



ROSWELL CHAVES COUNTY  
EXTRATERRITORIAL  
ZONING  
ORDINANCE  
EFFECTIVE DATE  
AUGUST 1, 1980  
ORDINANCE 80-1

## REVISION NO. 13

EFFECTIVE DATE OCTOBER 27, 2005  
RESOLUTION ETZ 2005-1

## P R E F A C E

**THE ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING ORDINANCE** (ETZ Ordinance) was first adopted as Ordinance Number 80-1 and became effective August 1, 1980.

**THE ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING ORDINANCE** is an ordinance of the elected, governing bodies of the City of Roswell and Chaves County. Anyone may propose amendments to this Ordinance by contacting the Chaves County Planning and Zoning Department at PO Box 1817, Roswell, NM 88202.

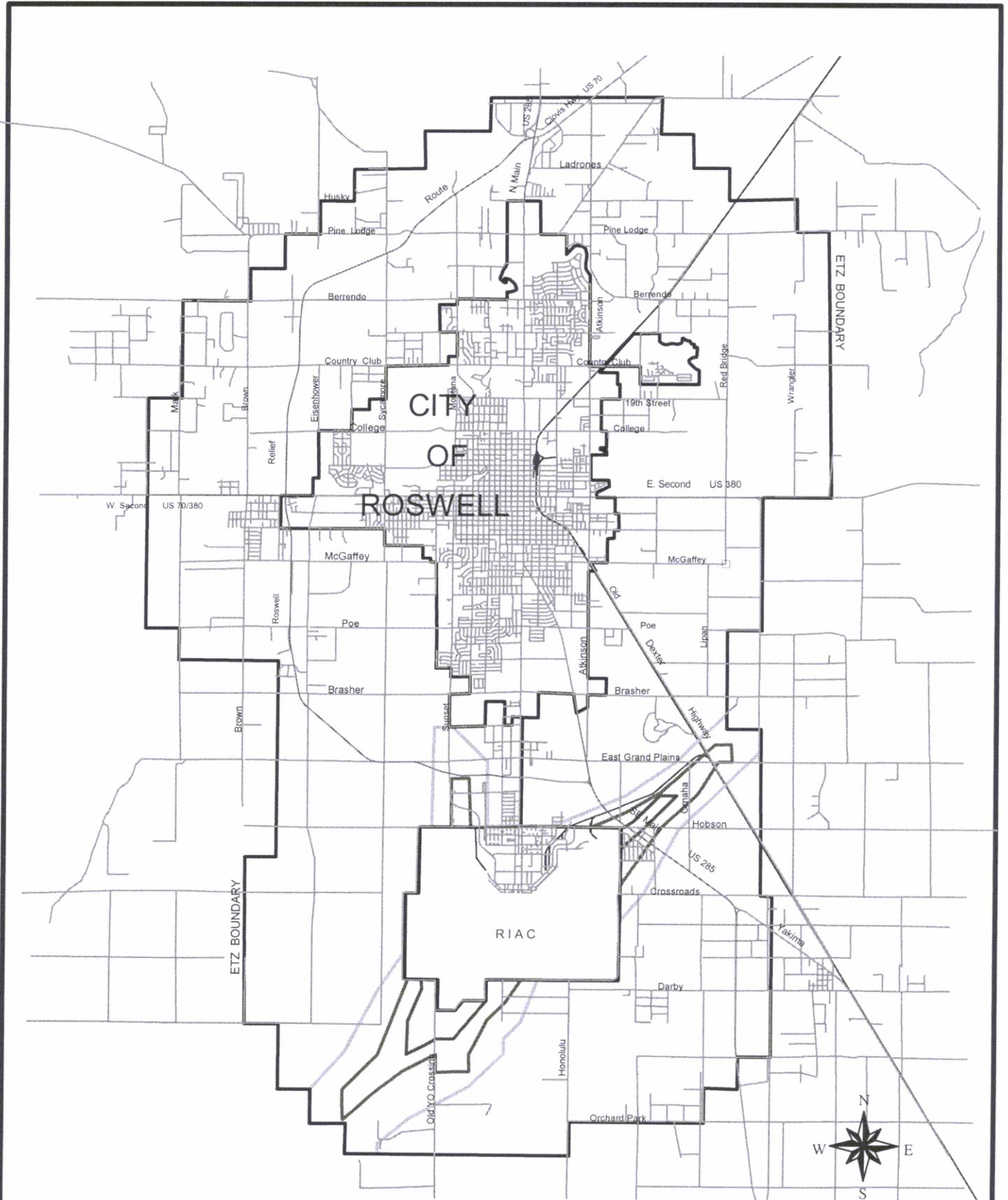
**REVISED EDITION NUMBER 13** clarifies requirements for special use permits, designates permitted uses for the various zoning districts, adds definitions to Article 3, develops criteria for planned unit developments (PUDs), and makes numbering sequence and formatting adjustments to old articles 5 through 27.

**AN ANALYSIS OF CHANGES** to this Ordinance is published and updated with each printing. It is published as a separate document titled ANALYSIS OF CHANGES to the ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING ORDINANCE.

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# Map of Extraterritorial Zone

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# ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING ORDINANCE NO. 80-1

## ARTICLE 1 GENERAL STATEMENTS

### Section 1.1 TITLE

This Ordinance is known as the "Roswell-Chaves County Extraterritorial Zoning Ordinance" and is referred to elsewhere herein as "this Ordinance".

### Section 1.2 AUTHORITY

The City of Roswell and the County of Chaves establish this Ordinance pursuant to Sections 3-21-1 through 3-21-14, New Mexico Statutes Annotated, (1978), as amended..

### Section 1.3 PURPOSE

**1.3.1** The purpose of this Ordinance is to promote public health, safety, morals, and the general welfare within the Roswell-Chaves County Extraterritorial Zone (ETZ). In accordance with recommendations of the Chaves County Comprehensive Land Use Planning and Zoning Report, the Chaves County Land Use Policies Plan, an update thereto, and the City of Roswell Comprehensive Master Plan, this Ordinance is designed to lessen congestion in the streets or public ways; provide safety from fire, flood waters, and other dangers; provide adequate light and air; prevent the overcrowding of land; facilitate adequate provision for schools, transportation, water, sewerage, parks, and other public requirements; and control and abate the unsightly use of buildings or land.

**1.3.2** In order to accomplish this purpose, this Ordinance provides for the administration, interpretation, enforcement, and amendment of this Ordinance and divides the territory within the ETZ into zoning districts. This Ordinance regulates the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land; and the erection, construction, reconstruction, alteration, or use of buildings, structures, and land in each zoning district.

**1.3.3** In carrying out the purpose of this Ordinance, reasonable consideration shall be given to the character of the zoning areas and districts and their peculiar suitability for particular uses, to conserving the value of buildings and land, and to encouraging the most appropriate use of land throughout the jurisdiction.

### Section 1.4 JURISDICTION

**1.4.1** This Ordinance governs the territory within approximately two miles of the Roswell City limits as shown on the official ETZ Map. All changes to the ETZ boundary shall be determined by the ETZ Authority (Authority).

**1.4.2** All property except that property owned or controlled by the Federal Government, the State of New Mexico, the County of Chaves, or the City of Roswell, or their subdivisions or agencies, is governed by this Ordinance.

## **Section 1.5 INTERPRETATION AND CONFLICT**

The provisions of this Ordinance are held to be minimum requirements. When provisions of this Ordinance conflict with other valid laws, rules, regulations, or ordinances, the more restrictive shall govern. This Ordinance shall be construed broadly to promote the purposes for which it was adopted.

