County Commissioners on July 8th, 1986 as incorporated in ordinance 86-2 and

WHEREAS, the amendments included herein are necessary for the public health, safety and welfare and

WHEREAS, the amendments included herein are permitted under the powers granted to San Miguel County under the relevant laws of the State of New Mexico.

NOW THEREFORE, BE IT ORDAINED BY THE SAN MIGUEL BOARD OF COUNTY COMMISSIONERS, that the following amendments are hereby adopted on the 13 day of June, 1987 and for the public welfare, shall become effective immediately.

SAN MIGUEL BOARD OF COUNTY COMMISSIONERS

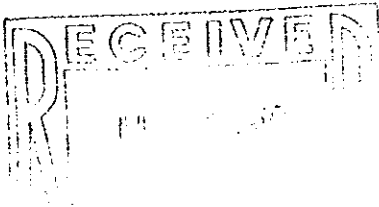
Max Madrid
Max Madrid, Chairman

Mrs. Casimiro Encinias
Mrs. Casimiro Encinias, Member

Ernest E. Quintana
Ernest E. Quintana, Member

Attest:

Alex S. Gonzales
Alex S. Gonzales, County Clerk



FILED IN MY OFFICE
AT 8:56 O'CL. A. 11

JUL 13 1987
Alex S. Gonzales
Margaret House

SECOND AMENDMENT TO SAN MIGUEL COUNTY ORDINANCE 86-2, LAND DEVELOPMENT STANDARDS:

The following subsection is added to Section 4300-Supplementary Lot Area, Width and Street Frontage Regulations:

2. Lots legally created in any zone after the effective date of this Ordinance pursuant to Section 9260, Family Splits, are not required to comply with the minimum lot sizes designated for the zone in which the lot is located provided no development shall be allowed which does not conform to the minimum lot sizes currently established by the New Mexico Environmental Improvement Division pursuant to EID's liquid waste disposal regulations.

Section 3610-Permitted Uses, Subsection i is amended to state:

i. Sawmills not producing more than 5,000 board feet per day provided a 60 foot setback from the adjoining property line is maintained by the saw, any structures or activities on the premises and provided no existing occupied conforming residential dwelling is within 200 feet of the saw unless this provision is waived by the occupants and owners of any such dwellings.

SAN MIGUEL COUNTY

THIRD AMENDMENT TO ORDINANCE 86-2, LAND DEVELOPMENT STANDARDS

WHEREAS, the amendments included herein are in conformance with the Comprehensive Plan and Policies adopted by the San Miguel Board of County Commissioners on July 8th, 1986 as incorporated in ordinance 86-2 and

WHEREAS, the amendments included herein are necessary for the public health, safety and welfare and

WHEREAS, the amendments included herein are permitted under the powers granted to San Miguel County under the relevant laws of the State of New Mexico.

NOW THEREFORE, BE IT ORDAINED BY THE SAN MIGUEL BOARD OF COUNTY COMMISSIONERS, that the following amendments are hereby adopted on the 17th day of September, 1987 and for the public welfare, shall become effective immediately.

SAN MIGUEL BOARD OF COUNTY COMMISSIONERS

Max Madrid, Chairman

Mrs. Casimiro Encinas
Mrs. Casimiro Encinas, Member

Ernest E. Quintana
Ernest E. Quintana, Member

Attest:

Alex S. Gonzales
Alex S. Gonzales, County Clerk

STATE OF NEW MEXICO)
County of San Miguel) SS
I hereby certify that this instrument
was filed for record on

NOV 24 1987

FILED IN MY OFFICE
AT 10:24 O'CLOCK A.M.

SEP 14 1987

Countersigned by
Margaret

at 11:54 a.m. recorded in book 200 of Misc. 6895
Witness *Alex S. Gonzales* County Clerk
Margaret County Clerk

12/7/89 Note: Comprehensive Plan - Part I and Part II recorded with Ord 86-2 in this recording - all one instrument Number including 3 amendments to Ord 86-2 amendments to outdoor regs. JR

SAN MIGUEL COUNTY

THIRD AMENDMENT TO ORDINANCE 86-2, LAND DEVELOPMENT STANDARDS

WHEREAS, the amendments included herein are in conformance with the Comprehensive Plan and Policies adopted by the San Miguel Board of County Commissioners on July 8th, 1986 as incorporated in ordinance 86-2 and

WHEREAS, the amendments included herein are necessary for the public health, safety and welfare and

WHEREAS, the amendments included herein are permitted under the powers granted to San Miguel County under the relevant laws of the State of New Mexico.

NOW THEREFORE, BE IT ORDAINED BY THE SAN MIGUEL BOARD OF COUNTY COMMISSIONERS, that the following amendments are hereby adopted on the 12th day of September, 1987 and for the public welfare, shall become effective immediately.

SAN MIGUEL BOARD OF COUNTY COMMISSIONERS

Max Madrid, Chairman

Mrs. Casimiro Encinias
Mrs. Casimiro Encinias, Member

Ernest E. Quintana
Ernest E. Quintana, Member

Attest:

Alex S. Gonzales
Alex S. Gonzales, County Clerk

STATE OF NEW MEXICO)
County of San Miguel) SS.
I hereby certify that this instrument
was filed for record on

NOV 24 1987

FILED IN MY OFFICE
AT 10:24 O'CLOCK P.M.

SEP 14 1987

COMMINGLED & INDEXED
SEP 14 1987
Margaret Hesse

at 11:54 or 230 M and was duly
recorded in Book 230 of MISC page 6895
Witness Alex S. Gonzales County Clerk
By Margaret Hesse Deputy

THIRD AMENDMENT TO ORDINANCE 86-2, LAND DEVELOPMENT STANDARDS

Section 7030, Subsection C.(4), First sentence, the twenty-ninth (29th) and thirtieth (30th) words are changed from "forty-five (45)" to "sixty (60)".

Section 7030, Subsection C (7), first sentence, the second (2nd) word is changed from "thirty (30)" to "sixty (60)".

Section 7040, Subsection B (4), first sentence, the thirtieth (30th) and thirty-first (31st) words are changed from "forty-five (45)" to "sixty (60)".

The following new section, Section 7050, is added:

SECTION 7050-CONTINUATION OF PUBLIC HEARINGS

If, for any reason, testimony on any matter set forth for public hearing cannot be completed on the day set for such hearing, the person presiding at such public hearing may, before the adjournment or recess thereof, publicly announce the time and place at which said hearing will be continued and no further notice shall be required.

A new sentence is added to Section 3620, Subsections j, k, m, n and o and to Section 3720, Subsections d, f, g and h to read:

This use or uses may be approved by the Planning and Zoning Director subject to the same procedures and appeal rights in Section 7030 except that the hearing prescribed in Section 7030, Subsection 4, shall be conducted by the Planning and Zoning Director.

San Miguel County
Ordinance 86-2

Land Development Standards

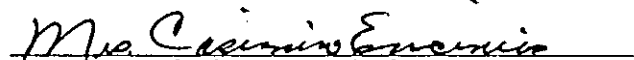
Adopted by the Board of County Commissioners

On July 8, 1986

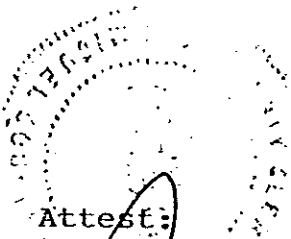
Effective August 18, 1986

SAN MIGUEL COUNTY BOARD OF
COUNTY COMMISSIONERS

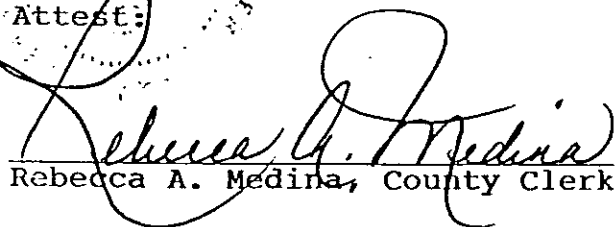

Nick Aragon, Chairman


Mrs. Casimiro Encinias, Member

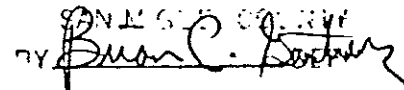

Charles T. Vigil, Member



Attest:


Rebecca A. Medina, County Clerk

FILED IN MY OFFICE
AT 1:10 O'CLOCK P.M.

JUL 16 1986
Rebecca A. Medina
COUNTY CLERK & RECORDER
SAN MIGUEL COUNTY


**SAN MIGUEL COUNTY
LAND DEVELOPMENT STANDARDS**

**AN ORDINANCE PROVIDING LAND DEVELOPMENT STANDARDS FOR
THE UNINCORPORATED AREA OF THE COUNTY OF SAN MIGUEL.**

WHEREAS, On May 29, 1985, the County of San Miguel adopted the Interim Comprehensive Plan and Land Use Policies after several public hearings and recommendation by the Planning and Zoning Commission; and

WHEREAS, as part of this zoning ordinance, The Comprehensive Plan and Policies repeal and replace the Interim Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission and the Board of County Commissioners have reviewed and recommended this ordinance, plan and policies for adoption; and

WHEREAS, it is the intention of the Board in adopting and enforcing this Ordinance to exercise all relevant power conferred on it by the laws of the State of New Mexico, including but not limited to Articles 18, 19, 20, 21, 22, 39, 49 and 53 of Chapter 3 and Articles 5, 6, 37 and 57 of Chapter 4 NMSA 1978 as they may be amended,

NOW, THEREFORE, BE IT ORDAINED BY THE SAN MIGUEL BOARD OF COUNTY COMMISSIONERS, that the following ordinance be and the same is hereby adopted.

AMENDMENTS TO SAN MIGUEL COUNTY ORDINANCE 86-2, LAND DEVELOPMENT STANDARDS

The following subsection is added to Section 4800-Floodplains:

D. Any mobile home located within or adjacent to a special flood hazard area shall comply with the 1968 National Insurance Act anchoring requirement. All mobile home parks and mobile home subdivisions within or adjacent to a special flood hazard area established hereafter shall provide an evacuation plan indicating alternate vehicular access and escape routes to the County Planning and Zoning office and to the appropriate Disaster Preparedness Authorities.

The following subsection is added to Section 3610- Permitted Uses and to Section 3710-Permitted Uses:

n (i) Private cemeteries not exceeding 3,000 square feet provided a twenty foot setback is maintained from any adjoining property line and a fifty foot setback is maintained from any water supply source, lake, or perennial stream or flood hazard area.

The following subsection is added to Section 3620- Conditional Uses and to Section 3720-Conditional Uses:

z9 (m) Light and moderate commercial uses provided sufficient lot area is available for fire access, drainage, EID liquid waste requirements and parking.

The following subsection is added to Section 3620 -Conditional Uses:

z10 Truck Stops provided sufficient lot area is available for fire access, drainage, EID liquid waste requirements, parking and a hundred foot setback shall be maintained from an adjoining property line by any structure or activity on the premises.

Section 5130 -Asphalt Batching and Cement Plants, Subsection C is amended to state:

c. All facilities or equipment on plant sites containing five acres or less shall be located no closer than one hundred (100) feet to the nearest public road and shall be located no closer than sixty (60) feet to any perimeter property lines and shall be located no closer than (200) feet to any existing residential dwelling in the case of a temporary facility and not closer than (300) feet to an existing residential dwelling in the case of a permanent facility. For plant sites containing more than five acres, all the setbacks above shall be doubled for every additional ten acres of plant site area or fraction thereof.

SAN MIGUEL COUNTY LAND DEVELOPMENT STANDARDS

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Article I- Title, Purpose and Jurisdiction

Section 1000-Adoption and Title

An ordinance adopting by reference comprehensive zoning regulations, subdivision regulations, and adopting a zoning map for the unincorporated area of the County of San Miguel.

Section 1010-Short Title

This Ordinance, as amended from time to time, shall be known as the Land Development Standards of San Miguel County.

Section 1020-Purpose

An official zoning, development and subdivision plan for the unincorporated area of San Miguel County is hereby adopted to serve the public health, safety and general welfare and to assure the orderly, uncongested and planned growth of said area. The regulations and restrictions of this ordinance are designed to lessen congestion in the streets and public ways; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings and lands; and to encourage the most appropriate use of land throughout the unincorporated areas of San Miguel County.

Section 1030- Authority

It is the intention of the Board in adopting and enforcing this Ordinance to exercise all relevant powers conferred on it by the laws of the State of New Mexico, including where applicable, but not limited to the following sections of NMSA 1978 as they may be amended: (Sections 4-37-1 through 4-37-9 (powers granted to counties, including powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of a county and its inhabitants); Section 4-57-1 through 4-57-3 (planning for the purpose of guiding development); Sections 47-6-1 through 47-6-29 (subdivisions); Sections 47-5-1 through 47-5-8 (land subdivision); Section 3-18-6 (building construction; Section 3-18-7 (flood-prone areas); Section 3-18-10 (sanitary facilities); Section 3-19-1 through 3-19-12 (planning and platting); Sections 3-21-1 through 3-21-12 (zoning); Sections 3-22-1 through 3-22-5 (historic district zoning); Sections 3-39-16 through 3-39-27 (airport zoning); Section 3-49-1 (streets); sections 3-53-1 through 3-53-5 (water use and water facilities).) This ordinance is adopted in conformance with the comprehensive plan adopted by reference in appendix A.

Section 1040-Jurisdiction

The Jurisdiction of this Ordinance is the unincorporated area of San Miguel County as to the subdivision regulations. The Jurisdiction of this Ordinance as to zoning regulations is the unincorporated area of San Miguel County not administered by a municipal extraterritorial zoning ordinance. The official Zoning Map of San Miguel County, as may be amended from time to time, shall delineate the zoning jurisdiction of this Ordinance and is hereby adopted as Exhibit C.

Section 1050-Repeal

The San Miguel County Land Subdivision Regulations adopted in 1973 are hereby repealed. The Interim Comprehensive Plan and Land Use policies adopted May 29, 1985 are hereby repealed.

Section 1060-Incorporation of Other Codes

Section 1062-Adoption of New Mexico Construction Codes

The following codes adopted by the New Mexico Construction Industries Division under the New Mexico construction Industries Licensing Act, (1978 Comp.), as it may be amended, are hereby adopted as codes of the County:

<u>Code Title</u>	<u>Date of Adoption</u>
Uniform Building Code, as amended	July 8, 1986
National Electrical Code, as amended	July 8, 1986
State of New Mexico Electrical Code, as amended	July 8, 1986
Uniform Mechanical Code, as amended	July 8, 1986
Uniform Plumbing Code, as amended	July 8, 1986
Uniform Swimming Pool Code, as amended	July 8, 1986
Uniform Solar Energy Code, as amended	July 8, 1986

A copy of each of these codes shall be available for inspection at the Office of the Planning and Zoning Director during regular business hours.

Section 1064-State Approval of County Inspectors

Inspectors who make Construction Code inspections shall first have been certified as provided by law.

ARTICLE II-DEFINITIONS

SECTION 2000 - The definition of terms below shall guide the interpretation of this Ordinance. Where a word in this ordinance is not defined, the Planning and Zoning Director shall be responsible for its proper definition.

SECTION 2100-WORD USAGE- Words used or defined in one tense or form shall include other tenses.

Words in the singular number shall include the plural number, and words in the plural number shall include the singular number. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

The word "shall" is mandatory.

The word "may" is permissive.

The word "person" includes individuals, firms, corporations, associations, trusts, and other similar interests.

ABANDON -Any cessation of an existing use of land or of any structure thereon for a period greater than that specified by this Ordinance, other than a cessation necessarily incident to probate or mortgage foreclosure proceedings, to the temporary absences of part-time residents or to temporary absences due to seasonal use.

ABSORPTION FIELD -An area in which open joint or perforated piping is laid in gravel packed trenches or excavations for the purpose of distributing the effluent discharged from a tank used as a part of an individual liquid waste disposal system for absorption into the soil.

ABUT OR ABUTTING -A bordering or touching of two separate features where there is no intervening space.

ACCEPTANCE- Acceptance of any dedicated land within a subdivision, including roads, by the county, for public use and/or for maintenance. Approval of the subdivision does not constitute acceptance of dedicated land for the purpose of maintenance. Such acceptance shall be accomplished in a separate procedure from the approval of the subdivision. The acceptance procedure shall include petitioning the County Commissioners at an open meeting and inspection of the site by Commission appointed viewers to assure that county specification have been met. The County Commissioners may or may not accept dedicated land within a subdivision depending on the feasibility of such action.

ACCESS-A means of vehicular approach to or exit from property.

ACCESSORY USE OR STRUCTURE-Any use or detached structure clearly incidental, subordinate and related to the principal use or structure and located on the same lot with an existing principal use or structure.

ACRE-Forty three thousand, five hundred sixty (43,560) square feet.

ADJACENT TO-A bordering of two separate features where there is either no intervening space or there is a narrow intervening space such as an alley or railroad line. However, where a street right of way is situated between two lots, the two lots shall not be considered to be adjacent to each other.

AIRPORT -An area used or intended to be used for the landing and takeoff of aircraft.

ALLEY -A public way reserved as a secondary means of access to abutting property.

ALTERATION- Any changes in structural parts, type of construction, kind or class of occupancy. The word alteration shall include the words alter, or reconstruct.

ALTERNATIVE DISPOSAL SYSTEM -A disposal system other than a standard absorption system.

ANIMALS- Includes, but is not limited to, both household pets and farm animals.

APARTMENT-One or more structures containing two or more dwelling units each.

APPEAL-A process for obtaining review

APPLICANT -A person submitting an application for approval of a subdivision.

ARROYO-A dry wash or draw which has flow only from occasional incident precipitation.

AUTOMOBILE SERVICE STATION- Any premise used mainly for the fueling and servicing of automobiles. Services may include engine tune-ups and repair; wheel balancing, alignment, brake service; the retail sale of lubricants and other products necessary to the operation and maintenance of motor vehicles, and the installation of such products; the sale of refreshments; and the rebuilding or reconditioning of engines, and the body repair as subordinate uses to fueling and light servicing operations.

BAR-A premise devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any other premises where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises. The word "bar" shall include the words, "saloon", "tavern", "pub", "barroom", "cocktail lounge" and "cabaret".

BASEMENT-A floor or portion of a building which has more than one-half ($\frac{1}{2}$) of its height below the finished grade.

BATHROOM- A room containing a wash basin and water closet.. Rooms referred to locally as one-half or three-quarter baths are one bath for the purpose of this ordinance.

BEDROCK - Consolidated earth materials including fractured and cavernous rock located below soil surface.

BILLBOARD-See SIGN.

BLOCK -"Block" means the distance measured along a street between intersecting streets from center line to center line.

BOARD- Board of County Commissioners of San Miguel County, New Mexico.