## **Section 1.6 SEVERABILITY**

If any section of this Ordinance, or any subsection, paragraph, sentence, clause, phrase, provision, or part thereof is, for any reason, held to be illegal, invalid, or unconstitutional, the remaining portions shall not be affected since it is the express intent of the Authority to pass each section, subsection, paragraph, sentence, clause, phrase, or provision, and every part thereof, separately and independently of every other part.

## **ARTICLE 2 ADMINISTRATION**

### **Section 2.1 ETZ AUTHORITY**

**2.1.1** The ETZ Authority (Authority) consists of three Chaves County Commissioners and two Roswell City Councilors appointed by their respective boards for terms determined by those boards. The Authority approves all amendments to this Ordinance and hears all appeals of decisions made by the ETZ Commission (Commission) or an administrative officer.

**2.1.2** Meeting dates and times shall be determined by resolution at the beginning of each calendar year pursuant to the New Mexico Open Meetings Act. The Authority shall keep public records of its proceedings and official actions.

**2.1.3** Members of the Authority shall abstain from voting on any matter which in any way could be construed as a conflict of interest.

**2.1.4** Any person aggrieved by a decision of the Commission or an administrative officer may appeal to the Authority. Appeals must be filed within 30 days of the date of the decision. An appeal shall stay all proceedings in furtherance of the appealed unless facts indicate that a stay would cause imminent peril to life or property. The Authority shall schedule a public hearing at which the appeal will be heard and may uphold the decision of the Commission or administrative officer, decide in favor of the appellant, or modify the appealed decision with special conditions which are not contrary to the public interest and which would be within the intent and purpose of this Ordinance.

**2.1.5** Appeals of Authority decisions may be presented to any court of competent jurisdiction for review within the time and in the manner required by law.

### **Section 2.2 ETZ COMMISSION**

**2.2.1** The ETZ Commission (Commission) consists of seven members serving terms of one year. Three members are appointed by the City of Roswell, three members by the Board of Chaves County Commissioners, and the seventh member, who must live in Chaves County outside of the City of Roswell and outside the limits of the ETZ, is elected by the six appointed members. The Commission shall administer this Ordinance, establish the boundaries of the zoning districts, approve requests for changes of zoning, special uses, and variances, and consider requests for proposed amendments to this Ordinance.

**2.2.2** Meeting dates and times shall be determined by resolution at the beginning of each calendar year pursuant to the New Mexico Open Meetings Act. The Commission shall keep public records of its proceedings and official actions.

**2.2.3** Members of the Commission shall abstain from voting on any matter which in any way could be construed as a conflict of interest.

**2.2.4** Any person aggrieved by a decision made by the Commission may appeal to the Authority in accordance with Section 2.1.4.

## **Section 2.3 CODES ENFORCEMENT OFFICER**

**2.3.1** The Codes Enforcement Officer (CEO) shall interpret the meaning of the provisions of this Ordinance and shall enforce those provisions. The CEO shall maintain an office from which to supply the public with information about the various regulations and ordinances, provide applications for changes of zoning, special uses, variances, and proposed amendments to this Ordinance, and keep the records of the Commission and the Authority. The CEO shall be responsible for providing factual information to the Commission and the Authority concerning applications for proposed changes.

**2.3.2** The CEO may adopt procedures for carrying into effect the provisions of this Ordinance which must be consistent with this Ordinance and are subject to review and approval by the Commission and the Authority.

**2.3.3** The County Codes Enforcement Officer(s), the County Attorney, other Chaves County Law Enforcement Officers, and the Roswell City Attorney are designated by this Ordinance as enforcement officers.

**2.3.4** The CEO, or authorized representative, shall have the authority to enter upon property for the purposes of inspection, provided that no building shall be entered without the consent of the owner or occupant unless properly authorized.

**2.3.5** Any person aggrieved by a decision made by the CEO may appeal to the Authority in accordance with Section 2.1.4.

## **Section 2.4 AMENDMENT**

**2.4.1** Final determinations of amendments to this Ordinance shall be made by the Authority.

**2.4.2** Requests to amend this Ordinance may be initiated by the Authority, the Commission, or an administrative officer. Amendments may become effective only after a public hearing before both the Commission and the Authority following the guidelines described in Sections 2.5.3 and 2.5.4.

## **Section 2.5 APPLICATION PROCEDURES**

**2.5.1** Final determinations of changes of zoning, special uses, and variances shall be made by the Commission.

**2.5.2** Requests for changes of zoning, special uses, and variances (applications) may be initiated by the Authority, the Commission, or by an owner of real property in the area to be included in the application. Applications shall be signed by the applicant and submitted to the office of the CEO on official forms at least thirty (30) calendar days before a regularly scheduled Commission meeting. The application shall include: an accurate site plan showing location and dimensions of all existing and proposed improvements to the property; a petition in favor of amendment signed by real property owners representing seventy-five percent (75%) of the land area included in the application; a copy of the properly recorded deed for the property or a contract to purchase the property; the appropriate fee; a copy of the Assessor's map and a list of owners of property within 100 feet of the property included in the proposed amendment; and any other related information required by the CEO.

**2.5.3** After receipt of an application, a public hearing shall be scheduled for the next regular meeting of the Commission. Notice of the time and place of the public hearing shall be mailed to the applicant and

published in a newspaper with general circulation in Chaves County at least fifteen (15) days prior to the date of the hearing. Notice of public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the County Assessor, of lots or land within the area proposed to be changed and within one hundred (100) feet, excluding public right-of-way, of the area of the proposed amendment.

**2.5.4** The CEO shall present a statement of facts concerning the submitted application to the Commission prior to the public hearing at which all concerned persons shall have the opportunity to speak. The CEO or Commission may request an opinion from any person or agency to consider factors which bear on the public interest.

**2.5.5** When considering applications, the Commission shall consider the characteristics of the proposed development; the nature of surrounding land use and zoning; existing public access; existing and proposed surface water drainage; proposed improvement of off-site facilities, such as access roads or surface water drainage facilities; ability to be serviced from and annexed by the City of Roswell; compatibility with the official Land Use Plan; and the distance to residential structures if a commercial or industrial zoning is proposed.

**2.5.6** The Commission shall make a decision to approve, to deny, or to approve with conditions any application for a change of zoning, special use, or variance. Conclusions of Law and Findings of Fact which are sufficient for meaningful review shall be made a part of the decision. All decisions made by the Commission shall be final.

**2.5.7** If the owners of twenty percent (20%) or more of the property included in the application or within one hundred (100) feet, excluding public right-of-way, of property included in the application, protest in writing, approval of the request shall require a minimum of 5 votes of the Commission in favor of the request. If less than 5 members are present, the request shall be postponed until the next regularly scheduled Commission meeting.

**2.5.8** When a proposed amendment to this Ordinance is denied by the Commission, the applicant may appeal the decision to the Authority within 30 days of the decision by the Commission. Applications must be submitted to the CEO on official forms at least thirty (30) calendar days before a regularly scheduled Authority meeting. The application to the Authority shall follow the same guidelines and procedures as those required by the Commission. Notice of a public hearing shall be published and property owners notified.

**2.5.9** If the owners of twenty percent (20%) or more of the property included in the proposed amendment, or within one hundred (100) feet, excluding public right-of-way, of the property included in the proposed amendment, protest the proposed amendment in writing, approval of the amendment shall require a minimum of 4 votes of the Authority in favor of the request. If less than 4 members are present, the request shall be postponed until the next regularly scheduled meeting.

**2.5.10** The ETZ Map shall be located in the Planning and Zoning Department. All amendments and changes in zoning district boundaries and/or classifications that are approved by the Commission or Authority shall be promptly noted on the Map.

## **Section 2.6 ENFORCEMENT**

**2.6.1** No land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, enlarged, altered, moved, or used in any district, as shown on the Map or described in this Ordinance, except in conformity with the regulations established by this Ordinance for the district or zone in which it is located.

**2.6.2** No building shall be erected, constructed, enlarged, or altered to exceed the height, number of stories, size, or density of population, occupy a greater percentage of land area, or have smaller front, rear, or side yards or open space, than is specified for the district or zone in which it is located.

**2.6.3** If any building or structure is placed, erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of this Ordinance, the Authority, the Commission, or the CEO may institute any appropriate action or proceedings to prevent the unlawful placement, erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; restrain, correct, or abate the violation; prevent the occupancy of the building, structure, or land; or prevent any illegal act, conduct, business, or use.

**2.6.4** This Ordinance may be enforced by prosecution of violations in any court of competent jurisdiction in Chaves County.

**2.6.5** After ten (10) days written notice of violation mailed to the last known address of the property owner, any person, firm, or corporation continuing to violate any of the provisions of this Ordinance may be punished by a fine not exceeding three hundred dollars (\$300) or imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. Each day's violation shall be a separate offense.

**2.6.6** Abstract companies, title companies, engineering firms, and surveying firms performing services in Chaves County shall inform persons who divide property into any parcel that is less than 5 acres in size that they may not be in conformance with this Ordinance. Such companies shall also notify the CEO of the proposed land division. It shall also be required that all building moving companies obtain a zoning clearance from Chaves County prior to the placement of buildings or manufactured homes on property.

## **Section 2.7 VARIANCE**

**2.7.1** Every property owner within the ETZ shall have the right to apply to the Commission for a variance from this Ordinance when the property owner can show an exceptional situation or condition relating to the property such that the strict enforcement of this Ordinance would constitute an unnecessary hardship or practical difficulty upon the property owner.

**2.7.2** Prior to granting any variance, the Commission shall hold a public hearing and shall determine that:

- a.** the granting of the variance will not be injurious to the public health, safety, morals, and general welfare of the community;
- b.** the use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- c.** the need for the variance arises from some condition peculiar to the property involved and such condition is not due to the general conditions of the neighborhood;
- d.** the strict application of the terms of this Ordinance for which the variance is sought would result in unnecessary hardship upon the owner of such property; and

e. that the grant of the variance would be within the spirit, intent, purpose, and general plan of this Ordinance.

**2.7.3** Absent a showing of unnecessary hardship, practical difficulty, or a complete loss of any financial benefit in the property the Commission shall not approve a request for a variance where the applicant purchased the property after the effective date of this Ordinance and the condition requiring the variance was in existence at the time of the purchase. Following the denial of any application for a variance, the applicant shall not reapply to the Commission for the same variance on the same property for a period of one year.

## **Section 2.8 SPECIAL USE**

**2.8.1** The designation of zoning districts is made in an effort to create areas within which the uses are similar or substantially uniform. There are uses that, because of their unique character or special or unusual impact upon the use of adjacent property, require special consideration. Special Uses are considered amendments to this Ordinance and applications for Special Uses shall follow the same guidelines as any other amendment.

**2.8.2** The Commission may grant a special use permit in districts from which the uses are otherwise prohibited by this Ordinance and shall impose appropriate conditions and safeguards, which may include a specified period of time for the special use permit, to protect the general plan and to conserve and protect the property values in the neighborhood.

**2.8.3** Prior to granting any Special Use the Commission shall hold a public hearing and shall determine that:

- a. the granting of the Special Use will not be injurious to the public health, safety, morals, and general welfare of the community;
- b. the use or value of the area adjacent to the property included in the Special Use will not be affected in a substantially adverse manner;
- c. the site for the proposed Special Use is suitable for that use, and the surrounding properties are compatible with that use; and
- d. the grant of the Special Use would be within the spirit, intent, purpose, and general plan of this Ordinance.

**ARTICLE 3**  
**RULES OF CONSTRUCTION AND DEFINITIONS**

**Section 3.1 RULES OF CONSTRUCTION**

**3.1.1** In the construction of this Ordinance, the following rules shall be observed unless the construction would be inconsistent with the intent of this Ordinance.

**3.1.2** Words and phrases shall be construed according to the context and the approved use of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed according to such meaning.

**3.1.3** Words importing the singular number may be extended to several persons or things, words importing the plural number may be applied to one person or thing, and words importing the masculine gender only may be extended to females.

**3.1.4** In computing time, the first day shall be excluded and the last included, unless the last falls on a Saturday, Sunday, or a legal holiday, in which case the time prescribed shall be extended to include the whole of the following business day.

**3.1.5** The words "shall" and "will" are mandatory and "may" and "should" are permissive or directory.

**3.1.6** Words not defined in this section shall retain their plain meaning.

**Section 3.2 DEFINITIONS**

The following definitions have been adopted for use with this Ordinance.

**ABANDONMENT** when a structure or use has been inactive for a six month period or more

**ACCESSORY USE** a subordinate building or use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with the principal building or use

**AGRICULTURE** the use of land and/or structures for the commercial growing of farm crops such as plants, crops, trees, forest products, orchard crops, livestock, poultry, and fish – includes ranching and farming

**AIRPORT** any area which is used, or is intended to be used for the landing or taking off of aircraft and which is approved by the federal Aviation Administration. The use as an airport includes any appurtenant areas which are used, or intended to be used, for airport buildings, other airport facilities, or rights-of-way.

**ALLEY** a passage or way open to public travel which generally affords a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation

**APARTMENT** any building or portion thereof which contains three or more dwelling units – does not include a townhouse or condominium

**ANIMAL, DOMESTIC** an animal that is trained or bred to live with or be of use to man

**AUTOMOBILE GRAVEYARD** any property which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, dismantled, or inoperable motor vehicles or motor vehicle parts – may include repair facilities as an ancillary use

**BASEMENT** a story of a building having part, but not less than one-half (1/2), of its height below grade

**BED AND BREAKFAST** a limited commercial activity, conducted within a structure, which includes dining and bathroom facilities and sleeping rooms for short term guest lodging (a bed and breakfast requires a special use permit in any zoning district)

**BOARDING HOUSE** a building other than a hotel, where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for at least three (3) but not more than twenty (20) persons

**BODY SHOP** a shop where vehicle exteriors, or bodies, are replaced and/or reconditioned

**BUILDING** any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, having a roof supported by columns or walls

**BUILDING, ACCESSORY** a building or structure which is subordinate to, and the use of which is incidental to, that of the principal building, structure, or use on the same lot

**BUILDING HEIGHT** the height of a building measured from the ground surface level to the highest point of the building

**BUSINESS** any occupation, employment, or enterprise which occupies time, attention, labor, and materials, or where merchandise is exhibited or sold, or where services are offered

**CABANA** a structure that is constructed as an independent building adjacent to and not supported by a manufactured home for the purpose of adding additional living or storage space to the permitted use

**CARPORT** a roofed structure with two (2) or more open sides under which vehicles are stored

**CHANNEL** the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water

**CLINIC** an establishment where human patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together

**CLUB or LODGE** a building and/or facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily operated as a business

**COMMERCIAL USE** a use operated for profit or compensation

**CONDOMINIUM** an individually owned dwelling unit in a multiple family dwelling, the common areas of which are held in common by all tenants

**DAIRY** an establishment that is engaged in the production, sale, and distribution of milk and milk products

**DAY CARE CENTER** an occupied dwelling or other building in which care, services, and supervision are provided for more than six (6) children on a regular basis for less than 24 hours per day

**DAY CARE HOME** an occupied dwelling in which care, services, and supervision are provided by individuals residing in the dwelling for no more than six (6) children on a regular basis for less than 24 hours per day. The care giver's own children, grandchildren, nieces, or nephews shall be counted towards the permitted number of children.