BOARD OF ADJUSTMENT- The Board established in Section 7000 of this Ordinance.

BOARDING HOUSE- A premise other than a hotel or restaurant where meals and lodging are furnished for compensation to three or more persons unrelated to the owner of the premises by marriage, birth or legal adoption. Boarding house shall include Adult Residential Shelter Care Facilities.

BODY OF WATER -All constrained water including water situated wholly or partly within or boarding the county, whether surface or subsurface, public or private.

BOND -A written obligation in the form of a surety, collateral agreement or security agreement, drawn in favor of San Miguel County, by a subdivider, either by himself or by a third party, guaranteeing the performance of certain acts as required by the Board of County Commissioners, whereby the subdivider either agrees to perform certain acts or indemnify the county if the subdivider fails to perform said acts and, for the public health, safety or welfare, it becomes necessary for the County to perform those acts in the stead of the subdivider.

BUFFER STRIP -A) Any strip of land adjoining the larger tracts of land.B) The land adjoining a watercourse or drainage channel with a vertical bank of at least 45 degrees. C) The land extending perpendicularly from the vertical bank of the watercourse or drainage channel to a distance three times the depth of the watercourse or drainage channel measured from the bottom of the watercourse or drainage channel to the top of the vertical bank.

BUILDABLE AREA- The gross developable area of a lot which remains after the required yards have been excluded and within which building and structures may be placed.

BUILDING- Any structure built or intended for the support, shelter or enclosure of persons, animals or property of any kind. When any portion of a building is completely separated from any other portion thereof by a division wall without opening or by a fire wall, then each portion is a building.

BUILDING, ACCESSORY -A building which is subordinate to and serves a principal structure or use, and is located on the same lot as the principal structure or use.

BUILDING HEIGHT -The vertical distance from the finished grade measured at the midpoint of the front building facade or the midpoint of the rear building facade, whichever results in a greater height, to the highest point of a flat roof, to the deck line of a mansard roof, to the average distance between eaves and ridge for gable, hip and gambrel roofs, or, if no roof, to the highest point of any structure.

BUILDING PERMIT- A certificate issued and enforced by the Planning and Zoning Director or his designee, upon completion of the construction of a new building or upon a change in the occupancy of a building which certifies compliance with all requirements of this Ordinance or duly authorized adjustments thereof.

BUILDING, PRINCIPAL-The building in which the principal use conducted on the lot is located.

BUILDING SETBACK LINE OR BUILDING LINE -That line parallel to and of the same configuration as the lot line, and which is located opposite the lot line for the minimum yard depth distance required by this Ordinance, and in front of which no structure shall be permitted, erected or placed, unless otherwise expressly permitted by this Ordinance.

CAMPGROUND-See Recreational Vehicle Park and Campgrounds.

CARETAKER'S RESIDENCE -A dwelling unit which is used exclusively by either the owner, manager, or operator of a principal permitted use and which is located on the same lot as the principal use.

CARWASH -A structure using specialized mechanical apparatus and facilities for washing motor vehicles.

CLINIC, MEDICAL OR DENTAL- A premise where patients not lodged overnight are admitted for examination and treatment by one or more persons practicing any form of the human healing arts, whether they are medical doctors, chiropractors, osteopaths, chiropodists, optometrists, dentists or any similar professional licensed by the State of New Mexico. The term does not include a veterinarian clinic.

COLLATERAL -Property or bond which is pledged as security for performance of any promises made by a subdivider in a disclosure statement, or for any act required to be done by the Board of County Commissioners which is additional security for performance of the subdivision's obligations, and shall constitute a security interest in the real property sought to be subdivided.

COMMISSION- Refers to "Planning and Zoning Commission" of San Miguel County.

COMMON LIQUID WASTE TREATMENT SYSTEM- A liquid waste system which provides liquid waste management to more than one lot by an entity other than the individual lot owner.

COMPREHENSIVE PLAN-A plan presenting the data, considerations and policies for the physical, social, economic, and environmental development of the unincorporated area of San Miguel County.

COMMON WATER SYSTEM-A water supply system which provides water to more than one lot by an entity other than the individual lot owner.

CONDITIONAL USE- A use designated in this ordinance that would not be appropriate generally or without restriction throughout a particular zoning district, but that would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals or general welfare if controlled by special permitting within a particular district in regard to location, number, area, relationship to the surrounding neighborhood or in other appropriate respects.

CONSTRUCTION, START OF- The duly permitted permanent placing or erection of construction materials into position. When excavation or removal of an existing structure has commenced in preparation for new construction, such excavating or removal shall be deemed to be the start of construction provided that work continues thereafter until the new construction is completed. The term includes built, constructed, reconstructed, moved upon or any physical operation on the premise required for building.

CONTIGUOUS- Separated only by an alley.

COUNTY- San Miguel County, New Mexico

COUNTY CLERK- The County Clerk of San Miguel County, New Mexico.

COUNTY ENGINEER The County Engineer for San Miguel County, New Mexico, whether employed or contracted on a consulting basis.

COUNTY MANAGER- The County Manager of San Miguel County, New Mexico.

CUL- DE - SAC - A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DAY CARE NURSERY OR PRE-SCHOOL - A place where six or more children of ages generally below that of six years are provided with adult supervised care or learning experiences as a supplement to parental care. The terms "nursery school" and "kindergarten" are included in the above terms.

DEDICATION- The dedication of property, including roads:

A) "Dedicated to public use" is an easement granted by the property owner for use by the public;

B) "Dedicated to public use and accepted by the county" is an appropriation of land by the county for public easement purposes, accepted for such use by the county on behalf of the public;

C) "Dedicated to the county and accepted for maintenance" is an appropriation of land by the County for public easement purposes and accepted for such use by the County on behalf of the public. Such property, having met minimum specifications for acceptance by the County and accepted thereby for maintenance by the County.

DESIGN FLOW-The quantity of liquid waste to be received by a liquid waste system.

DEVELOPER -Any person engaged in developing or improving a project or group of lots for use, occupancy or sale.

DEVELOPMENT- The making of any material change in the use or appearance of any structure or land, including: construction, reconstruction, alteration, repair, addition to or location of a structure; use of land or a structure; and division of surface area of land.

DIRECTOR -The Planning and Zoning Director of San Miguel County.

DISCLOSURE STATEMENT- A written presentation containing such information as the Board of County Commissioners may require to permit a prospective purchaser or lessee to make an informed decision about the purchase or lease of land.

DISTRICT -A designated zoning classification available for application to land within the Zoning jurisdiction of the County and within which the regulations for particular types of uses or structures are uniform. The term includes "zoning district".

DOUBLE FRONTAGE LOT -A continuous (through) lot of the same depth as the width of a block which is accessible from both of the streets upon which it fronts.

DRAINAGE -The removal of surfacewater or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE COURSE-A natural watercourse or indenture for the drainage of surface waters.

DRIVEWAY- That minimum area of land required to provide reasonable vehicular access from the street to the buildings or other improvements on a premises.

DUE PUBLIC NOTICE—When used in connection with notification for public hearing held pursuant to the provisions of this Ordinance, it shall mean the following:

(a) For public hearings scheduled to hear applications for conditional use permits, variance, appeals to administrative action and zoning boundary amendments,

the following shall apply:

(1) Notice of the time, place and purpose of the hearing shall be published at least once in a newspaper of general circulation within the County of San Miguel at least fifteen (15) days prior to the date of the hearing; and (2) if the hearing concerns an area of one block or less, notice of public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the county treasurer of lots of land within the area proposed to be affected by the zoning decision and

within one hundred (100) feet, excluding public right-of-way, of the area proposed to be affected by the zoning decision; or if the hearing concerns an area of more than one block, notice of public hearing shall be mailed first class mail to the owners, as shown by the records of the county treasurer, of lots or land within the area proposed to be affected by the zoning decision and within one-hundred (100) feet, excluding public right-of-way, of the area proposed to be affected by the zoning decision. If the notice by first class mail to the owner is returned undelivered, an attempt shall be made to discover the owner's most recent address and to remail the notice by certified mail, return receipt requested, to that address.

(b) For public hearings scheduled to hear petitions or motions for amendments to the text of this Ordinance or for adoptions of a wholly revised text of this Ordinance or for adoption of amendments to the Official Zoning Map which are applicable generally throughout the County and are necessitated by virtue of changes in the text provisions of this Ordinance or for amendments to the Comprehensive Plan or for adoption of a wholly revised Comprehensive Plan the following shall apply: Notice of the time, place and purpose of the hearing shall be published at least once in a newspaper of general circulation within the County of San Miguel at least fifteen (15) days prior to the date of the hearing.

DWELLING - A building designed exclusively for residential purposes, including single family and multi-family dwelling, but not including hotels and motels.

DWELLING UNIT - A room or suite of rooms with kitchen and bath facilities designed as a unit for occupancy by one family.

DWELLING, SINGLE FAMILY-A dwelling designed for and occupied by not more than one (1) family.

DWELLING, MULTIPLE FAMILY-A building designed exclusively for occupancy by two (2) or more families living independently of each other and containing two (2) or more dwelling units. This definition includes row houses.

EASEMENT- A right or privilege that a person or persons may have on another's land, such as the right of passage.

ENCLOSED STORAGE AREA-An area that is surrounded on all sides by a continuously connected fence or wall except where it is necessary to provide for pedestrian or vehicle openings.

ENGINEERING INTERPRETATIONS-The evaluation of soil properties that might affect intended uses.

EROSION-Soil movement due to wind or water.

EROSION CONTROL STRUCTURE - Any man made device preventing or controlling erosion.

EXTRATERRITORIAL ZONING AREA-That area which is within the boundaries agreed to by the governing bodies of a municipality and the San Miguel Board of County Commissioners in conformance with state law.

EXTRATERRITORIAL ZONING AUTHORITY-The joint County/Municipal Board appointed by the Board of County Commissioners and the governing body of a municipality which has zoning jurisdiction within the Extraterritorial Zoning Area.

EXTRATERRITORIAL ZONING COMMISSION -A commission appointed by the governing body of a municipality and Board of County Commissioners who shall recommend a Zoning Ordinance to the Extraterritorial Zoning Authority which is applicable to the Extraterritorial Zoning Area.

EXTERIOR STORAGE -Outdoor storage of fuel, raw materials, products, and equipment.

FAMILY One (1) or more persons related by blood, marriage, adoption, or guardianship, or not more than five (5) persons not so related occupying a dwelling unit.

FEEDLOT- A place of confinement for cattle, sheep and swine; corralled, penned, or otherwise caused to remain in pens or corrals where feeding is other than grazing and which

is operated as a commercial enterprise as the primary use.

FAMILY SPLIT- The subdivision of land into parcels not to exceed the number between family members related in the third (3rd) degree. The family split exception to these subdivision regulations shall be a once in a life time exemption not subject to San Miguel County Land Subdivision Regulations unless done to circumvent those regulations.

FINISHED GRADE The completed surface of lawns, walks, driveways or streets brought to the grade shown on any building or development plans.

FLEA MARKET -The retail sale of primarily used goods but sometimes new merchandise from individually rented spaces or temporary structures on a lot. The term is not intended to apply to similar activities by churches or other non-profit organizations, or to a homeowner's garage sale, if no more than two such garage sales are held in any twelve (12) month period.

FLOOD FRINGE -Any area which will be flooded by high water from a 50-year frequency storm.

FLOOD PLAIN- Any area which will be flooded by high water from a 100-year frequency storm.

FLOODWAY- Any area which will be flooded by high water from a 25-year frequency storm.

FRONTAGE The distance along a street line from one intersecting street to another, or from one intersecting street to the dead-end of a dead-end street.

FUTURE STREET LINE -A line running more or less parallel to the centerline of certain existing or proposed streets as established by the county for the purpose of delineating the future widths of street right of way.

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

GARAGE, PUBLIC -a building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor driven vehicles. The term "repairing" shall not include the dismantling or storage of wrecked or junked vehicles.

FLOOD HAZARD BOUNDARY MAP-An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated.

GOLF COURSE- A relatively large premise designed and constructed to accommodate the sport of golf as well as customary clubhouse facilities and other usual accessory uses. The term does not include miniature golf courses.

GROUP DWELLING-The residence of a group of six (6) or more persons, not related by blood, marriage, adoption, or guardianship and living together as single housekeeping unit.

GROUP DEVELOPMENT- A development comprising two (2) or more buildings such as a group of apartments where the land is not subdivided into the customary streets and lots.

GUEST HOUSE-A building accommodating guests.

GUEST RANCH-A resort where vacationers are accommodated.

HIGHWAY-Any road on the Federal, State & County Road Systems.

HOME OCCUPATIONS- Any occupation or activity clearly incidental and secondary to use of the premises for a dwelling. There shall be no exterior display, no exterior storage of materials, no nuisances emitted from the premises and no other exterior indication of the home occupation or variation from the residential character of the main building. Only one person in addition to members of the residing family may be employed. Not more than 35 percent of the floor area is devoted to the home occupation, nor more than 600 sq. ft. of accessory building. One on-premise, non-illuminated, wall sign is permitted not to exceed ten square feet in area.

HOSPITAL- A premise with overnight facilities providing medical or surgical care for sick or injured persons.

HOSPITAL, ANIMAL -A premise with overnight facilities for the medical or surgical care of sick or injured animals.

HOTEL- A building in which lodging, or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at alltimes. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment house, which are herein separately defined.

HYDROLOGIC REPORT-A report on water availability.

IMPERVIOUS SURFACE- Surfaces which do not absorb water. They consist of all buildings and any areas of concrete or asphalt.

INCOMPATIBLE USE- A use which is inconsistent or otherwise inappropriate to the existing land uses within the surrounding areas.

INDIVIDUAL LIQUID WASTE SYSTEM- A liquid waste sytem which provides liquid waste management to one lot by the individual lot owner.

INDIVIDUAL WATER SUPPLY SYTEM- A water supply system in which each lot provides it own water.

INDUSTRY -Any activity involving the manufacture, assembly, packaging, canning, bottling or processing of any item.

INSTITUTION-A non-profit establishment for public use.

INTENSITY CLASS- A measure of the magnitude and negative impacts of a land use on the environment and neighboring land uses.

JUNKYARD-Any land or structure used for salvaging operations, including but not limited to the storage and sale of wastepaper, rags, scrap metal and discarded material, and the collection, dismantling, storage, and salvage of three (3) or more unlicensed, inoperative vehicles or used appliances.

KENNEL- A premise where five or more domesticated house pets over six months of age are harbored, whether for profit or, personal use or institutional keeping.

LAND- The surface of the earth including water bodies and wetlands.

LANDING AREA- The area of the airport used for the landing or take-off of aircraft.

LAND SPLIT-Any division of property of four (4) parcels or less by an owner, within a three (3) year period, and not part of a common promotional scheme or plan.

LANDFILL, SITE -Any designated county landfill used for the purpose of disposing of solid waste.

LAUNDRY, SELF SERVICE -A premise where equipment for washing and drying laundry is made available to retail customers for a charge. It is synonymous with a laundromat.

Ldn.-Day/night equivalent sound level measured over a 24-hour period; it is equivalent in terms of sound energy to the level of a continuous A-weighted sound level with 10 dB added to the nighttime levels. Ldn is computed pursuant to United States Environmental Protection Agency Standards and Procedures.

LEASE -To lease, rent, lease purchase, or offer to lease, land.

LIQUID WASTE -Domestic wastewater (sewage) and includes non-water carried excreta.

LIQUID WASTE SYSTEM-A system which receives, treats and disposes of liquid waste.

LIVESTOCK -Domestic animals, such as cattle, horses, sheep, hogs, goats, rabbits and poultry raised for home use or profit, but excluding household pets such as cats and dogs.

LOT

- a. A tract or parcel of land platted and placed on the County Clerk's record in accordance with laws and ordinances, or
- b. A tract or parcel of land held in separate ownership as shown on the records of the County Clerk, Assessor or Treasurer prior to August 18, 1986, effective date of the San Miguel County Land Development Standards Ordinance 86-2.

LOT, CORNER - A lot abutting two or more streets at their intersection.

LOT DEPTH.- The mean horizontal distance between the front and rear lot lines.

LOT DOUBLE-See Double Frontage Lot.

LOT, INTERIOR-A lot with only one frontage on a street.

LOT AREA -An area of land which is bounded by the lot lines or development site boundary lines and which is exclusive of public right-of-way or easements for private rights-of-way.

LOT COVERAGE- That area of a lot from the ground up which is occupied by principal and accessory structures or buildings.

LOT FRONTAGE -Any lot which abuts a public street right-of-way where direct vehicular access is allowed from the abutting portion of the lot to the street right-of-way. The required lot frontage is the minimum distance measured along the front lot line which is specified for a lot within a particular zoning district. With reference to a lot, the term "street frontage" is equivalent to the term "lot frontage".

LOT FRONTAGE, PRINCIPAL -On interior lots, the principal lot frontage is the only lot frontage. On corner lots the principal lot frontage is generally the lot frontage with the lesser linear dimension along one of the two abutting streets. On through lots, the principal lot frontage is generally determined as coinciding with the most common principal frontage of other lots on the block.

LOT LINES-The legal perimeter boundary lines of a lot.

LOT LINE , FRONT -The lot line abutting the principal street frontage.

LOT LINE, REAR -That boundary which is opposite and more or less parallel to the front lot lines. In the case of an L-shaped or other irregularly shaped lot where two or more lines are so located, all shall be considered to be rear lines, except such as may be within 50 feet of the front lot line, or which may be 20 feet or less in length. In the case of a lot which comes to a point at the rear, the rear lot line shall be that imaginary line parallel to the front lot line, not less than 10 feet long, lying wholly within the lot farthest from the front lot line.

LOT LINE, SIDE- Any lot line that is not a front or rear lot line.

LOT LINE, STREET-Any lot line abutting a street right of way. A street lot line may also be a front, rear or side lot line depending upon its particular orientation with respect to the front lot line.

LOT WIDTH The width of a lot at the front yard setback line.

MASTER DEVELOPMENT PLAN OR MASTER PLAN -A sketch, drawing or chart to scale of the land of an applicant which he proposes to develop in stages and other information as required in this Ordinance.

MINI WAREHOUSE -A solidly enclosed storage area containing individually rented or owned cubicles for storage only.

MOBILE HOME - A vehicle without motive power, designed to be drawn by a motor vehicle and to be used as a temporary or permanent human habitation, including trailer coach, trailer home, mobile home and house trailer, whether the same be with or without wheels, and whether or not attached to or incorporated in a building and that part of any self propelled vehicle, or removed therefrom, whether the same be with or without wheels, and whether or not attached to or incorporated in a building.

MOBILE HOME PARK-Any lot on which two or more mobile homes are used for human habitation, except as otherwise provided for in the A-1 and A-2 zones.