**DISTRICT** a designated portion] of the Extraterritorial zone for which the regulations governing the use of buildings, or land, or the height, area, and density of buildings are uniform

**DOMESTIC SERVANT** a person who makes his/her primary living wage by work performed on a residential property owned by someone other than himself/herself

**DUPLEX** a two-family dwelling

**DWELLING** a building or portion thereof, designed or used exclusively for residential purposes – does not include hotels, motels, boarding houses, nursing homes, group care residences, or travel trailers

**DWELLING, SINGLE FAMILY** a single building designated for occupancy by one family

**DWELLING, TWO FAMILY** A single building designated for occupancy by two families

**DWELLING, MULTIPLE FAMILY** a single building designed for occupancy by three or more families

**DWELLING UNIT** one or more livable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking, and eating

**FAMILY** one or more persons related by blood or marriage or a group of not more than five persons (excluding servants) not related by blood or marriage living together in a dwelling unit

**FARM** land which is used for the commercial growing, producing, and/or storage of agricultural crops such as, vegetables, fruit, nuts, cotton, grain, and similar products. A farm shall have a valid decreed water right in excess of three acre feet per annum. The term farm includes treatment and storage of produce as a secondary function, sale and distribution of farm products other than agricultural machinery, roadside stands for sale of farm products, and residences of those conducting and engaged in the operation. A farm shall not include feed lots, dairying, poultry production, hog farms, commercial sanitary landfills, or similar type uses.

**FEED LOT** a place of confinement for livestock where feeding is by a method other than grazing and which is operated as a commercial enterprise

**GARAGE COMMERCIAL** a building or portion of a building other than a private garage designed or used for parking, servicing, repairing, equipping, hiring, selling, or storing motor vehicles

**GARAGE, PRIVATE** an accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles owned and used by the occupants of the building to which the garage is accessory. Only one of the vehicles may be a commercial vehicle of no more than two ton maximum gross cargo weight.

**GRAZING** the commercial raising of domestic livestock on open grassland, rangeland, or fenced pasture

**GROUND COVER** stored quantities of organic material such as enriched soil, bark chips, wood chips, manure, or sludge or inorganic material such as sized gravel, rock, broken brick, or sand material which would be customarily incidental to the growth or final landscaping of the plants. This ground cover shall be kept in bins no wider than two (2) front end loader scoops wide of a design approved by the CEO, but not to exceed 12 feet wide. The amount of ground cover shall meet the fifteen percent (15%) control factor as defined under nursery.

**GREENHOUSE** a structure used for the commercial growing of plants

**GUEST** a temporary, non-paying visitor

**GUEST HOUSE** an accessory structure which is a dwelling unit intended for temporary occupancy by a guest and is not for rent, lease, or sale. Guest houses are not assigned rural addresses separate from the principle residence on the property and utilities are provided through the principle residence.

**GUEST ROOM** any room or rooms used, or intended to be used by a guest for sleeping purposes

**HARDSHIP – UNNECESSARY** a situation where no reasonable use can otherwise be made of the land

**HARDSHIP – PRACTICAL DIFFICULTY** when the affected property or structure cannot, because of physical limitations or other “practical difficulties”, be used for a permitted use under the applicable zoning classification

**HOME OCCUPATION** a business operated within a dwelling that meets the following criteria: the activity is clearly an incidental and secondary use of the residential structure; only members of the residing family are engaged in the occupation; all activities are conducted entirely within a dwelling; and there is no external evidence of the activity, such as commercial vehicles, outside storage, signs, noise, dust, odors, noxious fumes, or other nuisances which would change the residential character of the property or neighborhood. Home occupation includes consultation and emergency treatment by physicians, surgeons, dentists, lawyers, and clergymen, but does not include the general practice of these occupations

**HOTEL** any building in which lodging or boarding and lodging are provided for more than six (6) persons and offered to the public for compensation and in which the main ingress and egress to and from all rooms are made through an inside lobby or office

**INSTITUTION** a public or non-profit organization having a social, educational, or religious purpose as a school, church, hospital, reformatory, etc

**JUNK** old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste; junked, dismantled, wrecked, or inoperable motor vehicles, or parts thereof; iron, steel, and other old or scrap ferrous or non-ferrous material

**JUNKYARD** the use of a lot, or portion thereof, or any establishment or place of business maintained, used, or operated for storing, keeping, buying, or selling junk

**KENNEL** any property on which eight (8) or more dogs and/or eight (8) or more cats, or aggregate thereof, four (4) months of age or older, are kept, and/or where the business of buying, selling, breeding, training, or boarding of dogs and/or cats is conducted – does not include veterinary hospitals, humane societies, or animal shelters/pounds approved by a governmental agency

**LANDSCAPING** the planting and maintenance of live plants including trees, shrubs, flowers, vines, grasses, or other low-growing plants that are native or adaptable to the climatic conditions of the Chaves County area. In addition, the landscape design may include some natural and manufactured materials including but not limited to rocks, fountains, reflecting pools, works of art, screens, walls, fences, benches, and other types of outdoor furniture, subject to approval by the Commission

**LAUNDROMAT** a building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their own laundry

**LDN** the 24-hour average (day/night) sound level used by the Federal Aviation Administration as a standard metric for determining the cumulative exposure of individuals to noise (basis for the determination of the LDN zone boundaries around the airport)

**LDN ZONE** that area around an airport for which land use controls are needed to restrict development that would be sensitive to aircraft noise

**LOADING, OFF STREET** an area of a lot that is reserved for loading and unloading items that are essential to the use of the property. Specific requirements are listed elsewhere in this Ordinance.

**LODGING HOUSE** a building where lodging only is provided for compensation to three or more, but not exceeding twenty (20), persons

**LOT** a parcel of land adequate for occupancy by a use permitted by this Ordinance, providing required yards, building area, and off-street parking. This parcel of land, which is a part of a legal subdivision or described by metes and bounds or other accepted means, shall have a map or other legal description which is recorded in the office of the Chaves County Clerk.

**LOT, CORNER** a lot located at the intersection of and having frontage on two or more streets

**LOT, DEPTH** the mean horizontal distance between the front and rear lot boundary lines

**LOT, INTERIOR** a lot other than a corner lot

**LOT LINE, FRONT** the legal boundary of a lot that borders on a street or road right-of-way, and in case of a corner lot may be either frontage

**LOT LINE, REAR** the legal boundary of a lot which is most distant from and more or less parallel to the front lot line

**LOT OF RECORD** a lot which is part of a legal subdivision, the plat of which has been recorded in the office of the Chaves County Clerk, or a parcel or tract of land, the deed to which has been recorded in the office of the Chaves County Clerk

**LOT, THROUGH** a lot having frontage on two (2) non-intersecting, more or less parallel streets – not a corner lot

**LOT, WIDTH** the mean horizontal distance between the side lot lines

**MANUFACTURED HOME** a dwelling unit built on a chassis with a body width exceeding eight (8) feet and body length exceeding forty (40) feet designed to be used as a permanent living quarters, tied securely to the ground, and connected to the required utilities

**MANUFACTURED HOME PARK** a property designated and developed for long term residential use and intended for rent or lease exclusively for manufactured homes

**MANUFACTURED HOME SUBDIVISION** a subdivision designated and developed for long term residential use and intended for sale exclusively for manufactured homes

**MOTEL** any building in which lodging or boarding and lodging are provided for more than six (6) persons and offered to the public for compensation

**MOTOR VEHICLE** any wheeled vehicle which is self propelled or intended to be self propelled

**MOTOR VEHICLE, INOPERABLE** any motor vehicle which for any reason is incapable of being propelled under its own power

**MOTOR VEHICLE, DISMANTLED** any motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing

**MULCH** material such as bark or wood chips, sized gravel or rock, or approved alternative material, installed over a plastic barrier of at least 6 mil thickness, to be used as ground cover in those portions of required landscaped areas not covered by vegetative matter

**NIGHT CLUB** any establishment, including a private club, which typically allows or provides on-site consumption of food and/or drink (alcoholic or non-alcoholic), music, and/or dancing after 10:00 PM on any given night.

**NON-CONFORMING USE** the use of a structure or land which is not in conformance with this Ordinance for the district in which it is located

**NON-CONFORMING USE, LEGAL** the use of a structure or land which was in existence prior to the current zoning standards of the area in which the property is located when the current standards exclude or prohibit the use. Such nonconforming uses are legal subject to the provisions of this Ordinance and are known as "grandfathered uses".

**NON-CONFORMING USE, UNLAWFUL** a non-conforming use which does not conform to the provisions of this Ordinance required for a legal non-conforming use

**NURSERY** any land on which nursery stock is propagated, grown, or cultivated and from which source nursery stock is offered for distribution or sale. Mulch may be stored and sold at a nursery but may not exceed 15% of the gross annual sales of the nursery

**NURSERY STOCK** any plant grown, propagated, or collected for planting, or any plant propagated for landscaping or decorative purposes – does not include field, vegetable, or flower seeds

**NURSING HOME** a home for the aged or infirm in which three or more persons are received, kept, or provided with shelter and/or care for compensation – does not include hospitals, clinics or similar institutions

**OFFICE** a place where consulting, record keeping, or the work of a professional person such as a physician or lawyer is done, or a headquarters of an enterprise or organization – does not include the sale of commodities

**OPEN SPACE** land without man made structures. Open space includes parks, areas used for farms or forestry, and certain areas within planned development – residential lots are required to maintain 30% of rear yards as open space

**OVERLAY ZONES** a set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

**PARKING, OFF STREET** an area of a lot that is reserved for the storing of operable vehicles used on a daily basis by the occupants or customers of the buildings on the lot. Specific requirements are listed elsewhere in this Ordinance

**PERSON** an individual, corporation, governmental agency, estate, business, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity

**PLANNED UNIT DEVELOPMENT (PUD)** a land use planning technique which permits flexibility and innovation in design, placement of buildings, use of open spaces, and off-street parking areas and encourages a more creative approach to the utilization of the land while simultaneously providing a compatible and stable environment in harmony with and at substantially the same population density and area coverage of the surrounding area.. PUDs may be proposed for any use or combination of uses allowed in the zoning districts established by this Ordinance.

**PRACTICAL DIFFICULTY** when the affected property or structure cannot, because of physical limitations or other “practical difficulties”, be used for a permitted use under the applicable zoning classification

**RANCH** property used to commercially graze livestock

**RECREATIONAL VEHICLES** (see travel trailer)

**RIGHT-OF-WAY** the total area of land that is deeded, reserved by plat, or otherwise acquired by a governing body that is dedicated for the public movement of vehicles, people, and goods

**SERVANTS QUARTERS** an accessory building which is intended to be a dwelling unit for a domestic servant working on the property on which the building is located and is not for rent, lease, or sale. Servants quarters are not assigned rural addresses separate from the principle residence on the property and utilities are provided through the principle residence.

**SERVICE STATION** any land, building, structures or premises used for the retail sale of motor vehicle fuels, oils, accessories or for servicing or lubricating motor vehicles or installing and repairing parts and accessories. This does not include the repairing or replacing of bodies or fenders of motor vehicles, painting motor vehicles, or commercial garages.

**SIGN** any surface and/or supporting structure, visible from a roadway or public access, used or intended to be used to advertise or inform. This may be a display, light, device, figure, painting, drawing, message, plaque, structure, or similar object. If multiple surfaces are being supported by a structure, each surface shall

be considered a separate sign. Any structure used or intended to be used to support a sign surface shall be considered a sign.

**SIGN – ABANDONED** a sign which no longer is serviceable to advertise an existing business or organization, a service performed, or a product sold; a sign that has not been maintained (kept free of rust, rot, insect infestation, bird nests, and other deterioration); a sign which is structurally damaged, unsecured, or in severe disrepair; or a sign with a peeling, faded, or unreadable message

**SIGN - BILLBOARD** a sign which is used to advertise a function, business, or activity that is not related to the use of the property on which the sign is located. The maximum size for a billboard shall be 700 square feet for each face (maximum 48 feet long and 17 feet wide, including border, trim, and extensions, but not including any ornamental base or apron support) and maximum height of 40 feet above the centerline of the road.

**SIGN – DIRECTIONAL** a sign containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. Directional signs, other than billboards, are limited to a maximum area of 150 square feet.

**SIGN - ON-PREMISE** a sign which is used to advertise a function, business, or activity that is active on the property on which the sign is located

**SIGN – ON-PREMISE, BUILDING MOUNTED** a sign which is attached parallel to or painted on and supported by an outside wall of a building and is used to advertise a function, business, or activity that is active on the property on which the sign is located. On-premise building mounted signs shall be a maximum size of 96 square feet and shall not extend above the wall or roof of the building upon which the sign is mounted.

**SIGN – ON-PREMISE, FREE STANDING** a sign wholly supported by a sign structure in the ground which is used to advertise a function, business, or activity that is active on the property on which the sign is located. On-premise free standing signs shall be a maximum size of 96 square feet and shall not exceed 20 feet in height from natural grade.

**SIGN - RANCH/FARM, SERVICE CLUB, RELIGIOUS NOTICE** signs and notices which do not exceed thirty-two (32) square feet, which are erected and authorized by law, and which relate to the name of a Ranch/Farm and directions to it or to meetings of non-profit service clubs and charitable associations or religious services

**SIGN – TEMPORARY** any sign intended to be displayed for a limited period of time and not permanently mounted to the ground

**SPECIAL USE** any use that has unusual operational, physical, or other characteristics that are different from those of the predominant permitted uses in a zoning district. Special uses shall be granted by the Commission after a public hearing and may include special conditions and a time limit for the use.

**STABLE** a building in which domesticated animals are sheltered or fed

**STORAGE UNITS** a building or buildings which are commercially rented or leased to the general public for the purpose of storing personal property

**STORY** that portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above

**STREET** that portion of a public right-of-way or private thoroughfare intended for vehicular use

**STRUCTURAL ALTERATION** any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or exterior walls

**STRUCTURE** anything constructed or erected which requires permanent location on the ground or which is attached to something having a permanent location on the ground – includes manufactured homes, advertising signs, and billboards but does not include travel trailers, tents, or motor vehicles

**TEMPORARY** a term used to identify a use intended to exist only for a short time, normally no longer than six months

**TOWNHOUSE** a single family dwelling unit which is part of a group of dwelling units attached by common walls. Each unit is designed for occupancy by a separate family, with separate entrances and exits, and is sold as a separate dwelling unit.