MOBILE HOME SUBDIVISION -Any area of land upon which five or more mobile homes are located, whose lots may be for sale, lease or rent by owner and/or subdivider.

MOBILE OFFICE- A movable or portable office structure with all of the following characteristics: It is designed for or intended to be used for office occupancy puposes; it is designed to be transported after fabrication on its own wheels, on a flatbed or other trailer, or on detachable wheels; and it is designed for use without a permanent foundation and provided that it shall remain a mobile office even if affixed to a foundation. The term "office trailer" is synonymous with mobile office.

MOTEL -Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with a garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients. The term "motel" includes motor court, motor lodge, and tourist court, but not mobile home park.

NIGHTCLUB-A commercial premise where food, alcoholic beverages or other refreshments may be obtained for consumption on the premises and where floor shows, bands or other forms of entertainment may be provided for customers.

NON RESIDENTIAL USE-A use which does not involve the use of a structure as a dwelling.

NONCONFORMITY -A development, lot, structure or use which does not comply with this Ordinance or as hereinafter may be amended and which lawfully existed on the effective date of this Ordinance.

NURSING HOME -A premise where meals, lodging, nursing care and related medical services are furnished for compensation to five or more persons unrelated by marriage, birth or legal adoption. It does not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OFFICE-A premises where professional, clerical, business management or public administration work is carried on and where the sale of merchandise on the premises is totally absent or a very limited activity in support of the work being done.

OFFICIAL ZONING MAP-A graphic illustration of zoning boundaries and districts drawn and approved as part of the Land Development Standards of San Miguel County.

OFF -STREET LOADING SPACE A permanently located off- street space for the temporary parking of vehicles which pick up, deliver, load or unload goods, supplies and merchandise.

OFF- STREET PARKING-An area used for required temporary parking and having access at all times to a public street or alley.

OPEN SPACE-That portion of land or water not used for buildings, street rights-of-way or off street parking and loading areas.

OWNER-Any person or his successor in interest who purchases or leases land within a subdivision or other development or who enjoys fee simple title to a lot.

PARCEL- A surveyed piece of land, consisting of blocks and/or lots.

PARK-An area set apart for recreational purposes.

PARKING SPACE -A space adequate for parking an automobile consisting of a minimum area nine feet wide by twenty feet long, exclusive of streets, alleys, driveways, aisles and the areas of egress and ingress.

PENAL DETENTION CENTER- A place of public confinement for persons charged or convicted of lawbreaking or juvenile delinquency. The term "penal detention center" includes such other terms as the following: "jail, correctional institutions, prisons and juvenile delinquent homes".

PERENNIAL STREAM -A body of water evidencing flow of the water during a majority of the year.

PERMITTED USE OR STRUCTURE-A use or structure which is allowed as a matter of right within a particular zoning district provided that it is listed as such and provided that it meets any general, district and particular use requirements, if any, which are specified in this Ordinance for such a use.

PERSON -Any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity.

PERSON AGGRIEVED -A person aggrieved is one whose legal right is invaded by a decision complained of, or whose pecuniary or property interest is directly affected by a decision. The person's interest must be specific and personal and not merely common to all members of the community. Any person who is required by this Ordinance to receive personal notification of a hearing by mail shall be construed to be qualified as a person aggrieved, if so disposed. However, when the decision affects any public recreation area, a person aggrieved shall include any user of the area, if so disposed.

PERSON, INTERESTED -Any person who presents evidence, testimony or argument at any public hearings, whether oral or written, in person or by representative and who provides his name and address to the hearing body.

PLANNED UNIT DEVELOPMENT -A parcel of land under unified ownership, to be planned and developed in a unified manner according to the comprehensive and detailed plans and regulations specified for Planned Unit Developments in this Ordinance.

PLANNING AND ZONING OFFICE -The department of the County of San Miguel which is responsible for zoning, planning and subdivision administration.

PLANNING COMMISSION -The officially appointed Planning and Zoning Commission of San Miguel County, New Mexico.

PLAT - A map, chart, survey, plan or replat, certified by a licensed registered land surveyor, containing a description of the subdivider land with ties to permanent monuments. As used in the subdivision regulations, "plat" also means a map and other submittals as required by the subdivision regulations of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the proposed subdivision of land.

POTENTIAL SOURCE OF CONTAMINATION -A source which may release material which could result in the reduction of the physical, chemical or biological qualities of a water supply system source resulting in a hazard to public health.

PRE- FABRICATED STRUCTURE -Any structure that is manufactured wholly or in part at a location other than the lot where it is currently located, and that at no time had provisions for being towed by any vehicle incorporated as a part of its structure. A prefabricated structure could not have been

a part of any vehicle designed to provide temporary or permanent human habitation and must meet the building code for the use to which it is put.

PREMISES-A lot, together with all buildings and structures thereon.

PRINCIPAL STRUCTURE OR BUILDING -Any structure or building occupied by the principal use.

PRINCIPAL USE-The primary purpose for which the premise is intended to be used or, if not so used, its actual use.

PRIVY-Any non-water-carried disposal facility for human excreta.

POULTRY FARM -A premise where more than 100 domesticated birds such as chickens, ducks, geese or turkeys are hatched, raised for sale or kept for the sale of eggs.

PUBLIC USE -Use of any premise by any governmental entity including its subdivisions for a governmental purpose except for the provision of community utility services. The "public uses" includes such governmentally operated or sponsored uses as office building, schools and colleges, community libraries, parks and recreation centers, fire stations, police stations, post offices, botanical and zoological parks, hospitals, convention centers, penal detention centers, military bases and the like.

PUBLIC AND SEMI PUBLIC UTILITIES -The use or erection of structures on any premise, by any governmental entity including its subdivisions or by another entity specifically authorized and regulated by the government, for the provision of community utility services. Community utility services includes the following services: water, sewerage and storm drainage, gas, electricity, telephone, cable television and solid waste disposal dumping sites. All television and radio broadcasting and receiving towers are categorized in this Ordinance as "Antennas or towers for transmitting, commercial" rather than as "public or semi-public utilities". Moreover, it should be noted that Section 3500 of this Ordinance exempts certain types of community utility lines from compliance with the provisions of this Ordinance.

RECOVERY HOMES -A group residential facility with one or more supervisors residing on the premise, with professional staff service as needed, providing board, lodging, supervision, medication and other treatment and counseling, for persons progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction, or similar conditions, to full normal participation in community life, or for persons otherwise in need of a structured environment to deal with such conditions.

RECREATIONAL VEHICLE OR SHELTER- A vehicle or shelter designed primarily for temporary use as a portable dwelling unit for travel, recreational or camping purposes. Such vehicles or shelters are customarily no more than 8 ft. in width and 40 ft. in length. The term "recreational vehicle or shelter" includes the following types of vehicles or shelters:

Travel Trailer -A vehicle constructed of metal, wood or fiberglass, with one or two axles and designed to be towed behind a motor vehicle.

Motor Home -A self propelled and generally self-contained vehicle permanently constructed directly on or mounted on a truck or van chassis, and usually allowing for free access between driving and living compartments.

Tent, Tent Camper or Camping Trailer -A portable shelter usually fabricated of canvas or other water-repellant and fire resistant material. The unit may be designed to collapse for independent storage or may be designed to fold out from a special trailer body towed behind a motor vehicle.

The term "recreational vehicle or shelter" is not synonymous with the terms "mobile home", "house trailer" or "trailer home".

REPLAT- A map, chart, survey or plan of a previously approved subdivision where the character has been changed and the layout has been rearranged by the original subdivider, or a serial or succeeding subdivider.

REPRESENTATIVE WATER SAMPLE-A water sample which can be expected to reflect the quality of water proposed for use.

RESTAURANT- An establishment whose principal business is sale of food and/or beverages in a ready to consume state for consumption within the building, within a motor vehicle parked on the premises, or off the premises as carry-out orders.

RESOURCE PROTECTION AREAS- Resource protection areas are areas of the following types: (1) land areas with a slope of greater than 30 percent; (2) water impacted areas such as natural or man made floodways, officially designated major arroyos, river and stream channels, lakes, ponds and wetlands as well as a 25 ft. buffer strip adjoining the perimeter boundaries of all such water impacted areas.

SAFE DISTANCE-The distance between a potential source of contamination and a water supply system source that insures no contamination will be drawn or will flow to the water supply system source, when conditions of the contamination source, water withdrawal and water levels are the most adverse.

ROAD, COUNTY- A street which has been included in the most current San Miguel County Road Log as duly authorized by the New Mexico Highway Department or which has been established by the Board of County Commissioners in conformance with the petition procedure provided by state law. The County is not responsible for maintenance of non-County Roads.

ROOMING HOUSE- See "Boarding house".

SALVAGE, DEMOLITION OR JUNK YARD- See junk yard.

SCHEDULE OF COMPLIANCE- A written plan provided by a subdivider detailed methods, procedures and a date by which certain improvements systems, or activities will be completed to satisfy the specific requirements of the subdivision regulations.

SEASONAL HIGH GROUND WATER TABLE- The highest level to which the upper surface of ground water may be expected to rise within a one year period.

SECURITY- A performance bond, completion bond, letter of credit, certificate of deposit, cash, collateral, or any other assurance which the County deems acceptable for completion of improvements.

SEDIMENT -Soil or other surface material transported by wind or surface water.

SELL- To sell, or offer to sell.

SEPTIC TANK- A tank which is designed and constructed to separate solids from the liquid and digest organic matter through a period of detention; together with an Absorption field.

SETBACK- The shortest distance between a structure and the present or future street line or property line, or right of way line of private access road.

SHOPPING CENTER- A premises containing a group of commercial establishments planned, developed, organized and managed as a unit and utilizing such facilities in common as customer parking areas, pedestrian walkways and truck loading and unloading spaces.

SIGN- Any communication medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for information or advertising purposes when the medium is placed out of doors or within a building in view of the general public from the property line. Temporary advertising within a building and without illumination will not be classified as a sign for the purpose of this Ordinance. Free standing sign structures

having two sign message display areas which are back-to-back shall only constitute one sign.

SIGN, ADVERTISING -A sign intended to promote the sale or use of merchandise, services, activities, land or buildings.

SIGN, FREE-STANDING- A sign attached to or supported from the ground and not attached to a building.

SIGN, INFORMATION-A sign intended only for information purposes such as indicating the location or direction of a place, identifying a public building or monument or a private residence, or providing notice of governmental laws or directives or giving warnings of hazardous areas. Informational signs do not display any advertising.

SIGN, TEMPORARY-A sign which relates to an event, function or activity of specific, limited duration. All signs which are not temporary are considered to be permanent signs.

SIGN DISPLAY AREA -The net geometric area included within the sign as measured from the outside edge or frame of the sign but not including the structural supports for free standing signs or ground signs unless the support(s) is designed in such a manner as to form an integral part of the background of the sign display. Where the sign has no frame or edge, the sign display area shall be defined by a single, imaginary, four sided geometric figure which most closely outlines the total area of the message symbols included in the sign display. In the case of free standing signs with message symbols on back to back sides, each surface display area shall be considered to be a sign display area.

SIGN, OFF PREMISE-Means a sign which directs attention to a product, place, activity, person, institution or business not located on the site where the sign is located.

SIGN, ON PREMISE -Means a sign which directs attention to a product, place, activity, person institution or business on the site where the sign is located.

SITE DEVELOPMENT PLAN-The combination of documents and exhibits required by Section 5100 of this Ordinance.

SOIL SURVEY-A national cooperative soil survey conducted by the United States Department of Agriculture in cooperation with the State Agriculture Experiment Station and other federal and state agencies or any other survey containing information of comparable quality and detail approved by the local district.

SOLID WASTE-Any solid or semi-solid discarded material which results from household, commercial, industrial, or other operations, but does not include waterborne waste in a sewage system, or hazardous wastes.

STANDARD ABSORPTION SYSTEM - A below grade soil absorption disposal system whose excavated depth is less than 4 feet from the ground surface.

STORY- In reference to a building, it is that portion of a building which is predominantly above the finish grade and which lies between the surface of any floor and the next floor above it or the finished ceiling or roof above it.

STREET-A public or private right-of-way which affords a primary means of vehicular access to abutting lots or rental spaces. It is intended to include, as synonymous, the terms: "street right-of-way", "avenue", "road", "boulevard", "land", "thoroughfare", "easement", or other similar terms. However "street" does not include the terms "alley" or "driveway".

STREET RIGHT -OF -WAY LINES-The perimeter boundaries of a street right-of-way.

STREET, PRIVATE-A street which is intended for common usage but which has not been dedicated or deeded to the public and has not been duly accepted for public maintenance. The County is not responsible for maintenance of private streets.

STREET, PUBLIC -A street which has been dedicated or deeded to the public for common usage and which has been duly accepted for public ownership and maintenance. See Road, County. The County is only responsible for maintenance of public streets designated as County Roads.

STRUCTURE- Anything constructed or erected on the ground or attached to anything constructed or erected on the ground.

STRUCTURAL ALTERATIONS- Any change except those required by law or ordinance which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

STAND- A structure for display and sale of products with no space for customers within the structure itself.

SUBDIVIDER- Any person creating or who has created a subdivision, individually or as part of a common promotional plan or any person engaged in the sale or lease of subdivided land which is being sold or leased or has been sold or leased within the preceding three years by the owner in the ordinary course of business; however, "subdivider" does not include any duly licensed real estate broker or salesperson not acting on his own account.

SUBDIVISION- An area of land within San Miguel County, New Mexico, the surface of which has been divided by a subdivider into five or more parcels within three (3) years for the purpose of sale or lease. Subdivision does not include:

- A. Any land retained by the subdivider after subdivision but which has not been divided for a subdivision.
- B. The sale or lease of apartments, offices, stores or similar space within a building.
- C. Subdivisions within the boundaries of a municipality or which are annexed by a municipality at the time of approval of the subdivision by the municipality.
- D. Any division of land in which only gas, oil or mineral or water rights are severed from the surface ownership of the land.
- E. Any division of land created by court order, except court orders involving land grant adjudications.
- F. The leasing of land for grazing or farming activities.
- G. The alteration of parcel boundaries within a previously approved subdivision where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased nor the type of subdivision changed; or
- H. The sale or leasing of parcels of lands retained by subdivider after subdivision, which parcels are not contiguous to each other; provided, each one is sold or leased with legal access and sold or leased to an owner of land adjoining thereto and provided that the subdivider file a legal description or plat thereof in accordance with the provisions of Section 14-8-16 N.M.S.A. 1978.

SUBDIVISION AGREEMENT- An agreement entered into between the subdivider and the county, for the purpose of setting forth conditions of approval of a subdivision, time limitations for compliance with conditions and completion of improvements, and security agreements for completion of improvements.

TERRAIN MANAGEMENT PLAN -The subdivider's proposal for the control of floods, drainage and erosion, and measures required for adapting proposed developments to existing soil characteristics and topography.

TIME OF PURCHASE OR LEASE-The time of signing any document obligating the person signing the document to purchase land or lease land as a lease. Rent has been designated to mean the same as "lease".

TYPE ONE SUBDIVISION -Any subdivision containing five hundred (500) or more parcels, any one of which is less than ten (10) acres in size.

TYPE TWO SUBDIVISION - Any subdivision containing not less than 25 but not more than four hundred ninety nine (499) parcels, any of which is less than ten (10) acres in size.

TYPE THREE SUBDIVISION- Any subdivision containing not less than five (5) parcels and not more than twenty four (24) parcels, any of which is less than ten (10) acres in size.

TYPE FOUR SUBDIVISION -Any subdivision containing twenty five (25) or more parcels, each of which is (10) acres or more in size.

TYPE FIVE SUBDIVISION- Any subdivision containing not less than five (5) parcels and not more than twenty four (24) parcels, each of which is ten acres or more in size.

TOWNHOUSE- An individually owned, single family dwelling constructed as a group of three or more attached single family dwellings, each of which is situated on an individually owned, subdivided lot.

TRUCK HIGHWAY STOP-A premise where the principal use is the refueling parking and servicing of trucks and trailers.

URBAN SERVICE AREA BOUNDARY -A boundary delineated on the Growth Management Comprehensive Plan Maps adopted by an incorporated municipality within San Miguel County.

USE-Any purpose for which a premise may be designed, arranged, intended, maintained or occupied, or any activity, occupation business or operation conducted or intended to be conducted, on the premise.

VACATE A PLAT -To remove a plat from record or delete lots within a plat.

VETERINARY CLINIC-A premise for the medical and surgical care of sick or injured animals, with no overnight facilities for the animals.

VARIANCE -Permission to depart from the literal requirements of this Ordinance granting authority to a subdivider owner or developer, to depart from the literal requirements set forth herein and permitting utilization of the property in a manner inconsistent with this ordinance, in cases in which strict enforcement of this ordinance would cause undue hardship.

VISION CLEARANCE -A triangular space at the street corner of a corner lot, which is bounded by the street right of way lines and a line connecting points located 30 ft. distant from the intersection, or projected intersection, of the street right of way lines, within which no obstruction to view between 3 ft. and 10 ft. above the street level shall be placed or maintained.

WATER COURSE-Any river, creek, spring, stream, or any other like body having definite banks and evidencing the occasional flow of water.

WATER SUPPLY SYSTEM-A system for the provision of water for human consumption.

YARD (REQUIRED)-That minimum area of land within a lot required by this Ordinance within which no structure or portion thereof shall be erected from the ground up unless otherwise expressly permitted by this Ordinance.

YARD, REAR (REQUIRED)- A yard bounded by the rear lot line and on the opposite side by a line drawn parallel to and located the minimum distance (i.e. required rear yard depth) from the rear lot line that is prescribed for the particular zoning district. In the case of an interior lot, the rear yard extends all the way across the lot. In the case of a corner lot with a rear lot line, the rear yard extends from the interior side lot line to the street yard. See Lot Line, Rear.

YARD, SIDE (REQUIRED)-A yard bounded by a side lot line on the opposite side by a line drawn parallel to and located the minimum distance (i.e. required side yard depth) from the side lot line that is prescribed for the particular zoning district. At the remaining sides, the side yard is bounded by street or rear yards.

YARD, STREET (REQUIRED)-A yard which is bounded by a street lot line and on the opposite side by a line drawn parallel to and located the minimum distance (i.e. required street yard depth) from the street lot line that is prescribed for the particular zoning district. A street yard extends all the way across a lot. The street yard is the same as the front yard when it abuts the principal lot frontage.

YARD DEPTH (REQUIRED)- The minimum prescribed dimension of a required yard measured as a straight line distance, interiorly from and perpendicular to, the lot line.

ZONING -The division of land into mapped districts for the purpose of public regulation of the character and intensity of development and use of the land.

ZONING DISTRICT-An area designated for certain uses of land and the regulation thereof under any zoning ordinance of the County of San Miguel.