**TRAVEL TRAILER** any vehicle or similar portable structure with motive power or designed to be drawn or placed upon a motor vehicle, which is eight (8) feet or less in width and less than forty (40) feet in length, and is intended to be used for a temporary living quarters - includes motor home, truck camper, recreational vehicle, camping trailer

**TRAVEL TRAILER PARK** any lot, tract, or parcel of land licensed and rented or offered for rent for the temporary parking of travel trailers

**UBC** Uniform Building Code, latest edition

**WAREHOUSE** a building used for the temporary storage of merchandise or commodities

**YARD** an open space that is unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided by this Ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the mean distance between the lot line and the main building shall be used.

**YARD, FRONT** the open space of a lot that lies between the side lot lines and between the front property line and the main building on the lot

**YARD, REAR** the open space that lies between the side lot lines and between the rear property line and the main building on the lot

**YARD, SIDE** The open space that lies between the side lot line and the main building on the lot

**ARTICLE 4**  
**GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS**

**Section 4.1 EFFECT OF ESTABLISHMENT OF DISTRICTS**

All property except that property owned or controlled by the Federal Government, the State of New Mexico, the County of Chaves, and the City of Roswell, and their subdivisions or agencies, is governed according to the zone in which it is located. Any use not designated a permissive or conditional use in a zone is specifically prohibited from that zone, except as otherwise provided herein.

No land shall be used, or occupied, and no building, structure, or part thereof, shall be erected, constructed, enlarged, altered, moved, or used in any district, as shown on the zoning maps or described in this Ordinance, except in conformity with the regulations established by this Ordinance for the district or zone in which it is located.

No building shall be erected, constructed, enlarged, or altered to exceed the height, number of stories, or size, or density of population, occupy a greater percentage of land area, have smaller front, rear or side yards, or open space, than is specified for the district or zone. Such building, structure, or land for trade, industry, residential, or other purposes shall be in conformity with the regulations of the district or zone in which the land, building, or structure is located.

**4.1.1 Zoning and District Boundaries** The boundaries of the zoning districts, as described in this Ordinance, are shown on the Zoning Maps which are hereby designated as an integral part of this Ordinance and have the same force and effect as if fully described herein. Said maps are properly attested and are on file with the County Clerk of Chaves County, New Mexico.

- a. Where district boundaries are indicated as approximately following street or alley centerlines or right-of-way lines, such lines shall be construed to be district boundaries.
- b. Where district boundaries are indicated as approximately parallel to street or alley centerlines or right-of-way lines, such boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Maps. In the absence of a dimension, scale of the Zoning Maps shall determine.
- c. Where district boundaries are indicated as approximately following lot lines, section lines, or other legal subdivision lines, such lines shall be construed to be said boundaries.
- d. Where a district boundary is indicated as an extension of any street or alley or lot line the boundary shall be construed to be of the same course and bearing as the line extended.
- e. Any area indicated on the Zoning Maps as school, park, cemetery, right-of-way, or watercourse shall be subject to the applicable regulations of the zone in which it is located, or if it is not in a district, regulations of the most restricted adjoining district shall apply.
- f. Whenever any street or alley is vacated in the manner authorized by law, the zoning district adjoining on each side of such street or alley shall be automatically extended to the center of such vacation, or as the vacation directs, if different.
- g. Any design for subdivision of zoned land shall reflect the zoning for the district in which it is located or be accompanied by an application for a change of zoning to reflect the intended use of the land.
- h. Any application for change of zoning of unplatted land shall be accompanied by a plat delineating the boundaries of each tract included in the area subject to the proposed change of zoning.

**4.1.2 Study District** When land in the F-L (Federal Land) or S-L (State Land) Districts is to be transferred into any other ownership, such land shall either be subject to a Zone District Map amendment prior to transfer of ownership of such land or automatically be placed in an interim Study District at the time of transfer of ownerships, wherein no change in land use or additional construction is permitted while the land is so classified. The owner of such land, the Authority, or the Commission may initiate a Zone District Map amendment either prior to transfer of ownership or to replace the Study District classification following regular procedures for amending this Ordinance. The Commission shall act to replace the Study District classification of such land with Zone District regulations within one (1) year of its classification as Study District.

## **Section 4.2 SUPPLEMENTAL REGULATIONS**

### **4.2.1 Floodways and Flood Control Structures**

- a.** In order to protect persons and property from periodic flooding and to preserve the location, character, and extent of natural drainage courses, as well as existing or proposed flood control structures, floodways, etc., land subject to flooding and land deemed to be topographically unsuitable for building or for other reasons uninhabitable shall not be used for residential occupancy, nor for such other uses as may increase danger to health, safety or the general welfare or aggravate erosion or flood hazard.
- b.** The building of residences or other permanent structures shall not be permitted on the site of existing or proposed flood control structures and floodways, or otherwise interfere with flood control plans as set forth in the "Master Plan for Flood Control and Storm Drainage in Chaves County and the City of Roswell, New Mexico," and other flood control plans set forth by the Chaves County Flood Commissioner and approved by the Board of Chaves County Commissioners. These flood control structures and floodways include but are not limited to reservoirs, dams, diversions ditches or channels, dikes, spillway channels, and flood plains subject to the runoff generated by a 100 year return period storm.
- c.** Landfills are not allowed in floodplains unless the New Mexico Environment Department (NMED) approves.

**4.2.2 Contamination of Ground Waters Prohibited** All uses in all areas are prohibited from any activities which cause pollution or contamination of ground waters, unless authorized by the Authority.

### **4.2.3 Waste Disposal**

- a.** The disposal of hazardous materials is strictly prohibited in all zones, except as authorized by the Commission, through the CEO.
- b.** Solid waste shall be disposed of only in an NMED permitted landfill or areas authorized by the Commission through the CEO. Disposal of solid waste along road rights-of-way, water courses or other unauthorized areas is strictly prohibited.

**4.2.4 Zoning District or Land Use Areas** Proposed subdivisions in the Extraterritorial Zone shall have their zoning district or land use areas assigned by the Commission during a public hearing prior to any final approval of the plat by the Roswell Planning and Zoning Commission and the Chaves County Planning and Zoning Commission. After the Commission approves the zoning, the Roswell City Council and the Board of Chaves County Commissioners may then take action on the final plat of the proposed subdivision.

**4.2.5 Road Setback Requirements-All Zones** In order to make adequate provision for transportation, water, sewerage, and other utilities, and to assure that land be available, when required, for widening of county roads.

- a. Except for utility lines and appurtenances, the construction or placement of permanent structures is prohibited nearer than forty (40) feet from a line that is fifty (50) feet from the section line, on section line roads; forty (40) feet from the half-section line on half-section line roads; thirty (30) feet from the center line on other roads, even if the existing county road has a narrower right-of-way, and was acquired by deed, dedication, prescription, condemnation, declaration or other means.
- b. Utility companies who wish to place their lines or other facilities within existing County road right-of-way, shall first obtain a permit from the Board of Chaves County Commissioners which shall contain, among other things, a statement that if the Board of Chaves County Commissioners find it necessary to widen a county road, the applicant agrees to move their lines and equipment as required, at their own expense, after receiving a ninety day advance notice.
- c. Subdividers in the Extraterritorial Zone shall dedicate public road and utility rights-of-way in accordance with the alignments and right-of-way dimensions for arterial roads established in the Roswell Comprehensive Master Plan.