ZONING ORDINANCE-A composite of the text of written regulations governing land usage in general and within particular zoning districts and the Official Zoning Map which indicated graphically the location and extent of zoning district boundaries. The use of this term or simply the term "Ordinance" shall refer to the San Miguel County Land Development Standards.

SECTION 2020-Definitions Addendum

ADJOINING PROPERTY LINE-Any side, rear, or front line pertaining to the subject property of a conditional use permit, variance or zoning change application not to include right-of-way. Adjoining property means the same as "perimeter boundary line" or "distance to an adjacent or other property."

CRAFTS STORE-A commercial premises selling handmade crafts, artists' crafts and souvenirs.

GROCERY STORE-A commercial premises selling groceries, foodstuffs and personal items not for consumption on the premises.

GROSS DEVELOPABLE AREA-The total area of a site or lot which remains after excluding those portions of the site or lot which lie within existing street right-of-way or railroad right-of-way or easements with building restrictions and resource protection areas.

GROSS FLOOR AREA-The gross horizontal areas of the several floors including basements, cellars and penthouses (but excluding such areas within a building which are used for parking), measured from the exterior faces of the exterior walls of a building.

RANCH, FARM, DAIRY, OR VINEYARD-These terms, not to include feedlot, describe an agricultural activity generally conducted on the same premises where the principal residence of the owner is located or is leased to or occupied by a caretaker.

SAWMILL-A yard processing trees into lumber, ties or props which may sell products or firewood produced on the premises.

Article III-Establishment of Zoning Districts

SECTION 3000-Purpose

The purpose of this article is the establishment, application and interpretation of zoning districts and boundaries. The districts below are necessary to carry out the provisions of this ordinance and the guidelines of the Comprehensive Plan and Policies.

SECTION 3100-Zoning Districts

Land under the jurisdiction of this Ordinance is hereby divided into the following zoning districts:

- A-1- Residential Agricultural Zone
- R-1- Single Family Residential Zone
- A-2- Residential Agricultural Zone
- T-C- Traditional Community Zone
- R-H- Rural Holding Zone

SECTION 3200-Map of Zoning District

The official Zoning Map of San Miguel County is hereby made a part of this ordinance on which are designated and bounded the zoning districts established by this ordinance.

SECTION 3300 -Certification and custody of Official Zoning Map.

The official zoning map shall be identified by the signatures of the chairman of the Board of County Commissioners, the Planning and Zoning Director, attested by the County Clerk and bear the words "Official Zoning Map of San Miguel County and referred to in Section 3200 of Ordinance No 86-2". A current updated copy of the Official Zoning Map shall be accessible for public viewing in the County Planning and Zoning Office. Regardless of the existance of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be entrusted to the custody of the Planning and Zoning Director or his designee and shall be the final authority as to the current district delineation of land and water areas, buildings and other structures in the County subject to changes by amendment not yet entered thereon.

SECTION 3400 - Rules for Interpretation of Zoning District Boundaries:

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (A) Where a district boundary is indicated as approximately

following the center line of streets, the lot line of lots, the center line of alleys, or the center line or right-of-way line of highways, then such lines shall be construed to be the district boundaries.

(B) Where a district boundary is indicated as approximately parallel to the center line of streets, the center line of alleys, or the center lines or rights of way lines of highways, the district boundary shall be construed as being parallel thereto and at a distance therefrom as indicated on the Zoning Map. If no distance is given, the distance shall be determined by the use of the scale shown on the Zoning Map.

(C) Where the boundary of a district follows a railroad line, the boundary shall be deemed to be located midway between the main tracks of said railroad line.

(D) Whenever any railroad line, street, alley or other public way is vacated as provided by law, the district adjoining each side of such a street, alley, or public way shall be automatically extended to the center of such vacation, and the area included in the vacation shall be subject to the regulations of the extended districts; except however, if the ownership of the vacated railroad line, street, alley or other public way is divided other than at the center, the boundary shall be construed to move with the ownership.

(E) Boundaries following, or approximately following, the shorelines of water bodies shall be construed to follow and move with those shorelines. Boundaries following or approximately following, the center lines of streams, rivers, canals, lake or other bodies of water shall be construed to follow and move with those center lines.

(F) Boundaries entering any body of water, but not continuing to intersect with other zoning boundaries, shall be construed to extend in the same direction in which they entered the body of water, until they intersect with other zoning boundaries.

(G) Boundaries splitting existing lots in subdivisions and any other boundaries not determined by the above rules, shall be determined by reference to the expressed distances on, or the scale of the Official Zoning Map. If the existing lot will not accommodate any of the uses permitted in the multiple districts indicated thereon, a rezoning to an appropriate district shall be required.

(H) All territory which may hereafter become a part of the unincorporated area of San Miguel County by disincorporation of any village, town, or city, or which for other reasons may fall within the jurisdiction of San Miguel County, shall automatically be classified in the A -1 Zone until appropriately reclassified in accordance with the provisions of Section 7040 of this ordinance.

(I) In the event the Zone Maps do not show the zoning of any area within San Miguel County, such area automatically shall be classified in the A-1 Zone.

SECTION 3500-Application of District Regulations.

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land within the district. Where the regulations of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the regulations of this Ordinance shall prevail. Where the provisions of any other Ordinance or local regulations impose greater restrictions than those of this Ordinance, the provisions of such other ordinance or local regulation shall prevail. Except as otherwise specifically provided for in this Ordinance, the following shall apply:

(A) No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, demolished or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

(B) Without limiting the generality of subsection (A) above, no building or other structure shall hereafter be erected or altered:

1. To exceed the height;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, streets yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

(C) No part of a yard or other open space, off-street parking or loading space required about, or in connection with, any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building.

(D) No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

(E) All property within the zoning jurisdiction of this Ordinance shall be governed according to the zoning district in which it is located.

(F) Utility Lines - The provisions of this Ordinance shall not apply to utility distribution or collection lines for water, gas, sewerage, storm drainage, electric, telephone and cable television services which are located in a street right of way or which provide service to private property. Utility lines in the above exempt category, are governed in this Ordinance by the use category which is named "public and semi-public utilities". It is also noted here that excavations of County roads for the installation or repair of utility lines must comply with Ordinance 85-1 of the County of San Miguel, New Mexico.

(G) Streets and Railroad Lines - Streets and other vehicular access ways are permitted in all zoning districts subject to any specific limitations for siting and installation as may be imposed by this Ordinance, the County subdivision Regulations or any other applicable law or Ordinance. Railroad lines (but not railroad yards or terminals) are permitted in all zoning districts subject to any applicable laws and regulations.

(H) General Lot Requirements - All land uses, property improvements or building development permitted or governed by this Ordinance shall be performed on a lot which meets the following requirements:

1. The lot shall be of sufficient size to meet the requirements of its applicable zoning district and any supplementary general and specific use limitations provided for in this Ordinance.
2. The lot shall have clearly defined legal boundaries.
3. The lot shall have the required frontage on a public street right-of-way where vehicular access from the lot to the street right-of-way is permitted and where the public street right of way has been improved in accordance with appropriate County standards or for which such improvement has been insured by the posting of a performance guarantee

as provided for in the County Subdivision Ordinance. In the case of a townhouse development, each lot does not have to have public street frontage so long as there is appropriate pedestrian access from the lot to a nearby common parking area within the development site and where the development site itself has the required street frontage.

(1) Compliance With County Subdivision Regulations and County Building Code -In addition to the requirements of this Ordinance, all development and improvements to property in the County shall comply with the County Subdivision Regulations and the County Building Code as well as other applicable laws and regulations.

SECTION 3520-RULES FOR INTERPRETATION OF DISTRICT REGULATIONS.

If a particular use or structure is not specifically listed as a permitted principal use or a permitted accessory use or a conditional use within the regulations for a particular zoning district, the Planning and Zoning Director or his designee is empowered to interpret the intent of the Ordinance and to treat such an unlisted use or structure in the same manner as a similar use or structure which is listed. If no similar use or structure is listed for a particular zoning district, the presumption shall be that the unlisted use or structure is prohibited. The Planning and Zoning Director or his designee is also empowered to make interpretations of other provisions of the Ordinance which may need greater clarity for application to particular cases. Any persons aggrieved by an interpretation made by the Planning and Zoning Director or his designee may appeal to the Board of Adjustment for a review of the interpretation. Details regarding the appeal process are contained in Section 7030.

SECTION 3600-A-1 RESIDENTIAL AGRICULTURAL ZONE

The regulations set forth in this section or set forth in this ordinance, when referred to in this section, are the regulations in the A-1 Residential Agricultural Zone. The purposes of this zone are to preserve the scenic and recreational values in the National Forests and similar adjoining land, to safeguard the future water supply, to provide open and spacious development in areas remote from available public services and to recognize the desirability of carrying on compatible agricultural operations and spacious home developments in areas where the demand for urban development has, as yet, not been made. The regulations provide for the protection of these important land uses, and are not intended to unduly restrict or regulate dairying, farming, or ranching operations.

SECTION 3610 - PERMITTED USES. A building or premises may be used for the following purposes:

- a. Ranch, farm, dairy, and rural residential activities provided that any building, pen or corral where animals are kept is at least 20 feet from an adjoining property line or from any dwelling and all structures for animals are kept clean.
- b. Display and sale of agricultural products including poultry or rabbits, raised on the premises, and products incidental to the sales activity.
- c. One single family dwelling or mobile home per lot of record or per acre and one dwelling for guests occupied not more than 90 days during the year not exceeding 800 square feet in gross floor area.
- d. Accessory building, structure, or use customarily incident to the above uses to include barns and corrals.
- e. Storage of a trailer or boat when such trailer or boat is not to be used as a dwelling nor as accessory living quarters, is not connected to utilities, other than temporarily to a source of electricity.
- f. Signs not exceeding 25 sq. ft. in area per sign pertaining to the lease, hire or sale of a premises or sale of home raised products, provided there shall be no more than one such sign per acre of lot area. See Sign Regulations, Section 4700.
- g. Parking incidental to uses permitted in this zone.
- h. Home occupation and wood sales.
- i. Sawmills not producing more than 5,000 board feet per day provided a 60 foot setback from the adjoining

property line is maintained by the saw, any structures or activities on the premises.

- j. Parks less than one acre providing open public space.
- k. Farmers markets with 20 or fewer vehicular vending spaces provided a 60 foot setback is maintained from adjoining property line by any one of the vending spaces.
- l. Grocery or craft stores not exceeding 1,500 square feet in floor space.
- m. Feedlots, poultry farms or vineyards located on lots or parcels containing not less than 10 acres provided a 60 foot setback from the adjoining property line is maintained by any structures or activities on the premises.

SECTION 3620 -CONDITIONAL USES. The following uses may be permitted, if approved by the County, in accordance with the procedures and under the conditions set out in Section 7000 of this ordinance, and in the general and specific use limitations.

- a. Church and incidental facilities, schools, hospitals, cemeteries, clinics, libraries, museums or art galleries.
- b. Day care nurseries and pre-schools.
- c. Mining, oil, gas and soils extractions.
- d. Airports, heliports or landing fields.
- e. Commercial stables, rodeo arenas, polo grounds, and and riding academies.
- f. Privately or commercially operated recreational camps, lakes, swimming pools, recreational clubs and areas with outdoor use of weaponry.
- g. Guest ranch and incidental facilities, including stables, corrals, swimming pools, restaurants, incidental retail sales and services, and personal services provided such ranches are located on lots or parcels containing not less than 10 acres.
- h. Hunting, fishing, ski resorts, and incidental facilities, provided they are located on lots or parcels containing not less than 10 acres.
- i. Kennels, animal hospitals, or the breeding, boarding or sale of dogs, cats, and birds. Commercial animal establishment and non-profit animal facility.

- j. Temporary use of a structure as a Construction Site office or a Real Estate office.
- k. Signs exceeding the limitations listed in section 3610 f. above. However, no free standing billboards or advertising sign will be erected, subsequent to the effective date of this ordinance, which would be nearer than 200 feet to any existing occupied conforming residential property, measured along the right of way of the nearest street.
- l. Sawmill producing more than 5,000 board feet per day and logging camp, when located not less than 200 feet from any public highway, dwelling or public recreational area.
- m. Temporary storage structure or yard for construction purposes.
- n. One mobile home for a 4 year period in addition to an existing single family dwelling or mobile on a lot provided it complies with the following requirements:
 - (1) The mobile home may be used by members of the family residing in the existing dwelling unit on the property.
 - (2) The mobile home shall be connected to water and sewage disposal facilities approved by the Environmental Improvement Division.
 - (3) Placement of a mobile home on the property will not seriously conflict with the character of area or be detrimental to the values of surrounding properties.
- o. Transmission towers and antennas.
- p. Asphalt batching, cement and gravel plants.
- q. Automobile Service Stations.
- r. Flea Markets and Farmers Markets with more than 20 vehicle vending spaces.
- s. Mini-Warehouses.
- t. Solid Waste Disposal Operation.
- u. Movie Theaters, Drive-Ins.

- v. Sewage Treatment Plants.
- w. Parks one acre or more, Golf Driving Ranges and other Recreational Areas.
- x. Recreational Vehicle Parks and Campgrounds.
- y. Salvage, Demolition and Junk Yards.
- z. Bars, dance halls, liquor stores, and Skating rinks.
- z1. Industrial Uses
- z2. Mobile Home Parks
- z3. Grocery and craft stores exceeding 1,500 square feet in floor space.
- z4. Restaurants
- z5. Apartment complexes, condominiums.
- z6. Adult residential shelter care homes, boarding homes, fraternity and sorority houses, nursing homes, state licensed or state operated community residences for the mentally ill or developmentally disabled.
- z7. Hotels and motels.
- z8. Feedlots, poultry farms or vineyards located on lots or parcels containing less than 10 acres.

SECTION 3630 - Height Regulations. Buildings and structures shall not exceed 30 feet in height, except as provided in section 4100 of this ordinance.

SECTION 3640-Area Regulations

a. Minimum Lot Area & Lot Width. Every lot shall have an area of not less than 1 acre and an average width of not less than 100 feet.

b. Setbacks. Minimum street yard setback shall be 20 feet, minimum side yard shall be 10 feet, and the minimum rear yard shall be 20 feet except as provided in Section 4200 hereof.

SECTION 3650 -Parking Requirements. Off street parking for all uses must be provided in accordance with the regulations set forth in Section 4400 of this ordinance.

SECTION 3700-R-1 SINGLE FAMILY RESIDENTIAL ZONE.

The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulations in the R-1 Residential Zone. The purpose of this zone is to provide for the development of single-family homes on lots not less than $\frac{1}{2}$ acre in area, except that where adequate water and sewer facilities approved by EID are made available, the lot size may be reduced. The regulations provide for the health, safety and welfare of the residents.

SECTION 3710-Permitted Uses. A building or premises may be used for the following purposes:

- a. Agricultural activity, including truck gardening and nurseries, fur bearing animal farm, the raising of poultry or rabbits, dairy farming, livestock grazing, feeding, and the raising of livestock on lots containing 3 acres or more. On lots of less than 3 acres, there shall be at least 8,000 sq. ft. of lot area for each cow or horse, and/or at least 3,000 sq. ft. of lot area for each sheep, pig, or goat, provided that any building, pen, or corral where such animal is located is at least 15 ft. from any adjoining property line or from any dwelling and all structures for animals are kept clean. Chicken houses shall be at least ten feet from an adjoining property line or dwelling. Stand for the display or sale of home raised agricultural products including poultry or rabbits raised on the premises.
- b. One single family dwelling or mobile home per half acre or per lot of record.
- c. Accessory building, structure, or use customarily incident to the above uses.
- d. Recreational vehicle or boat storage in the rear yard when such recreational vehicle or boat is not to be used as accessory living quarters, is not connected to utilities, other than temporarily to a source of electricity. Mobile home used for dwelling purposes served only by electricity for lighting purposes, the parking and use of such mobile home shall be limited to a maximum of four weeks in any calendar year.
- e. Signs not exceeding 10 sq. ft. in area pertaining to the lease, hire, or sale of a premises or sale

of home raised products, provided there shall be no more than one such sign on each lot. See Sign Regulations, Section 4700.

- f. Parking incidental to uses permitted in this zone.
- g. Home occupation.
- h. Grocery or craft stores not exceeding 1,500 sq. ft. in floor space.

SECTION 3720 -Conditional Uses. The following uses may be permitted if approved by the County in accordance with the procedures and under the conditions set out in Section 7000 of this ordinance and in the general and specific use limitations.

- a. Church and incidental facilities, schools, clinics, libraries, museums or art galleries.
- b. Day Care Nurseries and Pre-schools.
- c. Restaurants
- d. Real estate sales office and real estate signs not exceeding 25 sq. ft. in connection with a specific development for a period of not more than 2 years.
- e. Recreational facility (non-profit) such as swimming pools or tennis clubs on sites containing not less than 1 acre.
- f. Temporary storage structure or yard for construction purposes.
- g. Mobile home used as dwelling (with connections to any utilities) during construction of a dwelling on the same premises, provided such use shall be limited to a maximum period of 24 months, such period commencing with the issuance of a permit for the construction of the dwelling.
- h. One mobile home for a 4 year period in addition to an existing single family dwelling or mobile home on a lot provided it complies with the following requirements:
 - (1) The mobile home may be used only by members of the family residing in the existing dwelling unit on the property.
 - (2) The mobile home shall be connected to water and sewage disposal facilities approved by the Environmental Improvement Division.

(3) The mobile home must be placed on the property in conformance with the setback requirements and located at least 15 ft. from any structures on the same or on adjoining property.

(4) Placement of a mobile home on the property will not seriously conflict with the character of the area or be detrimental to the values of surrounding properties.

- i. Non-profit animal facility.
- j. Grocery or crafts stores exceeding 1,500 sq. ft. in floor space.
- k. Restaurants.
- l. State licensed or state operated community residences for the mentally ill or developmentally disabled.

SECTION 3730 - Height Regulations. Building and structures shall not exceed 30 feet, except as provided in Section 4100 of this ordinance.

SECTION 3740-Area Regulations

a. Minimum Lot Area & Lot Width. Every lot shall have a minimum area of not less than $\frac{1}{2}$ acre and a minimum lot width of 60 ft., except that where adequate water and sewer facilities approved by EID area available, the lot area may be decreased to 6,000 sq. ft.

b. Street Yard.

(1) There shall be a street yard having a depth of not less than 10 ft., except as provided in Section 4200 of this ordinance.

(2) Where lots have double frontage, the required street yard shall be provided on both streets.

c. Side Yard.

(1) Except as hereinafter provided in the following paragraph and in Section 4200 of this ordinance, there shall be a side yard on both sides of a building the aggregate width of which shall be not less than 14 ft., provided, however, that neither such yard shall be less than 6 ft. in width.