**4.2.6 Minimum Lot Sizes and Restrictions In Areas of Severe Depletion of the Shallow Water Basin, DSB Overlay Zone**

- a. In areas of severe depletion of the shallow water basin, as defined by the New Mexico Water Resources Division (formerly the State Engineer's Office), where the life of this basin is estimated by them to be less than forty years, the following minimum lot sizes and restrictions shall apply:
  - 1. Where the source of water supply is the shallow water basin, with an unadjudicated one-acre domestic water right limited to 3 acre-feet per annum, the minimum lot size shall be ten (10) acres, in Flight Zone.
  - 2. Where the source of water supply is either the shallow or artesian water basin, with a valid, adjudicated water right, the minimum lot shall be five (5) acres.
  - 3. Where the source of water supply is the Artesian Water basin, with an unadjudicated one acre domestic water right limited to 3 acre-feet per annum, the minimum lot size shall be five (5) acres.

**4.2.7 Lot Sizes in ETZ** Minimum lot sizes in the Extraterritorial Zone are five (5) acres unless at the time of adoption of this Ordinance, a parcel contained at least 5 but not more than 10 acres. These parcels may be divided, one time only, to create one 5 acre parcel and one parcel of less than 5 acres as long as the smallest parcel will meet the minimum land area requirement set by NMED for an individual septic system.

**4.2.8 Restrictions**

- a. There shall be no commercial swine operations in the Extraterritorial area, except where otherwise provided.

## ARTICLE 5

### Section 5.1 ESTABLISHMENT OF ZONING DISTRICTS

**5.1.1** For the purpose of this Ordinance, the Roswell-Chaves County Extraterritorial Zone, which is the area within the two-mile Extraterritorial limits of the City of Roswell, is divided into the following districts:

R-1	SINGLE FAMILY RESIDENTIAL
R-2	TWO FAMILY (DUPLEX) RESIDENTIAL
R-3	MULTIPLE FAMILY RESIDENTIAL
R-MS	RESIDENTIAL-MANUFACTURED/HOME SUBDIVISION
R-MP	RESIDENTIAL-MANUFACTURED/HOME PARK
R-S	RURAL-SUBURBAN
O-1	OFFICES-PROFESSIONAL
C-1	COMMERCIAL
I-1	INDUSTRIAL
PUD	PLANNED UNIT DEVELOPMENT
F-1	FLOODPLAIN
F-2	FLIGHT ZONE
L-1	ARTERIAL OVERLAY (LANDSCAPING)
S-1	OUTDOOR ADVERTISING (SIGNS)

## ARTICLE 6

### R-1 SINGLE FAMILY RESIDENTIAL DWELLING DISTRICT

**Section 6.1** The regulations set forth in this article are "R-1" Single Family Residential District regulations.

**Section 6.2** Permitted Uses:

1. Single family dwellings\*
2. Accessory structures for non-commercial uses and uses customarily incidental to the above uses such as: personal garages, personal storage, recreation, hobbies, personal greenhouses, personal bathhouses, accessory living quarters, or for the keeping or housing of domestic animals, but not involving the conduct of a business. Any accessory structure that is not a part of the main structure shall be in compliance with yard restrictions provided herein.
3. Churches
4. Day care homes\*
5. Golf courses, except commercially run miniature courses, driving ranges, and putting greens
6. Home occupations\*
7. Public schools, elementary and secondary, and educational institutions having a curriculum the same as ordinarily given in public schools
8. Publicly owned or operated parks or playgrounds
9. Real estate sales offices for use in conjunction with the development of a residential subdivision in any residential district; provided use of the sales office shall be discontinued upon completion of the development in which the office is located or upon discontinuance of the development activity for a period of one (1) year.
10. Temporary buildings exceeding ten (10) square feet in area which are incidental to construction work. These buildings shall be removed upon the completion or abandonment of the construction work.
11. Temporary signs\* not exceeding six (6) square feet in area pertaining to the lease, hire, or sale of a building or premises provided, however, that there shall be no more than one such sign on any lot except a corner lot where two (2) such signs may be located.

**Area, height, and setback requirements are set forth in Articles 20 and 21.**

**\* defined in Article 3.2, Definitions.**

## ARTICLE 7

### R-2 TWO FAMILY (DUPLEX) RESIDENTIAL DWELLING DISTRICT

**Section 7.1** The regulations set forth in this article are the "R-2" Two Family Dwelling District regulations.

**Section 7.2** Permitted Uses:

1. Any use permitted in the R-1 Single Family Residential Dwelling district
2. Two family dwellings or duplexes \*

**Area, height, and setback requirements are set forth in Articles 20 and 21.**

**\* defined in Article 3.2, Definitions.**

## ARTICLE 8

### R-3 MULTIPLE FAMILY RESIDENTIAL DWELLING DISTRICT

**Section 8.1** The regulations set forth in this article are the "R-3" Multiple Family Residential Dwelling District regulations.

**Section 8.2** Permitted Uses:

1. Any use permitted in the "R-2" Two Family (Duplex) Residential Dwelling district
2. Boarding and lodging houses\*
3. Condominiums\*
4. Hospitals and clinics\*, but not animal hospitals or mental treatment facilities
5. Kindergartens
6. Multiple family dwellings\* or apartment house complexes
7. Non-profit religious, educational, and philanthropic institutions, excluding penal, or alcoholic treatment centers
8. Nursing homes\*
9. Townhouses\*

**Area, height, and setback requirements are set forth in Articles 20 and 21.**

**\* defined in Article 3.2, Definitions.**

## ARTICLE 9

### R-MS RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT

**Section 9.1** The regulations set forth in this article are the "R-MS" Residential Manufactured Home Subdivision District regulations.

**Section 9.2** Permitted Uses:

1. Any use permitted in "R-1" Single Family Residential Dwelling District
2. Manufactured homes\* for single family occupancy

**Area, height, and setback requirements are set forth in Articles 20 and 21**

**\* defined in Article 3.2, Definitions.**

## ARTICLE 10

### R-MP RESIDENTIAL MANUFACTURED HOME PARK DISTRICT

**Section 10.1** The regulations set forth in this article are the "R-MP" Residential Manufactured Home Park District regulations.

**Section 10.2** Permitted Uses:

1. Manufactured home parks\*

Area, height, and setback requirements are set forth in Articles 20 and 21.

\* defined in Article 3.2, Definitions

## ARTICLE 11

### R-S RURAL SUBURBAN DISTRICT

**Section 11.1** The regulations set forth in this article are the "R-S" Rural Suburban District regulations.

**Section 11.2** The R-S Rural Suburban District or Land Use is intended to accommodate single family dwellings and is designed to protect and maintain a character of development with lots having a minimum area of five acres, and with no more than one dwelling unit and permitted accessory buildings on one lot.