(2) Wherever a lot of record, at the effective date of this ordinance, has a width of less than 60 ft., each side yard may be reduced to a width of not less

than 10 percent of the width of lot, but in no instance shall it be less than 3 feet.

- d. Rear Yard. Except as hereinafter provided in Section 4200 of this ordinance, there shall be a rear yard having a depth of not less than 15 feet.

SECTION 3750- Parking Requirements. Off street parking for all uses must be provided in accordance with the regulations set forth in Section 4400 of this ordinance.

SECTION 3760-TC-Traditional Community Zone

The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to this section, are the regulations in the TC Traditional Community Zone. The purpose of this zone is to encourage adequate planning without negating the traditional styles, practices and values of these communities. The regulations provide for adequate water and sewer facilities and it is the intention of the establishment of this district to assure that future development does not adversely impact water supplies of the Mutual Domestic Water Consumers Association. All traditional community zoning districts are hereby designated as cultural historic districts and owners may apply to the County for registration of cultural/historical properties that are deemed worth preserving.

SECTION 3770-Permitted Uses.

Uses permitted in the R 1 zone as listed in section 3710. Wood sales allowed on lots providing a 20 foot setback of piles from adjoining property lines.

SECTION 3780 - Conditional Uses. The following uses may be permitted, if approved by the County in accordance with the procedures and under the conditions set out in Section 7000 of this ordinance, and in the general and specific use limitations. Uses conditional in the R-1 zone as listed in Section 3720.

SECTION 3790-Height Regulations-Same as in the R-1 zone.

SECTION 3792-Area Regulations- Same as in the R-1 zone.

SECTION 3794-Parking Requirements-Same as in the R-1 zone.

SECTION 3796 -Other Requirements- Any owner of a registered cultural/historical structure that is to be erected, constructed, modified, moved or demolished, shall apply for a permit subject to the requirements of Section 4900.

SECTION 3800-A-2 RESIDENTIAL AGRICULTURAL ZONE.

The regulations set forth in this section or set in this ordinance, when referred to in this section, are the regulations in the A 2 Residential Agricultural Zone. The purposes of this zone are to preserve the scenic and recreational values in the National Forests and similar adjoining land, to safeguard the future water supply, to provide open and spacious development in areas remote from available public services and to recognize the desirability of carrying on compatible agricultural operations and spacious home developments in areas where the demand for urban development has, as yet, not been made.

SECTION 3810-Permitted Uses.

- a. Uses permitted in the A-1 zone except that only one dwelling unit either single-family or mobile home, per two acres or per lot of record.

SECTION 3820 Conditional Uses. The following uses may be permitted, if approved by the County, in accordance with the procedures and under the conditions set out in section 7000 of this ordinance, and in the general and specific use limitations.

- a. Uses conditional in the A-1 zone as listed under Section 3620.
- b. One mobile home for a 4 year period in addition to an existing single family dwelling or mobile home on a lot of less than 4 acres, provided it complies with the following requirements:
 - (1) The mobile home may be used only by members of the family residing in the existing dwelling unit on the property.
 - (2) The mobile home shall be connected to water and sewage disposal facilities approved by the Environmental Improvement Division.
 - (3) The mobile home must be placed on the property in conformance with the setback requirements and located at least 15 feet from the structures on the same or on adjoining property.
 - (4) Placement of a mobile home on the property will

not seriously conflict with the character of the area or be detrimental to the values surrounding properties.

SECTION 3830-Height Regulations. Buildings and structures shall not exceed 30 feet in height, except as provided in Section 4100 of this ordinance.

SECTION 3840-Area Regulations.

- a. Minimum Lot Area and Lot Width. Every lot shall have an area of not less than 2 acres and an average width of not less than 125 feet.
- b. Setbacks. Same as in the A-1 Zone.
- c. Parking Requirements. Same as in the A-1 Zone.

SECTION 3900-R-H RURAL-HOLDING ZONE.

- a. The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulations in the R H Rural Holding Zone. The purpose of this zone is to permit in appropriate areas a lower density of population than in residential agricultural zones and still maintain an environment supporting large farms and ranches.

SECTION 3910-Permitted Uses. A building or premises may be used for the following purposes.

- a. Any Permitted Use permitted in the A-1 Residential zone except that one dwelling or mobile home shall be allowed per five acres or per lot of record and one dwelling for guests occupied not more than 90 days during the year not exceeding 800 square feet in gross floor area.
- b. An existing homeowner may build, lease or place an additional single family dwelling or mobile home per 5 acres or per lot of record provided adequate water and sewer is made available and the new structure is located at least fifteen feet from any other structure on the same or on adjoining property.
- c. One dwelling for a ranch caretaker not exceeding 1,200 square feet in gross floor area.

Section 3920-Conditional Uses. The following uses may be permitted if approved by the County, in accordance with the procedures and under the condition set out in Section 7000 of this ordinance.

- a. Any Conditional Use permitted in the A-1 Residential Agricultural Zone.

SECTION 3930- Height Regulations. Structures not within 100 feet of an R-1, A-1 or A-2 Zone may exceed 30 ft. in height. Structures within 100 feet of an R -1, A-1 or A-2 Zone may not exceed 30 feet in height except as provided in Section 4100 of this ordinance.

SECTION 3940- Area Regulations.

- a. The yard regulations are the same as those in the A-1 Residential Agricultural Zone.
- b. Minimum Lot Area and Lot Width. The minimum lot area shall be 5 acres and the minimum lot width shall be 125 feet.
- c. Setbacks. The setback requirements are the same as those in the A-1 Residential Agricultural Zone.
- d. Parking Requirements. Off street parking for all uses must be provided in accordance with the regulations set forth in Section 4400 of this ordinance.

Article IV-General Use Limitations

4000-Purpose

The purpose of this article is to provide exceptions and specifications in addition to the requirements provided for in the regulations for each zoning district so as to accommodate certain features, issues and processes within the development process in the furtherance of the public health, safety and welfare. These limitations shall apply in addition to the requirements provided for in the regulations for each individual zoning district.

SECTION 4100-Supplementary Height Regulations:

- a. Accessory Buildings and Structures: Accessory buildings or structures located within a lot in any zoning district shall not exceed 16 feet in height.
- b. Exception for Certain Building Types: Public building, churches and similar places of religious worship and instruction, hospitals and schools may exceed the maximum height limitations of a particular zoning district when the needs of building efficiency and/or prominence of architectural design warrant it provided that the following conditions are met:
 - (1) Buildings of the type specified above may extend up to a height of 50 feet without the requirement of any special approval provided that the provisions of sub-section b(2) below are met. An increase in height beyond 60 feet shall require Board of Adjustment approval as provided for in the process specified for conditional use permits and shall also conform to the provisions of sub-section b(2)below.
 - (2) For buildings exceeding the maximum height limits of a district the required interior rear and side yards shall equal 60 percent of the building height.
- c. Exceptions for Buildings or Structures for Industrial Uses or the Rural Holding Zone: In an industrial use or the Rural Holding Zone District, buildings and structures may exceed the maximum height limitations when the particular use requires it, provided that the following conditions are met:
 - (1) An increase in height beyond the maximum height limitations is approved by the Board of Adjustment according to the process specified for conditional use permits.

(2) The building or structure exceeding the maximum height limitations of the particular zoning district observes front, rear and side yard setbacks equal to the height of the building or structure.

d. Exceptions for Public or Semi-Public Utilities Structure:

Public or semi public utility structures (which are not otherwise exempted from the provisions of this Ordinance by Section 3500 f) may exceed the maximum height limitations of a particular zoning district when the use warrants it, provided that the following conditions are met:

(1) An increase in height beyond the maximum height limitations is approved by the Board of Adjustment according to the process specified for conditonal use permits.

(2) The structure exceeding the maximum height limitations of the particular district observes front, rear and side yard setbacks equal to the height of the structures.

e. Exceptions for Certain Accessory Structures: Flagpoles, church steeples and belfries, chimney (but not industrial smoke stacks) elevator bulkheads, necessary rooftop mechanical appurtenances, rooftop solar collectors and the like may extend a reasonable distance beyond the maximum height limitations of the particular zoning district.

f. Exceptions for Antennas: Antennas for residential use may exceed the height limitations of the particular zoning district but not for a height greater than 50 feet from ground level. Antennas higher than 50 feet shall require conditional use permit approval.

g. Compliance With Airport Zoning: Nothing in the foregoing subsections shall be construed as authorizing or permitting any building or structure or any portion thereof to be erected, constructed or maintained in violation height limitations imposed by airport zoning regulations or other applicable regulations.

SECTION 4200-Supplementary Yard Regulations:

a. Exceptions to Minimum Street Yard Requirements:

(1) Where a lot frontage is divided among zoning districts with different street yard requirements, the deepest street yard shall apply to the entire lot frontage.

(2) In all zoning districts where an undeveloped lot is situated between two adjacent lots, each of which have a principal building which projects beyond the minimum street yard requirements for its district, the minimum street yard requirement of the undeveloped lot shall be the average distance between the front lot lines and the front facade of the principal buildings on the adjacent properties.

(3) On corner lots of all existing subdivisions in all residential zoning districts the minimum street yard requirement shall be observed on all street frontages, except however, the depth of the street yard paralleling the side of the lot may be reduced in order to permit a building width of 35 feet provided that there is at least a 10 foot required yard along the street frontage paralleling the side of the lot.

b. Placement of Accessory Buildings, Structures or Appurtenances in Required Yards: Every part of every required yard shall be open and unobstructed from the ground up, except as provided for below.

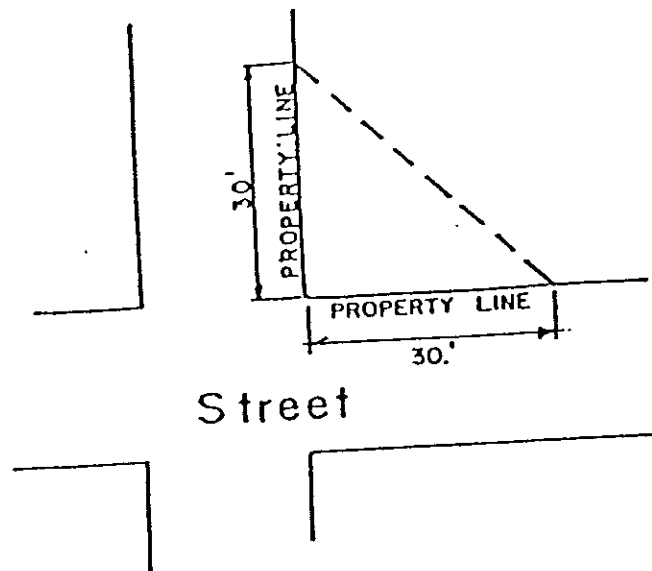
(1) In all residential zoning districts, accessory buildings or structures shall not be located in required street yards. Accessory buildings or structures may be located in required rear or side yards provided that they are setback at least 5 feet from the lot lines; except however garages which have their vehicular entrance from an alley shall observe at least a ten foot setback from the rear lot line. Swimming pools as accessory structures to a multiple family or townhouse development shall be located at least 25 ft. from the lot perimeter boundaries of the development.

(2) In all residential zoning districts, on double frontage lots or corners lots, accessory buildings or structures shall not be located in any required yard up to forty feet of yard depth abutting a street.

(3) Signs, fences, walls and hedges may be located in required yards subject to the limitations of Section 4700.

(4) In all zoning districts, off street parking areas may be located in required yards to the extent permitted by Section 4400 .

(5) In all zoning districts, chimneys, fireplaces, pilasters, roof overhangs, movable awnings, unenclosed balconies and unenclosed stairways may project into any required yard for $4\frac{1}{2}$ feet or one-half of the required yard, whichever is less.



c. Vision Clearance

In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear vision formed by two intersecting streets. On any portion of a lot that lies within the triangular area nothing shall be erected, planted, placed, or allowed to grow in such a manner as to impede vision of motorists between a height of three (3) feet and ten (10) feet above the grade at the two intersecting property lines. The triangular area shall be formed by a point on each property line and located thirty (30) feet from the intersection of the street lines and a third line connecting the points.

d. Open Storage in Yards: In all residential zoning districts, open storage of equipment, building materials, firewood and the like is prohibited within a forty-foot yard depth

of the lot lying between a street lot line and the facade of the nearest building extended out to the lot lines. Such storage is permitted in the prohibited area during the construction phase of a building or structure and is permitted for operational farm equipment during harvesting time.

SECTION 4300 Supplementary Lot Area, Width and Street Frontage Regulations:

1. In all zoning districts, public uses and semi-public utilities are exempt from the minimum lot area and width requirements. No security light pole shall be placed within a required side yard.

SECTION 4400-Off-Street Parking Requirements: Where required by this Ordinance and not otherwise exempted, every use or structure shall have an adequate number and type of off street parking spaces for the occupants, employees, visitors, customers or patrons who frequent the use or structure, so as to avoid

the need for on-street parking or the unauthorized use of neighboring parking areas. The regulations listed below shall apply for all off-street parking.

a. Permitted Location of Parking:

(1) In the Rural Holding Zone District (RH), the following shall apply: the required off street parking shall be provided on the lot where the use or structure is located; the parking of motor vehicles shall not be permitted in the required street yard of the lot except on a driveway; and parking is permitted in all other areas of the lot provided that a 5 ft. setback from the lot boundaries is observed.

(2) In all A-1, A-2, R-1, mobile home subdivision and mobile home park developments the following shall apply: the required off-street parking shall be provided on the same lot (or mobile home space) where the use or structure is located; parking of motor vehicles shall not be permitted anywhere within the portion of the lot (or mobile home space) lying across the full facade of the nearest principal structure except on a driveway; and parking is permitted in all other areas of the lot (or mobile home space) provided that a 5 ft. setback from the lot boundaries is observed.

(3) In all townhouse and all multiple family developments, the following shall apply: the required off street parking shall be provided on the same site where the use or structure is located; parking of motor vehicles shall not be permitted in a required street yard of a lot or site except on a driveway; and parking is permitted in all other areas of the lot or site provided that a 5 ft. setback from the lot boundaries is observed.

(4) In all conditional, industrial and other types of uses not mentioned above, the following shall apply: the required off-street parking shall be provided on the same lot or site where the use or structure is located or on another lot or site which is within 300 ft. of use or structure for which the parking is being provided; and parking of motor vehicles is permitted in all areas of the site except within 7 ft. of the lot boundaries or for the portion of the street yard which lies within 30 ft. triangular vision clearance area on corner lots. (Refer to Section 4200, c for specific information regarding the vision clearance area of corner lots).

(5) In all zoning districts, in addition to the above, all parking within above-ground detached garages and carports shall observe the regulations governing placement of accessory structures as provided for in Section 4200, b.

(6) In all zoning districts, underground parking garages shall only be required to meet a 5 ft. setback from all lot boundaries.

b. Changes in Use: When the existing use of any building or structure or premises is changed to a greater intensity or to a new use, off-street parking facilities shall be provided as required for the more intense or new use.

c. Number of Required Parking Spaces: The minimum number of off street parking spaces required for particular uses to meet the requirements of this Ordinance shall be determined from the table provided below.

TABLE FOR DETERMINING REQUIRED NUMBER OF PARKING SPACES

Single family dwelling and Mobile Homes	2 stalls for each dwelling units
Two-family and Muti-family dwellings	2 stalls for each dwelling unit
Hotels, Motels	1 stall for each guest room, plus 1 stall for each 3 employees
Hospital, Clubs, Lodges Sororities, Dormitories Lodging and Boarding Houses	1 stall for each 2 bed, plus 1 stall for each 3 employees
Sanitariums, Institutions, Rest and Nursing Homes	1 stall for each 5 beds, plus 1 stall for each 3 employees
Medical and Dent al Clinics	3 stalls for each doctor, plus 1 stall for each em- ployee
Churches, Theaters, Auditor- iums, Community centers, Voc- ational and Night Schools and other places of public assembly	1 stall for each 5 seats
Colleges, Secondary and Ele- mentary Schools	1 stall for each 2 employees, plus a reasonable number of stalls for student and other parking
Restaurants, Bars, Places of Entertainment, Repair Shops and Retail and Service Stores	1 stall for each 250 square feet of gross floor area

Manufacturing and Processing Plants, Laboratories and Warehouses	1 stall for each 2 employees during any 12 hour period
Financial Institutions; business, governmental, and professional offices	1 stall for each 300 square feet of gross floor area
Funeral Homes	1 stall for each 150 square feet of chapel floor area
Bowling Alleys	4 stalls for each bowling lane

(1) In the case of structures or uses not mentioned above, the provision for a use which is similar shall apply.

(2) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use during such periods of time as the various uses are reasonably likely to be simultaneously requiring parking for employees, customers and other persons.

(3) Existing Uses. Uses which are existing at the time of enactment of these parking regulations may be exempted by the Board of Adjustment from providing additional parking spaces due to enlargement if this should prove to be unfeasible or an unreasonable hardship.

(4) Disabled Parking Spaces. For all multiple family, institutional, commercial and industrial uses, at least two percent of the total number of required parking spaces, but not less than one space, shall be provided for the use of the physically disabled.

SECTION 4500-Street Access Requirements:

a. Number of Permitted Street Access Points: For uses in all zoning districts, the maximum number of points of vehicular access to a public street shall be as follows:

<u>Lot Width Abutting Street</u>	<u>Number of Points of Access Allowed</u>
Less Than 65 ft.	1
65 ft. - 200 ft.	2
Over 200 ft.	2 plus 1 for each additional 200 ft. of lot width in excess of 200 ft.

b. Design of Street Access Points:

(a) For individual lots (or mobile home spaces) developed with single family detached dwelling, two-family dwellings, townhouses or mobile home dwellings, the minimum width of the vehicular access at the street right-of-way line shall be not less than 12 ft. nor more than 20 ft.

(b) For lots or sites developed with uses other than those specified in (a) above, the minimum width of the vehicular access at the street right-of-way line shall be not less than 20 ft., nor more than 30 ft.; if the vehicular access is divided by a median except, however, the width may be increased to 35 ft.

(c) Within any one lot there shall be a minimum distance of 10 ft. between any two separate points of vehicular access to a public street.

(d) On all individual lots (except those developed with single family detached dwellings, two family dwellings, two family dwellings, townhouses and mobile homes), the point of vehicular access at the street right of way line shall be at least 5 ft. from any side lot line. However, this provision shall not apply where there is a shared vehicular access extending across portions of the street yard of two abutting lots provided that the width specifications outlined in (b) above are met. Such a shared vehicular access shall count as one vehicular access point for each abutting lot in computing the number of allowed vehicular access points.

(e) On all lots, no point of vehicular access shall be permitted within 25 ft. of the point of intersection of street right of way lines.

Exceptions: Lots developed with automobile service stations are exempted from the street access requirements specified above and shall instead meet the specific requirements for automobile service stations as provided for in Section 5140.

SECTION 4550-SCREENING AND BUFFER FENCES.

For conditional use approval, the County may require screening or buffer fences to temper possible adverse impacts between incompatible adjacent land uses. A six foot high solid wooden fence would be considered adequate screening in most cases. A property where the existing natural vegetation and/or topography, if kept and maintained, would suit the purpose of these provisions as well as man-made screening or landscaping, may be exempted by the Planning and Zoning Director or his designee. A property where the adjacent developed properties

have already installed adequate screening may be exempted. The minimum buffer area between differing land uses shall be a 20 foot set back and shall be wider where the nature of the adjacent land uses creates significant compatibility problems between them, including but not limited to, off-site odors, vibrations, glare or noise caused by the proposed use.

SECTION 4600- ACCESS FOR FIRE VEHICLES AND APPARATUS

- a. The purpose of this section is to facilitate rapid and effective extinguishment of fires by ensuring that all premises are readily accessible to the fire department.
- b. Every non-residential and multi-family use permitted by this Ordinance shall provide access for fire vehicles and emergency apparatus from public street.
- c. A fire lane shall comply with the following standards:
 1. Access for vehicles and apparatus shall be clear and unobstructed at all times.
 2. Signs prohibiting parking of motor vehicles shall be required.
 3. The fire lane surface shall be an all-weather roadway or have at least four inches of gravel, base course or pit run aggregate material.

SECTION 4700-SIGN REGULATIONS

The purpose of this section is to establish minimum regulations permitting signs for advertising, identification or direction pertaining to a use conducted within a building provided:

- a. The sign is located entirely on private property and no part of which shall extend over a sidewalk or property line.
- b. Lighted signs are located as not to reflect into any residentially used property.
- c. A free standing sign may exceed twenty five (25) square feet (ten (10) square feet in an R-1 zone) provided it is located at least 200 feet from any existing, occupied conforming residential property measured along the right of way of the nearest street.
- d. A sign attached to a building or wall does not protrude more than four and one-half (4½) feet from the wall

of the building and no point of which is lower than eight (8) feet from the ground and does not extend beyond the property line.

- E. No permanent advertising signs shall be allowed except for duly approved conditional uses or home occupations. Temporary advertising signs shall be allowed for homeowner garage sales and for real estate sales or rental use.
- f. The number of advertising signs is limited to one per lot. The number of informational signs is limited to two per lot.

SECTION 4800 -FLOODPLAINS

- a. The determination of all floodplain boundaries shall be based on Certified Federal Insurance Administration or Federal Emergency Management Agency Flood Hazard Boundary Map.
- b. All such areas shall be permanent open space.
- c. The following uses are permitted within the floodplain as a matter of right:
 - 1. Natural areas such as woodlands, natural water courses, wetlands, etc.
 - 2. Agricultural uses.
 - 3. Outdoor recreation
 - 4. Buildings or structures may be located adjacent to a floodplain when the finished surface of the ground is higher than, or is raised by filling to an elevation of at least two (2) feet above the elevation of the floodplain.

SECTION 4810-STEEP SLOPES

- a. No more than twenty (20) percent of a persons property being developed in areas between eight (8) to fifteen (15) percent slopes may be developed, regraded, or stripped of vegetation.
- b. No more than the (10) percent of a persons property being developed in areas between fifteen (15) to thirty (30) percent slopes may be developed, regraded, stripped of vegetation.
- c. Slopes greater than thirty (30) percent may not be developed, regraded, or stripped of vegetation.

SECTION 4820-Erosion Hazard Areas

All erosion hazard areas shall remain in open space.

SECTION 4830-WOODLANDS

No more than twenty five (25) percent of a persons property being developed in any woodland may be cleared or developed. The remaining seventy five (75) percent shall be maintained as permanent open space. This provision shall not apply to tree farms, logging sites or sites harvested for Christmas trees.

SECTION 4840-STORMWATER RUNOFF

- a. Each conditional use other than a single family dwelling shall provide plans for the on-site or off-site detention and release of excess stormwater runoff.
- b. No development other than a single family dwelling shall cause downstream property owners to receive stormwater runoffs from proposed development at a higher peak flow rate than would have resulted with the land in its natural, undeveloped condition.
- c. All terrain management devices shall be designed with sufficient capacity to accommodate all runoff caused by the development.

SECTION 4850-ENVIRONMENTAL PERFORMANCE REQUIREMENTS

In all zoning districts, no principal, accessory or conditional use shall be conducted so as to cause the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere. Moreover, no use or activity shall be conducted or permitted which constitutes a menace to persons or property or which is dangerous, obnoxious or offensive by the creation of a fire, explosion or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust, fumes, vibration, electromagnetic interference, radiation, light, glare, humidity, visual clutter, unsanitary or rodentbreeding conditions. In addition, no use shall be permitted or conducted which creates a public or private nuisance. The County shall cooperate with the New Mexico Environmental Improvement Division in the enforcement of state environmental regulations.

SECTION 4860-PRESERVATION OF CULTURAL, HISTORICAL AND ARCHAEOLOGICAL SITES AND STRUCTURES.

Owners of structures not within TC zones that may qualify as cultural historic properties may apply to the State Office of Historic Preservation for cultural/historic designation. In the event the County inventories any or all structures

that may be deemed culturally and/or historically significant, separate design standards shall be considered for adoption in addition to the requirements of this section. Until such standards are adopted, due regard shall be given in the granting of a conditional use permit to the preservation of a structure or landmark having cultural, historic or archaeological significance located on the lot or parcel to be developed.

SECTION 4870-PLANNED UNIT DEVELOPMENT (PUD) OR GROUP DEVELOPMENT REQUIREMENTS

(A) Purpose and Intent: The PUD, Planned Unit Development Regulations are intended to facilitate the use of the most up-to-date techniques of land development, site design and building design. To this end, the regulations are intended to encourage creativity in the arrangement and placement of diverse building types, open spaces and uses conceived and planned as comprehensive and cohesive projects. Furthermore, the application of the regulations is intended to provide:

1. Flexibility in residential, commercial and industrial land development to take advantage of new technology in site planning and building design and construction.
2. Variety in the organization of site elements, building location and building types.
3. Higher standards of site and building design.
4. Preservation and enhancement of desirable site characteristics and open space.
5. More efficient and effective use of land, open space and public facilities.
6. Flexibility in site planning to enable solar oriented building sites.

The provisions of the PUD shall apply in addition to the provisions of the underlying districts(s) and the specific use limitations. Where the provisions of the PUD conflict with the provisions of the underlying district(s), the provisions of the PUD shall govern.

(B) Permitted Principal Uses: Same as the underlying zoning district(s), except as otherwise indicated below.

A planned development may consist of one or more buildings or structures together with related facilities and open spaces and may incorporate any one or more the uses permitted in the underlying district(s) established by this Ordinance.

(C) Permitted Accessory Uses and Structures: Same as the underlying zoning district(s), except as otherwise indicated below.

(D) Conditional Uses: Location site and operational plans are required for all structures and improvements which serve the principal use.

All conditional uses allowed in the underlying zoning district(s).

Patio or zero side yard houses.

Cluster housing.

Private roads.

(E) Other Requirements:

1. The following basic requirements shall apply to all planned developments:

(a) Minimum Project Site Size: None

In districts where allowed, a planned development may be established for any parcel or tract of land of sufficient size and dimensions to be planned and developed, or redeveloped, as a unit in a manner consistent with the purposes for which planned developments may be established as set forth in Section (A) above.

(b) Minimum Project Site Setback from Exterior Boundaries: 15 ft.

(c) Minimum Common Open and Recreational Space:

Common open and/or recreational space shall be provided on at least 20 percent of the total lot area within the proposed development. Any area not used for streets and parking and not owned or controlled exclusively by the owner of a single dwelling unit shall be considered open space under this section.

(d) Minimum Yard Depth:

Street: None

Rear: None

Side: 15 ft. between single and two family dwelling units

Other: Separation between multiple family, commercial and industrial buildings shall be as per the specific use limitations.

(e) Maximum Residential Density: The residential density shall be in conformance with the gross density calculated by the number of single family dwellings allowable per the number of minimum lot sizes in effect for land in this zoning district.

(F) Traffic

a. That the development shall be served by a minimum of two points of ingress and egress which shall connect directly to a collector or arterial street(s).

(b) That the additional traffic generated by the proposed development shall not cause the design capacity of adjacent streets to be exceeded, based upon the following criteria:

Design Capacity by Street Type

<u>Street</u>	<u>Traffic Volume</u>
Local	
- Cul-de-sac	300 ADT
-Through Street	
50 ft. width	1,500 ADT
60 ft. width	2,500 ADT
Collector	
- 60 ft. width	5,000 ADT
- 70 ft. width	10,000 ADT
Minor Arterial	25,000 ADT
Principal Arterial	50,000 ADT

Vehicles Per Dwelling Unit Type

<u>Type Unit</u>	<u>Daily Trip Generation</u>
Apartments.....	5/Unit
Patio Houses, Duplexes Townhouses.....	7/Unit
Single Family.....	9/Unit

Additional traffic considerations; In addition, the development shall be planned in accordance with the following building street type relationships.

<u>Building Type</u>	<u>Recommendations</u>
Single-family	Locate units on local streets
Duplex	Locate units on local street and residential collectors.
Multi family	Locate units in planned area with access on collectors; and allow some controlled access on to minor arterials.
Mobile Homes	Locate mobile home subdivisions on local streets. Locate mobile parks with access on collectors; and allow some controlled access on to minor arterials.
Regional Retail	Locate on intersection of Interstate system or principal arterials.
Community Shopping	Locate on arterial intersections.
Neighborhood Shopping	Locate on collector intersections.
Industrial	Locate on principal arterial.

(G) Off Street Parking and Loading Requirements as per Underlying District(s) and Section 4400.

SECTION 4880-OTHER REQUIREMENTS

A. The County shall assure that any conditional use meets any relevant and applicable solid waste, water supply, water quality and liquid waste standards of the New Mexico Environmental Improvement Division, the Construction Industries Division and any other EID environmental regulations as applicable. If a proposed development is located within the service area of an existing common water system or common liquid waste system and if that system is willing and able to provide service to the proposed development, then the development shall provide for hook-up to that system.

B. The Planning and Zoning office may consult with EID and CID staff prior to issuance of building permits for permitted uses if any unusual topographic or environmental conditions exist on the applicant's premises.

C. Any Conditional or Permitted Use established after the effective date of this Ordinance, with the exception of home occupations, ranches, farms, or dairies operating after 9 p.m. on any evening shall be located at least 200 feet from any existing, occupied conforming residential structure on another property unless all owners of property within 200 feet of the proposed use waive this requirement or the Board of Adjustment grants a variance after due public notice is provided subject to the variance procedures in Section 7030.

SECTION 4890-Impervious Surface Ratio: Impervious Surface Ratio in all single family residential uses shall not exceed 35 percent per lot and 55 percent in all other uses except heavy industrial which shall not exceed 85 percent. Outdoor recreational uses and Recreational Vehicle Campgrounds shall not exceed 25 percent. Mobile Home parks shall not exceed 70 percent.

SECTION 4892-Demolition

Any person proposing to demolish a structure other than an accessory structure with 200 square feet of gross floor area or less shall first obtain a demolition permit from the Planning and Zoning office. A copy of this permit shall be sent to the County Assessor's office upon verification that the proposed structure has been demolished. This provision shall not apply to the removal of mobile homes to a site outside the County's zoning jurisdiction.

Article V-Specific Use Limitations

5000-PURPOSE

The purpose of this article is to provide standards pertaining to specific uses within the zoning districts and shall apply in addition to the regulations for each zoning district and the general use limitations. These standards are in furtherance of the public health, safety and welfare. Where the provisions of this article differ from those of other articles in this ordinance, the provisions of this article shall prevail.

SECTION 5100-Site Plan Requirements

A site plan showing the various existing and proposed types of land use, depicting their relationship to each other and to surrounding uses is required for all conditional use permits. This site plan should be a generalized site plan, locate proposed uses in an approximate fashion, anticipated buffers or screening, and general building locations and setback. Also to be contained in the site plan are general indication of proposed streets, landscaping, drainage, sewer, water, irrigation, grading, and site development assets and constraints (site analysis) map or maps. Any item not deemed relevant to the proposed use may be waived by the Planning and Zoning Director.

A written statement containing the following information is also required.

A) The number of acres in each type of land use, including the floor area of industrial and commercial uses and the number of units for residential uses.

B) The character and density of dwellings, structures, or uses on each portion of the property.

C) A phasing schedule for development, including all improvements.

D) A map showing the property requested for Planned Unit Development and the property within one-half mile radius.

E) A legal description.

SECTION 5120 Antennas or Towers for Transmitting or Receiving, Commercial: The requirements specified below shall apply to all commercial antennas or towers used for such purposes, but not limited to, television, radio, and microwave signal transmission/reception.

A. Setbacks: All antennas or towers shall be so located on a continuous parcel of land so that the distance from the base of the tower or antenna to all boundaries of the parcel is at least equal to the height of the tower or antenna as measured from ground level.

B. Compliance With Federal Regulations: All applicable regulations of the Federal Communications Commission (FCC) shall be met.

SECTION 5130 Asphalt Batching and Cement Plants, Permanent and Temporary: All permanent or temporary asphalt batching and cement plants shall observe the regulations specified below.

A. Each application shall be accompanied by a sketch plan at a scale of not less than one (1) inch equals one hundred (100) feet, showing the location of the facilities with the proper legal description and such other information as may be necessary to explain the proposed site and facilities operation.

B. The applicant shall submit a written report outlining the reasons for placing the facilities in the particular location and stating the duration of time for which the applicant intends to operate the said facilities. Permission to locate and operate temporary facilities shall be granted for a period not to exceed 6 months. An additional extension of time not to exceed 6 months may be granted upon expiration of the time period initially granted if exceptional circumstances warrant it.

C. All facilities shall be located no closer than one hundred (100) feet to the nearest public road and shall be located no closer than sixty (60) feet to any perimeter property lines and shall be located no closer than (200) feet to any existing residential dwelling in the case of a temporary facility and not closer than (300) feet to an existing residential dwelling in the case of a permanent facility.

D. All permitted materials shall be maintained in a neat and orderly manner and shall be covered and/or wet down regularly so as to prevent debris from leaving the area of the site.

E. Routes of supply vehicles or material handling vehicles shall be arranged so as to minimize nuisances or hazards to residential neighborhoods or commercial businesses.

F. The Board of Adjustment may limit the time of day during which the facility may be operated; and may make such further conditions as would protect the public health, safety, morals and welfare.

G. If the facility is temporary, the Board shall require a performance bond or surety bond conditional upon the removal of the facility and restoration of the site to an acceptable condition at the time specified by the Board.

SECTION 5140 Automobile Service Stations: The regulations specified below shall apply to all automobile service stations:

A. Number of Points of Street Access: The allowed number of points of street access shall be as follows:

<u>Lot Width Abutting the Street</u>	<u>Number of Points of Access</u>
Less than 100 ft.	2
Over 100 ft.	2 plus 1 for each additional 100 ft. of lot width in excess of 100 ft.

B. Design of Points of Access: The number of points of access for one automobile service station shall not exceed two for each 100 ft. of street frontage. Each point of access shall be no more than 30 ft. wide and be located no less than 25 ft. from the intersection of street rights of way. Each point of access shall be located no less than 15 ft. from any adjoining property line.

C. Location of Accessory Structures: Accessory structures shall not be located within 15 feet of any adjoining property. No accessory structures shall be erected closer than 10 ft. to a street. If accessory structures are erected within any required street yard, they shall be removed before the property is converted to a use other than an automobile service station.

D. Permanent Storage of Materials, Merchandise and Equipment: All materials, merchandise and equipment, other than motor vehicle fuels, shall be stored within the principal building.

E. Trash Facilities: Adequate, enclosed trash storage facilities shall be provided on the site.

F. Parking of Vehicles: Wreckers, service or customer vehicles, or vehicles offered for sale or rent, may be parked on the premises but shall be parked in manner that will not create a traffic hazard or interfere with any vehicular maneuvering area necessary for gasoline pump areas, service bays or with any required off street parking spaces. No more than two motor vehicles may be offered for sale on the premises at any one time

unless otherwise authorized by the provisions of this Ordinance, and in conformity with all applicable State regulations.

G. Truck or Trailer Rentals as an Accessory Use: A truck or trailer rental service, established primarily for the transporting of household goods, shall be permitted as an accessory or secondary principal use to an automobile service station but only subject to the following condition:

(a) A minimum lot area of 480 sq. ft. shall be set aside for the parking of each rental truck proposed, and 100 sq. ft. for each rental trailer proposed.

(b) No vehicles offered for sale or rent shall be parked within a required street yard or within the 25 ft. vision clearance distance at a street corner intersection.

SECTION 5150- Day Care Nurseries and Pre-Schools: Day care nurseries and pre-schools serving 6 or more unrelated children shall observe the regulations specified below:

A. Required Licenses: The operator of the day care nursery or pre-school shall have a County business license and a current state license and shall observe all state licensing requirements.

B. Outdoor Play Areas: Any outdoor play area shall be appropriately fenced in to prevent children from wandering off the premises. This requirement may be waived if the premises include such extensive acreage that children would not feasibly wander off the premises unnoticed. Outdoor activity of children accommodated in day care nurseries or pre-schools which are accessory uses to single family dwellings shall be limited to the hours between 8 AM and 6 PM. Outdoor activity of children shall be supervised at all times to control excessive noise so as not to adversely affect adjacent properties.

C. Off-Street Parking: Off-street parking shall be required as follows: 1 parking space per employee on the largest shift plus 1 parking/loading space per 6 children of the maximum accommodation for passenger loading and unloading.

D. Signs: For a day care nursery or pre-school which is an accessory use to a single family dwelling, one sign not exceeding 25 sq. ft. in sign display area (10 square feet in an R-1 zone) may be mounted flat against the wall of the dwelling.

SECTION 5160-Flea Markets or Farmers Markets with more than 20 rental spaces: All Flea market of Farmets Markets with more than 20 rental spaces shall observe the regulations specified below:

A. Permitted Number of Rental Spaces: The number of rental spaces shall not exceed more than 80 rental spaces per acre.

B. Required Number of Off-Street Parking Spaces: There shall be at least 3 off-street parking spaces per rental space on premises.

C. Conduct of Business: Automobiles, motorcycles, watercraft, personal services or any item prohibited by local, state or federal law shall not be displayed or offered for sale. All merchandise displayed or offered for sale and all letter shall be removed from the premises at the end of each day. Adequate refuse containers shall also be provided to control litter during the hours of operation.

D. Signs: There shall be no more than one permanent advertising sign and no more than two removable advertising signs (maximum size of 25 square feet, 10 square feet an R-1 zone) displayed during actual operation.

E. Vehicular Access: Vehicular access to and within the site shall be designed so as to minimize conflicts with pedestrian circulation ways and so as to avoid vehicles backing up on public streets while waiting to gain entrance to the site.

F. Setback: Any rental space shall be at least 60 feet from the adjoining property line.

G. Site Plan: A site plan designed in accordance with the above requirements shall be submitted as part of the approval process.

H. Compliance of Existing Flea of Farmers Markets: Flea of Farmers markets already existing on the effective date of these regulations shall come into compliance with all the above regulations within one year of the effective date of these regulations except that regulation numbered C above shall be observed from the initial date of effectivity of these regulations.

SECTION 5170-Home Occupations: The following regulations shall apply to all home occupations.

A. Permitted Personnel: The home occupation shall be conducted by persons who are residents of the dwelling

unit. Not more than one (1) person shall be employed in the home occupation who is not a resident of the dwelling unit.

B. Accessory Nature: The home occupation shall be clearly incidental and subordinate to the residential use, and shall under no circumstances change the residential character of the dwelling.

C. Maximum Floor Area: The floor area devoted to the home occupation shall not exceed 35% of the floor area of the dwelling unit. However, up to 600 sq. ft. in an attached or detached garage of a dwelling unit or in an accessory building may be used for a home occupation in lieu of floor space within the dwelling unit.

D. Exterior Appearances: There shall be no change in the outside appearance of the premises other than one non-illuminated sign, not exceeding 25 sq. ft. (10 square feet in R-1 zone) in sign display area. Any sign shall be mounted flat against the wall of the building.

E. Displays and Storage: All display of products and storage of materials or supplies used in the home occupation shall be done in enclosed buildings and within the space limitations specified in C above.

F. Equipment: No equipment shall be used in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot if the occupation is in a single family dwelling unit or mobile home or outside the dwelling unit if conducted in other than a single family dwelling unit or mobile home. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

G. Vehicular Traffic: No vehicular traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met off the street and on the premises but other than in a street yard.

H. Maintenance of Residential Neighborhood Character: The home occupation shall not adversely affect the habitability or value of the surrounding properties nor alter the essential residential character of the neighborhood.

SECTION 5180-Mini Warehouses: All mini-warehouses shall observe the regulations specified below.

A. Conduct of the Business: No garage sales shall be conducted on the premises. No servicing or repair of motor vehicles, watercraft, trailers, lawn mowers, and other similar equipment shall be conducted on the premises.

B. Signs: No more than one sign identifying the premises shall be permitted at each entrance. No other signs will be permitted. Signs shall not exceed 15 ft. in height, or 32 sq. ft. in sign area. No blinking, flashing or revolving signs or lights, or any artificial light that shines upon adjoining property shall be permitted.

C. Street Access: Street access to the premises shall be limited to one entrance/exit per street frontage.

D. Required Off-Street Parking: There shall be 1 off-street parking space for every 10 storage cubicles equally distributed throughout the project site.

E. There shall be a minimum of 35 ft. between warehouse buildings for driveway, parking and fire-lane purposes. Where no parking is provided within the building separation areas, those areas need only be 20 ft. wide.

SECTION 5190-Mining, Gas, Oil and Soils Extraction: All mining, gas, oil and soils extraction operations shall observe the regulations specified below. Soils extraction for the purposes of this sub-section refers to activities such as industrial sand and gravel operations and not to excavations for building purposes.

A. Submittals For a Conditional-Use Permit: In addition to the kind of information required for a site plan as provided for in Section 5100, the following additional types of supporting information shall be submitted with the application for a conditional use permit.

(1.) A description of the operation being proposed including such aspects as: the nature, location and quality of earth materials to be mined or excavated and their expected economic value; the manner of mining or excavation; the manner of stockpiling, processing and disposition of valued materials as well as waste materials; and other aspects relevant to the proposed operation.

(2.) A study of existing vegetation, terrain and soils, and a description of the changes which will occur due to the proposed operation.

(3.) Data on water supply and water rights for the proposed project, including the short and long term effects of the proposed operation on water availability for other users as well as upon water quality in nearby surface water bodies (if any) and aquifers.

(4.) Plans for control of erosion, avoidance of water contamination and mitigation of noises for the duration of the operation.

(5.) Plans for land reclamation after the conclusion of the operation. The Board of Adjustment shall require the posting of a surety bond or other acceptable security to insure that the the applicant restores all disrupted land to an acceptable level of productivity and appearance.

B. Development Setbacks: All open excavation shall observe at least a 400 ft. setback from all existing residential dwellings and at least a 100 ft. setback from all public streets and perimeter boundaries of the lot or site. Well drilling shafts or surface openings for underground mining shafts shall observe at least a 200 ft. setback from all residential dwellings and a 100 ft. setback from all public streets and perimeter boundaries of the lot or site.

C. Screening: The operation shall have visual screening, security fencing and noise buffering to an extent considered acceptable by the Board.

D. Hours of Operation: The Board of Adjustment may restrict the hours of operation, if necessary, in order to avoid adverse impacts on surrounding developed areas.

E. Environmental Performance Requirements: The environmental performance requirements as provided for in Section 4880 shall be met.

F. Other Applicable Regulations: All applicable State and Federal laws and regulations shall be met.

SECTION 5200-Movie Theaters, Drive-In: All drive-in movie theaters shall observe the regulations specified below.

A. Street Access: Vehicular access to the drive-in theater shall be from a collector or arterial street.

B. Reservoir Off-Street Standing Spaces: Off-street standing spaces for vehicles entering into the premises of the drive-in movie theater shall be sufficient to avoid having vehicles waiting within public streets

but in no case shall the number of off-street standing spaces be less than 10 percent of the total vehicular capacity of the theater. Such off-street standing spaces shall be at least 20 ft. in length. If initially approved spaces are inadequate, the Board of Adjustment may require a greater number of such spaces in order to alleviate street congestion.

C. Placement of the Movie Screen: The movie screen structure shall be placed at least 75 ft. from any property line. The picture screen facing shall be orientated so as to have little or no visibility from a collector or arterial street.

D. Perimeter Screening: That portion of the drive-in theater site which accommodates parked vehicles for viewing purposes shall be enclosed with a solid wall or fence at least 6 ft. in height.

SECTION 5220-Sewage Treatment Plants: All sewage treatment plants shall observe the regulations specified below.

A. Sewage treatment plant structures which are fully enclosed shall not be located closer than 35 feet to perimeter lot lines.

B. Evaporation/percolation ponds shall not be located within 100 feet from perimeter lot lines, street right-of-way, mean high water mark of water bodies, or bulkhead lines.

C. A treatment unit of a subsurface drainfield shall not be located within 100 feet of bulkhead lines or the mean high water mark of water bodies or within 25 feet plus depth of the edge of an arroyo.

D. When spray irrigation fields are used, the minimum distance between said fields and perimeter lot lines, street right-of-way, the mean high water mark of water bodies, or bulkhead lines shall be determined on a case by case basis after due consideration of prevailing wind direction, average wind velocity, or other conditions that might carry sprayed effluent onto adjoining premises.

E. The plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjacent properties of street right-of-way with an appropriate fence, decorative masonry wall or plant materials.

F. All applicable state and federal regulations shall be met.

SECTION 5230-Parks, Golf Courses, Golf Driving Ranges and Other recreational Areas: In all zoning districts, the regulations specified below shall apply to all types (public included) of parks, recreational areas, recreational buildings, golf courses and golf driving ranges which are allowed as principal uses.

A. The total lot area covered with principal and accessory buildings shall not exceed 15%.

B. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building, unless the Board of Adjustment allows otherwise.

C. No principal or accessory building, swimming pool, tennis court, basketball court, handball court, volleyball court or similar court or spectator grandstand shall be located less than 50 ft. from any site perimeter boundary.

D. No outdoor loudspeaker or call system shall be audible on adjacent properties.

E. All artificial lights shall be directed away from adjacent properties.

SECTION 5240-Recreational Clubs and Areas with Outdoor use of Weaponry: All recreational clubs or areas used as outdoor shooting ranges (for handguns, rifles, shotguns, etc.,) shall observe the regulations specified below.

A. General Layout: The layout of all handguns, rifle, shotgun, trap and skeet ranges shall conform to National Rifle Association standards with regard to layout and dimensions. The range proper shall be fenced off, and shall have signs posted at one-hundred (100) foot intervals warning potential intruders of the danger.

B. Protective Berms: Ranges designed for the use of handguns and rifles shall be provided with berms at least twenty (20) feet high and six (6) feet thick at the top, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. Berms shall be located as follows:

(1.) Shotgun ranges: No berm required.

(2.) Ranges for handguns and rifles not more powerful than .22: Backstop - at least one-hundred fifty (150) feet from firing line; Lateral - no closer than thirty

(30) feet from the firing line.

C. Required Size of Downrange Safety Areas: The range shall be located on a site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:

(1.) Shotgun ranges - 1,500 feet, provided that shot size is limited to #4 or smaller.

(2.) Ranges for handguns and rifles not more powerful than .22 long rifle - 7,000 feet.

(3.) Ranges for rifles more powerful than .22 long rifles - 13,500 feet.

The safety area should conform to National Rifle Association standards for the shape and width. The safety area shall have signs posted at intervals warning of the potential danger from stray bullets. If a street or road passes through the safety area, both right-of-way lines shall be posted. (Note: The downrange safety area requirement for handgun and rifle ranges may be waived if the firing line is provided with overhead baffling meeting the standards of the National Rifle Association).

(4.) Exceptions: The Board of Adjustment may modify the above regulations if the purposes of the above regulations can be satisfactorily met with alternate standards. Such modifications must be incorporated in an official motion approving a conditional use permit for an outdoor shooting range.

SECTION 5250-Recreational Vehicle Parks or Campgrounds:
All new recreational vehicle parks or campgrounds and additions to existing ones shall observe the regulations specified below.

A. Basic Purpose: Recreational vehicle parks or campgrounds are intended to provide rental spaces for the temporary placement of recreational vehicles or shelters such as motor homes, travel trailers, camper vehicles, tent shelters and the like. Such parks and campgrounds are expected to serve the traveling or recreating public and shall not be used for permanent occupancy.

B. Minimum Site Size: A recreational vehicle park or campground shall be at least five (5) acres in size...

C. Maximum Density of Campsites: There shall not be

more than twelve (12) overnight campsites per gross developable acre of the park or campground.

D. Perimeter Setback and Screening: No campsite or building shall be located within 30 ft. of the park or campground boundaries. On any side of the park or campground boundary adjacent to or across the street from a residential zone, a solid wall or solid fence at least six (6) feet high shall be erected and maintained. (However, this requirement need not be met until a dwelling unit is built on the residentially-zone land.) Similar screening may be also required in other situations which warrant it as determined by the Planning and Zoning Commission.

E. Campsites: All recreational vehicles or shelters (including tents) parked or attached to the ground for use as an overnight accommodation shall be on a designated campsite which is well marked and numbered. Each campsite shall provide parking space of adequate size to accommodate the vehicles allowed on the campsite. Such parking space shall be so constructed that no portion of such vehicle(s) shall extend onto any street within the campground. All campsites shall make provision for at least one automobile space.

F. Space Separations: For adjacent campsites, the minimum side-by-side space separation between recreational vehicle parking pads shall be twenty-five (25) feet. The minimum end-to-end separation for such parking pads shall be twenty (20) feet. For adjacent campsites designated for tent shelters the minimum space separation between tent shelters shall be twenty-five (25') feet. Between the boundaries of any campsite and a common use building of the park or campground there shall be at least thirty (30) foot space separation.

G. Streets: The recreational vehicle park or campground shall be serviced by a private street system which shall be constructed of at least four inches of gravel, base course or pit run aggregate. An additional seven (7) feet of street right-of-way shall be provided for each lane of parallel parking which is allowed along the street. Direct entry onto each campsite shall be provided only from a park's private system.

H. Common Sanitary Facilities: Sanitary facilities for women shall include a minimum of one flush toilet, one shower or bath and one wash basin for each fifteen campsites or fractional number thereof. Sanitary facilities for men shall include a minimum of one flush toilet,

one shower or bath for each fifteen (15) campsites or fractional number thereof. Urinals may be substituted for no more than one-third of the flush toilets required for men. Sanitary facilities should be conveniently located within a radius of approximately 300 feet to the campsites served.

I. Water and Sewerage: All recreational vehicle parks and campgrounds shall be connected to water and sewer systems approved by the New Mexico Environmental Improvement Division.

J. Solid Waste Disposal: The storage, collection and disposal of solid waste refuse shall be so arranged as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

K. Common Use Facilities: Recreational vehicle parks or campgrounds may include common use facilities such as: management offices, repair shops, storage sheds, sanitary facilities, indoor and outdoor recreation facilities, and commercial convenience stores meeting the needs of park or campground users. Such facilities shall be required to have their own off-street parking spaces as needed for the conduct of their operations.

SECTION 5260-Salvage, Demolition and Junk Yards: All salvage, demolition and junk yards shall observe the regulations specified below.

A. Such yards shall be enclosed by a solid wall or fence at least six (6) feet high which completely obstructs visibility. This requirement may be waived by the Board of Adjustment if other screening or buffering is available, or if the yard is enclosed by natural barriers or is located 200 feet from any public street frontage.

B. No material stored within the yard shall be stacked higher than the height of the required wall or fence.

SECTION 5270-Schools, Hospitals, Churches, Cemeteries, and Clinics: In all residential zoning districts, the regulations specified below shall apply to all types (public included) of schools for elementary, secondary, and post-secondary education, hospitals, clinics, churches and similar places of religious worship and instruction, and cemeteries.

A. No principal or accessory building shall be located less than 20 ft. from any property line.

B. In the case of schools, no outdoor recreational area of intensive use such as a swimming pool, tennis court, basketball court, handball court, volleyball court or similar court or spectator grandstand shall

be located less than 25 ft. from any property line.

SECTION 5280-Solid Waste Disposal Operations: All solid waste disposal operations shall observe every pertinent regulation, specified for Mining, Gas, Oil and Soils Extraction uses which are contained in Section 5190. Landfilling and incineration activities shall observe the same setbacks as designated for open excavation in Section 5190.

SECTION 5290-Temporary Storage Structure or Yard for Construction Purposes: The installation of a temporary storage structure or yard for use while development project is under construction shall observe the regulations specified below.

A. General Conditions: The following general conditions shall be met.

(1.) Such temporary storage structures or yards shall only be used for storage of construction materials needed of the development occurring on the lot or within a subdivision of which the lot is a part of.

(2.) Materials stored in open yards shall be properly secured, fenced in or screened from view, as needed, in order to avoid hazards, visual clutter or being blown about by the wind.

(3.) Temporary storage structures shall be installed at least 10 feet from any lot line.

(4.) The person responsible for the development on which a temporary storage structure is to be located shall obtain all applicable governmental permits.

B. Time of Installation and Removal: Temporary storage structures and yards installed and removed as follows:

(1.) Temporary storage structures or yards shall be installed only at the commencement of construction activities and only after a building permit has been issued for such construction or final plat approval has been given in the case of a subdivision.

(2.) Temporary storage structures or yards shall be removed within two weeks after the completion of the construction activities for which they were installed or after work on the project has been dormant for a period of six months or more, and the ground area occupied by such temporary structures or yards shall be restored to an acceptable condition.

SECTION 5300-Temporary Use of a Structure as a Construction Site Office or a Real Estate Office: Temporary use of a structure including a mobile office or other similar temporary office structure, shall be permitted for only the initial builder or developer as a temporary on-site contractor's construction/security office or on-site real estate sales office provided that the conditions listed below are met. The Planning Director or his designee shall issue such permits upon application and upon agreement by the applicant to the conditions specified below.

A. General Conditions: The following general conditions shall be met:

- (1.) Such temporary offices may only be used in conjunction with the development of approved residential subdivisions, mobile home parks, mobile recreational vehicle shelter parks, or in conjunction with the construction of commercial, multiple family, institutional, recreational or industrial buildings. Temporary offices are not permitted in conjunction with the construction of one single family dwelling on a single lot unrelated to development elsewhere in the subdivision.
- (2.) A mobile office may be used in conjunction with the rental or sale of mobile homes from licensed mobile home sales lots.
- (3.) Such temporary offices shall not be used as a residence. The use shall be limited to on-site construction, sales or security purposes in connection with the project on which the structure is located.
- (4.) Such temporary office structures shall be located at least 10 ft. from any lot line.
- (5.) The Person responsible for the development on which the temporary office is to be located shall obtain the proper permits from all applicable governmental agencies including but not limited to electrical, plumbing and building permits.

B. Time of Permit issuance: Permits for temporary offices shall be initially issued as follows:

- (1.) For the construction of approved subdivisions; only after preliminary plat approval.
- (2.) For the development of mobile home parks, and recreational vehicle parks and campgrounds; only at the same time or after any applicable building permits

for the installation of improvements are issued.

(3) For commercial, industrial, institutional, multi-family, or recreational projects; only after the buildings permit has been issued.

(4) For the sale or rental of mobile homes; only at the same time or after the occupational license has been issued.

C. Expiration of Permits: Permits for temporary office structures shall expire and such temporary office structure shall be removed as follows:

(1) For the development of approved subdivisions; after 60% of the lots have been sold.

(2) For the development of mobile home parks and recreational vehicle parks and campgrounds; immediately after the park or campground is abandoned.

SECTION 5320- Airports, Heliport, or Landing Fields: All structures must be located at least 100 ft. from perimeter boundaries and landing fields for small aircraft must be 300 ft. from perimeter boundaries. Additional buffer area based on FAA standards shall be required for jets or large airplanes. The Las Vegas airport zoning regulations are hereby adopted by reference as applying to the clear zones designated on the official zoning map.

SECTION 5330- Commercial Stables, Rodeo Arenas, Polo Grounds and Riding Academies: All structures must be at least 40 ft. from adjoining property lines. The down draft area for rodeo arenas shall provide at least 100 feet to prevent excessive dust being blown onto adjacent residential dwellings or commercial uses. Nonsurfaced roads may be used in rodeo arenas provided there is at least one parking space for every four bleacher seats, and provided roads are at least 20 ft. wide, and that there is one parking space for every five feet of spectator railing.

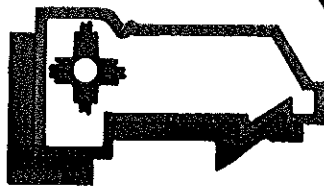
SECTION 5340- Guest Ranches and Incidental Facilities: All structures and activities shall be at least 40 feet from adjoining property lines. A ranch or farm that accommodates guests on an incidental basis and not as a commercial activity is exempt from the requirements of this section.

SECTION 5350- Hunting and Fishing Lodges, Ski Resorts, and Incidental Facilities: Same as Guest Ranches. Hunting reserves shall provide at least 300 feet of natural or wooded buffers from public roads or perimeter boundaries where no hunting is allowed.

NICK ARAGON
CHAIRMAN

MRS. CASIMIRO ENCINIAS
COMMISSIONER

CHARLIE T. VIGIL
COMMISSIONER



County of San Miguel

Board of County Commissioners

MEMO

TO: County Clerk, Board of County Commissioners, Lawrence
Rascon, Manager, Planning & Zoning Commission

FROM: Hilario Rubio, Jr., Planning & Zoning Director

SUBJECT: Error in zoning ordinance

DATE: July 22, 1986

An error in the Zoning Ordinance 86-2 was included in both initial and final drafts of the ordinance. On page 5-17, Section 5390 Mobile Home Parks, Subsection B should read: "All mobile homes in the park shall maintain a setback of at least 20 ft. from adjoining property lines" (not 30 feet). Please correct this by attaching this memo to page 5-17 of your copy of the ordinance.

HR/as

SECTION 5360-Kennels, Animal Hospitals of the Breeding, Boarding or Sale of Dogs, Cats and Birds: All structures housing animals shall be at least 40 feet from adjoining property lines.

SECTION 5370-Bars, Dance Halls, Liquor Stores and Skating Rinks: See Section 4880 C. Establishments including parking spaces open no later than 9 p.m. shall be located at least 100 ft. from an existing occupied, conforming residential dwelling on another property.

SECTION 5380- Industrial Uses:

A. The standards for cement and asphalt batching plants shall be applicable for other industrial uses in terms of assuring that material from piles does not blow onto adjacent properties. Buildings shall maintain setbacks from adjoining property lines equal to the height of each building.

B. Fire lanes shall be paved or meet minimum surface standards for subdivision roads.

C. There shall be at least 35 feet separation between buildings.

D. Buildings producing noise or glare shall maintain adequate setbacks from perimeter boundaries to minimize the effects to adjacent properties.

E. Structures shall cover no more than 35 percent of the lot area of the project site.

F. Hydrological information and/or pump test analysis may be required to assess any adverse impacts upon water supplies of surrounding residential and agricultural uses.

SECTION 5390- Mobile Home Parks:

A. All parks with five or more leased or sold spaces shall meet subdivision standards in addition to the requirements of this section with the highest or most restrictive standard applying in conflicting situations.

B. All mobile homes in the park shall maintain a setback of at least 30 ft. from adjoining property lines and there shall be at least 22 ft. between each mobile home and 30 ft. between each row of mobile homes. Skirting is required for all mobile homes.

C. Fire lanes shall be paved or have at least four inches of gravel, base course or pit run aggregate material.

D. EID lot size and soil constraint standards for liquid waste disposal shall be followed where approved community

liquid waste systems are not provided.

SECTION 5400-Grocery and Craft Stores Exceeding 1,500 Square feet in Floor Space: Parking spaces and structures shall be located at least 40 feet from adjoining property lines.

Section 5420-Restaurants: Same as Grocery of Craft Stores exceeding 1,500 square feet in floor space. See Section 4880 C.

SECTION 5430-Apartment Complexes and Condominiums: For developments other than PUD developments, the following shall apply:

A. Any developments leasing or selling five or more dwelling units shall meet subdivision regulations in addition to the requirements of this section with the highest or most restrictive standard applying in conflicting situations.

B. All dwellings and structures shall maintain at least a 30 foot setback from adjoining property lines.

C. All roads to dwelling units shall be paved or have at least four inches of grave, base course or pit-run aggregate material.

SECTION 5440-Adult Residential Shelter Care Homes, Boarding Homes, Fraternity and Sorority Houses, Nursing Homes, State Licensed or State Operated Community Residences for the Mentally Ill or Developmentally Disabled.

A. All relevant state regulations shall be met.

B. All dwellings and structures shall maintain at least a 30 foot setback from adjoining property lines.

C. Home occupations may be conducted on the premises to the extent allowed by state regulations and by Department of labor regulations.

D. Roads shall have at least four inches of gravel, base or pit run aggregate material.

SECTION 5450-Hotels and Motels

A. All structures shall maintain at least a 30 foot setback from adjoining property lines. See Section 4880 C.

B. Roads shall have at least four inches of gravel, base course or pit run aggregate material.

SECTION 5460-Feedlots, Poultry Farms and Vineyards

A. Feedlots and Poultry Farms shall maintain at least

a 200 foot setback of all structures or corrals holding animals from an existing recreational, commercial or residential use on another property.

B. Vineyards producing for home use or meeting the criteria of home occupations excepting the location of the vineyards outside the residential dwelling do not need a conditional use permit provided all activities and structures are located at least 60 feet from adjoining property line.

SECTION 5470-Temporary Uses

A. Temporary uses are permitted only as expressly provided in this section and shall comply with the requirements of Article VII.

B. No temporary use shall be established unless a certification of compliance with the provisions of this section and other applicable provisions of this Ordinance shall have first been issued by the Planning and Zoning Director.

C. The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.

1. Carnival or Circus:
 - a. Permitted in any district.
 - b. Maximum length of use shall be seven (7) days.
 - c. No structure or equipment within one hundred feet of any residential dwelling
2. Christmas Tree sales:
 - a. Permitted in any district.
 - b. Maximum length of use for display and open lot sales shall be forty-five (45) days.
3. Contractor's office, temporary storage structure or yard for construction purposes are permitted in any district where use is incidental to a construction project. See Section 5290.
4. Events of public interest:
 - a. Permitted in any district.
 - b. Events of public interest include but are not limited to outdoor concerts, bazaars, auctions, and historic celebrations.
5. Religious tent meeting:
 - a. Permitted in any district.
 - b. Maximum length of use shall be fifteen (15) days.

6. Flea Markets, Farmers Markets
See Section 5160

D. Additional regulations for carnivals or circuses, religious tent meeting, and events of public interest are as follows:

1. Documentation from the New Mexico Environmental Improvement Division that adequate arrangements for temporary sanitary facilities has been insured.
2. No permanent or temporary lighting shall be installed without an electrical inspection and permit issued by the New Mexico State Electrical Inspector.
3. All uses shall be confined to the dates specified by the Planning and Zoning Director.
4. Hours of operation shall be confined to those specified by the Planning and Zoning Director.
5. A security deposit shall be posted with the Director to insure that the premises will be cleared of debris during and after the event and that any damage to the public right-of-way will be repaired. The minimum security deposit will be two hundred dollars (\$200.00). The deposit shall not be required for real estate sales offices, Christmas tree sales, temporary storage or construction sheds or yards, or farmers markets with 20 or fewer rental spaces.
6. Public Parking for the exclusive use of the facility shall be provided. The parking area shall be maintained to provide one parking space per leased space or booth. It shall be the responsibility of the event sponsor to guide patrons to these areas and to prevent unlawful parking.
7. Traffic control arrangement will be arranged by the event sponsor with the Sheriff's Department.
8. Serving of alcohol beverages will not be permitted without a permit from the County.
9. The event sponsor will provide security, when required by the Sheriff's Department.
10. Games at carnivals will not be permitted which are classified as games of chance.

ARTICLE VI - NON-CONFORMITIES

SECTION 6000-Purpose: It is the purpose of this article to provide for the regulation of legally non-conforming structures, lots, and uses and to specify conditions under which such non-conformities shall be permitted to continue.

SECTION 6020-Authority to Continue

A. Except as otherwise provided in this article any non-conformity lawfully existing at the time this Ordinance became effective may continue so as long as it remains otherwise lawful.

B. No non-conformity shall be enlarged upon, or expanded unless such alteration is in full compliance with all requirements of this Ordinance. Normal maintenance and incidental repair of a legal non-conformity shall be permitted, provided that this does not violate any other section of this Ordinance.

C. No accessory use to a principal non-conforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.

D. In the event that any non-conforming use or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement, such use of structure shall not be rebuilt, restored, or reoccupied for any purpose unless it shall thereafter conform to all regulations of this Ordinance.

E. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been started and diligently carried on. Actual start of construction is considered to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual start of construction, provided that work shall be diligently carried on until completion of the building involved. Also, if on the effective date of this Ordinance, valid permits have been issued authorizing the construction or alteration of structures in a manner which does not conform to the requirements of this Ordinance, such permits shall be cancelled unless the start of

actual construction occurs within 6 months and is completed within one year after the effective date of this Ordinance.

F. For non-conforming lots of record existing at the effective date of this Ordinance, if more than one non-conforming lot with continuous frontage exists in a single ownership at the time this Ordinance becomes effective, the land involved must be combined to meet zoning district requirements for lot area and width as well as other requirements for the purpose of erecting a single-family dwelling or placing a mobile home provided EID liquid waste regulations are met.

ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

SECTION 7000-Purpose: This article specifies the requirements for amendments, variances, administrative appeals, and interpretations of this Ordinance. Also, the powers and duties of officers and boards insofar as administration of this Ordinance are also delineated in this article.

SECTION 7010-Planning and Zoning Director: Duties and Powers: The Planning and Zoning Director shall be appointed by the Board of County Commissioners and shall have the following powers and responsibilities:

- A. Receive and review all required submissions for proposed zoning amendments and prepare reports to the Commission and Board.
- B. Process zoning amendments, conditional use permits, and variances for all uses.
- C. Following refusal of a permit, receive applications for interpretation and appeals and forward same to the Commission and/or Board.
- D. Record and file all applications with accompanying plans and documents.
- E. Maintain official zoning map.
- F. Receive and examine all applications for building permits.
- G. Process all building permit applications.
- H. Issue building permits.
- I. Conduct inspections to determine compliance or non-compliance with terms of this Ordinance.
- J. Institute any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.
- K. Process subdivision applications and plats.

SECTION 7020-Duties of the Planning and Zoning Commission and the Board of Adjustment

- A. The Planning and Zoning Commission shall consist of 5 members appointed by the Board of County Commissioners.

A Board of Adjustment is hereby created. The Planning and Zoning Commission shall serve as the Board of Adjustment.

B. The Commission shall fix a regular time and place for meetings, and it shall adopt such rules as may be necessary and proper to govern its proceedings. Such rules shall be in conformance with requirements of this ordinance. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, including a record of the vote of each member on each action, and such minutes shall be public record.

C. The Commission shall conduct public hearings, study report, and make recommendation on all proposed amendments to the text of this Ordinance.

D. The Commission shall hear and decide appeals where it is alleged there is error in any order requiring decisions or determinations made by the Planning and Zoning Director in the enforcement of this Ordinance.

E. The Commission shall hear and decide all petitions for variances.

F. The Commission shall hear and decide all applications for conditional use permits.

SECTION 7030-Conditional Use Permits, Variances and Appeals to Administrative Actions or Interpretations.

A. Conditional Uses are those uses which have special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

B. The purpose of this section is to empower the Planning and Zoning Commission to vary or adopt the strict application of any of the requirements of this Ordinance. A variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in undue hardship on the owner of such property. This section also empowers the Commission to hear the appeal of any person aggrieved by an action or interpretation of the Director.

C. Procedures

(1.) An application for a Conditional Use Permit

or Variance shall be filed by a petitioner with the Planning and Zoning Director.

(2) Applications for a conditional Use Permit or Variance shall be accompanied by a site plan and written statement as required in Section 5100.

(3) A fee of thirty (30) dollars shall be paid to the Director or his designees. Said fee shall be for the purpose of defraying the expense of postage, posting, advertising and other costs incidental to the proceedings prescribed herein.

(4) All applications for Conditional Use Permits or Variances shall be heard by the Commission at a hearing to be held not less than fifteen (15) days nor more than forty five (45) days from the time of filing of the application.

(a) For public hearings scheduled to hear applications for conditional use permits, variance, appeals to administrative action and zoning boundary amendments, the following shall apply: (1) Notice of the time, place and purpose of the hearing shall be published at least once in a newspaper of general circulation within the County of San Miguel at least fifteen (15) days prior to the date of the hearing; and (2) if the hearing concerns an area of one block or less, notice of public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the county treasurer of lots of land within the area proposed to be affected by the zoning decision and within one hundred (100) feet, excluding public right-of-way, of the area proposed to be affected by the zoning decision; or if the hearing concerns an area of more than one block, notice of public hearing shall be mailed first class mail to the owners, as shown by the records of the county treasurer, of lots or land within the area proposed to be affected by the zoning decision and within one hundred (100) feet, excluding public right-of-way, of the area proposed to be affected by the zoning decision. If the notice by first class mail to the owner is returned undelivered, an attempt shall be made to discover the owner's most recent address and to remail the notice by certified mail, return receipt requested, to that address.

(b) by posting the signs affording notice and purpose of the hearing on the subject

property within twenty (20) feet of adjacent public right-of-way in both Spanish and English.

(5.) Not more than forty (40) days following completion of its hearing at which any aggrieved or interested person may present testimony on application for a Conditional Use Permit, Variance, or other request, the Commission shall by resolution list the criteria used and the findings of facts for granting or denying the Conditional Use Permit, Variance, or relief or interpretation sought by the applicant to overturn an action by the Director. Failure of the Commission to act on a permit, variance, or appeal within said forty (40) days shall be deemed to be approval of the application.

(6.) The order of the Commission in granting or denying a Conditional Use Permit, Variance, or applicant request shall become effective ten (10) days after the rendering of its resolution unless within such ten (10) days period, an appeal in writing is filed with the Board of County Commissioners by either the applicant or an opponent. The filing of such an appeal within such time limit shall stay the effective date of the order of the Commission until such time as the Board of County Commissioners has acted on the appeal as hereinafter set forth in this Article.

(7.) Within thirty (30) days following the receipt of the written appeal, the Board of County Commissioners shall conduct a duly advertised public hearing, public notice of which is given in the same manner as provided in Subsection C (4) of this section.

(8.) The Board of County Commissioners shall announce its findings and decisions by resolution not more than twenty (20) days following the hearing. This decision shall be final and conclusive on such appeal.

(9.) Not later than ten (10) days following the adoption of the order, approving or denying the Conditional Use Permit, Variance, or other request, the applicant or opponents shall be notified in writing of the Board's order.

(10.) No re-application for Conditional Use Permit, Variance, or other request which has been denied shall be filed earlier than six (6) months after the date of such denial. Any re-application shall be considered as a new application and require a new filing fee.

SECTION 7040-Amendments

A. This Ordinance may be amended from time to time as conditions warrant in the following manner:

1. The verified application of one (1) or more owners of the property proposed to be changed or reclassified.
2. Resolution of intention by the Planning and Zoning Commission.
3. Resolution of intention by the Board of County Commissioners.

B. Procedures

1. An application for amendment to the zoning ordinance shall be filed by a petitioner to the Planning and Zoning Director.
2. Applications for amendments to the zoning ordinance shall be accompanied by a site plan and written statement as required in Section 5100.
3. A fee of thirty (30) dollars shall be paid to the Director or his designees. Said fee shall be for the purpose of defraying the expense of postage, posting, advertising and other costs incidental to the proceedings prescribed herein.
4. All applications for zone changes shall be heard by the Planning and Zoning Commission at a public hearing to be held not less than fifteen (15) days nor more than forty-five (45) days from the time of the filing of the application.
 - (a) For public hearings scheduled to hear amendments, the following shall apply: (1) Notice of the time, place and purpose of the hearing shall be published at least once in a newspaper of general circulation within the County of San Miguel at least fifteen (15) days prior to the date of the hearing; and (2) if the hearing concerns an area of one block or less, notice of public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the county treasurer of lots of land within the area proposed to be affected by the zoning decision and within one-hundred (100) feet, excluding public right-of-way, of the area proposed to be affected by the zoning decision; or if the hearing concerns an area of more than one block, notice of public hearing shall be mailed first class mail to the owners, as shown by the records of the county treasurer, of lots or land within the area proposed to be affected by the zoning decisions and within one hundred (100)

Feet excluding public right-of-way, of the area proposed to be affected by the zoning decision. If the notice by first class mail to the owner is returned undelivered, an attempt shall be made to discover the owner's most recent address and to remail the notice by certified mail, return receipt requested, to the address.

(b) For public hearings scheduled to hear petitions or motions for amendments to the text of this Ordinance or for adoptions of a wholly revised text of this Ordinance or for adoption of amendments to the Official Zoning Map which are applicable generally throughout the County and are necessitated by virtue of changes in the text provisions of this Ordinance or for amendments to the Comprehensive Plan or for adoption of a wholly revised Comprehensive Plan the following shall apply: Notice of time, place and purpose of the hearing shall be published at least once in a newspaper of general circulation within the County of San Miguel at least fifteen (15) days prior to the date of the hearing.

(c) By posting of signs in English and Spanish on the subject property within twenty (20) feet of adjacent public right-of-way, and in a frequency of not less than one (1) sign every three hundred (300) feet on the principal lot frontage of the applicant property.

5. Not more than forty (40) days following completion of its public hearing on application for amendment at which an aggrieved or interested person may present testimony, the Planning and Zoning Commission shall file a written finding of facts recommending denial or approval of the zone change to the Board of County Commissioners. Failure of the Commission to act on the zone change within said forty (40) days shall be deemed to be a recommendation of approval to the Board.

6. Within thirty (30) days following the receipt of recommendation for or against approval, the Board shall conduct a duly advertised public hearing, public notice of which is given in the same manner as provided in Subsection B (4) of this Section.

7. The Board shall announce its findings and decisions by Ordinance not more than twenty (20) days following the hearing. This decision shall be final and conclusive.

8. Not later than ten (10) days following the adoption of the order, approving or denying the zone change, the applicant or opponents shall be notified in writing of the Authority's order.

9. No re-application for a zone change which has been denied shall be filed earlier than six (6) months after the date of such denial. Any reapplication shall be considered as a new application and require a new filing fee.

ARTICLE VIII - OTHER PROVISIONS

SECTION 8000-Interpretation: In their interpretation and application, provisions of this Ordinance shall be held to be minimum requirements.

SECTION 8020-Penalties: Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than three hundred dollars (\$300), or by imprisonment in the county jail for a term not exceeding ninety (90) days or by both fine and imprisonment. Any violation continued for a period of 15 days after conviction shall be prosecuted and treated as a separate offense.

SECTION 8030 Judicial Review: Judicial Review may be had as provided in and under and pursuant to the NMSA 1978 compilation, 3-21-9, et seq. and any other applicable statutory provisions.

SECTION 8040 Severabilities: If any section, subsection, sentence or phrase of this Ordinance is for any reason held by a court of jurisdiction, to be invalid, such a decision shall not effect the validity of the remaining portions of this Ordinance.