**Section 11.3** Permitted Uses:

1. Single family dwellings\*, including manufactured homes\*, on five (5) acre minimum lots
2. Accessory buildings or structures for use for personal garage or storage, recreation, or for livestock, poultry, and other incidental uses
3. Accessory living quarters for use as a guest house, or domestic servant quarters (dwelling units\* for only one family may be provided on each lot, and may not be for rent, or for lease, or for sale separate from the principal use, or for use involving the conduct of a business)
4. Churches, Sunday school buildings, and parish houses
5. Day care homes\*
6. Farms\* and ranches\*
7. Home occupations\*
8. Nurseries\*, truck gardening, greenhouses\*
9. Open spaces\*
10. Parks, playgrounds, golf courses, and recreational uses, except miniature golf courses or commercial practice driving tees
11. Public elementary and high schools, or private schools with curriculum the same as ordinarily given in public elementary and high schools
12. Directional signs\* and temporary on-premise signs\* pertaining to the lease or sale of the property on which the signs are located and ranch/farm, service club, and religious notices\*  
Temporary on-premise signs are limited to 32 square feet in size. No more than one (1) sign is permitted for every one-quarter mile of roadway frontage. Signs shall not be located so as to create or potentially create a traffic or safety hazard. Abandoned signs must be repaired or removed by the property owner.
13. Stables for horses

**Area, height, and setback requirements are set forth in Articles 20 and 21.**

**\* defined in Article 3.2, Definitions**

## ARTICLE 12

### O-1 OFFICES-PROFESSIONAL DISTRICT

**Section 12.1** The regulations set forth in this article are the "O-1" Office-Professional District regulations.

**Section 12.2** Permitted Uses:

1. Accounting
  - a. accountants, auditors, tax experts
  - b. credit services
2. Engineering
  - a. geologists, geophysicists, architects, engineers, surveyors
3. Insurance offices
4. Lawyers
5. Medical
  - a. doctors, nurses, dentists, optometrists, chiropractors, oculists
  - b. laboratory technicians and laboratories but excluding outdoor living facilities for animals
6. Messenger or telegraph services
7. Music and art
  - a. musicians, dancing studios, dramatic studios
  - b. artists, authors, poets
8. Photography studios
9. Public typists, stenographers, consulting services, answering services, clergymen
10. Real estate offices
  - a. salesman, appraisers, brokers
11. On-premise signs\* with the following restrictions: no more than two (2) signs are permitted for each use, free standing or building mounted, with a maximum combined size of no more than 96 square feet. Individual offices within an office complex may have one additional sign, free standing or building mounted, not to exceed 6 square feet. Signs must be permitted and constructed in accordance with the Uniform Sign Code. Signs shall not be located so as to create or potentially create a traffic or safety hazard. Abandoned signs must be repaired or removed by the property owner.

**Area, height, and setback requirements are set forth in Articles 20 and 21.**

**\* defined in Article 3.2, Definitions**

## ARTICLE 13

### C-1 COMMERCIAL DISTRICT

**Section 13.1** The regulations set forth in this article are "C-1" Commercial District regulations.

**Section 13.2** Permitted Uses:

1. Any use permitted in "0-1" Offices - Professional District
2. Automobile sales and service and filling stations
3. Bakeries - retail
4. Banks
5. Barber and beauty shops
6. Business and commercial schools
7. Catering
8. Clothing repair, tailors, shoe repair, millinery, cleaners
9. Cold storage lockers, meat processing being incidental thereto
10. Commercial parking lots and garages\*
11. Commercial recreation facilities; pool, bowling, theaters, games, miniature golf
12. Day care centers\*
13. Florists
14. Hotels\*, motels\*
15. Kennels\* veterinary hospitals, and animal clinics
16. Mortuaries and crematories
17. Paint and decorator stores
18. Photography and artists supply stores
19. Plumbing shops
20. Restaurants
21. Retail sales
22. Small appliance repair shops
23. Sign shops, excluding construction and storage of billboards
24. Sheet metal shops
25. Travel trailer parks\*
26. Accessory living quarters for only one family may be allowed on each lot and may not be for sale or lease separated from the principle use or for use involving the conduct of a business
27. Similar type uses as indicated above as approved by the Commission
28. On-premise signs\*. No more than two (2) signs are permitted for each use, free standing or building mounted. Signs must be permitted and constructed in accordance with the Uniform Sign Code. Signs shall not be located so as to create or potentially create a traffic or safety hazard. Abandoned signs must be repaired or removed by the property owner.

**Section 13.3** Shops for custom work manufacture to be sold at retail only on the premises, provided that in such manufacture the total mechanical power shall not exceed ten (10) horsepower for the operation in any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty percent (50%) of the total floor area thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, or dust as to be a nuisance or unsanitary.

**Area, height, and setback requirements are set forth in Articles 20 and 21.**

**\* defined in Article 3.2, Definitions.**

## ARTICLE 14

### I-1 INDUSTRIAL DISTRICT

**Section 14.1** The regulations set forth in this article are the "I-1" Industrial District regulations. Each individual and subsequent use requires approval by the Commission and is subject to such conditions and restrictions as the Commission may impose

**Section 14.2** Permitted Uses:

1. Any use permitted in C-1 Commercial District
2. Bottling works
3. Billboards\*, only in the S-1 Outdoor Advertising Overlay District
4. Food processing and canning
5. Foundry of lightweight nonferrous metal, excluding brass, manganese, bronze, zinc
6. Grain elevators, cotton gins, compressors, feed processing, and storage
7. Heavy vehicle temporary parking/storage
8. Iron works
9. Junkyards\*, automobile grave yards\*, scrap metal yards, and recycling operations
10. Lumber yards and construction yards
11. Machinery sales and service:
  - a. farm equipment
  - b. oil well drilling equipment
  - c. diesel tractor and trailer
  - d. water well drilling
12. Manufacture and assembly
13. Paint mixing and treatment
14. Parcel delivery services
15. Sales and service of gas/oil mineral related equipment
16. Sanitary landfills, solid waste disposal
17. Storage of gas/oil mineral production related materials
18. Storage of petroleum products
19. Tire retreading or rebuilding
20. Warehouses\* and outside storage
21. Wholesale distribution centers
22. Accessory living quarters for only one family may be allowed on each lot and may not be for sale or lease separated from the principle use or for use involving the conduct of a business.
23. Similar type uses as indicated above as approved by the Commission
24. On-premise signs\*. No more than two (2) signs are permitted for each use, free standing or building mounted. Signs must be permitted and constructed in accordance with the Uniform Sign Code. Signs shall not be located so as to create or potentially create a traffic or safety hazard. Abandoned signs must be repaired or removed by the property owner.

**Area, height, and setback requirements are set forth in Articles 20 and 21.**

**\* defined in Article 3.2, Definitions.**

## ARTICLE 15

### PUD-PLANNED UNIT DEVELOPMENT DISTRICT

#### Section 15.1 PURPOSE

**15.1.1** To provide a more creative and imaginative design of land developments than is possible under district zoning regulations while simultaneously providing a compatible and stable environment in harmony with and at substantially the same population density and area coverage as the surrounding area.

#### Section 15.2 PERMITTED USES

**15.2.1** Any use or combination of uses allowed in the zoning districts established by this Ordinance in accordance with the procedures, requirements, and standards set forth in this article.

**15.2.2** Residential PUDs may be allowed in any residential zoning district provided that the ultimate development density is not more than the development density of the respective residential zone.

**15.2.3** Commercial and Industrial PUDs may be allowed in any commercial or industrial zoning district.

#### Section 15.3 APPLICATION PROCEDURE

**15.3.1** All PUDs shall be preceded by an informal pre-application conference. The pre-application conference is intended to provide general advice to the applicant about the procedures and data requirements for PUD review and approval in the County. Documents required for the pre-application conference include:

- a. a sketch of the proposed plan of development
- b. name of owner or owners of land within the PUD
- c. a description of surrounding land uses
- d. location of existing utilities, roads, and water courses within 300 feet of the boundaries of the PUD

**15.3.2** All requests for planned unit developments shall follow the same application procedures as any other zoning request.

#### Section 15.4 APPEAL

**15.4.1** Appeals must follow the guidelines of Section 2.1 of this Ordinance.

#### Section 15.4 REQUIRED DOCUMENTS

**15.4.1** A survey map and supporting documentation shall be submitted with the application for a zoning change to PUD

**15.4.1.1** A survey map shall have the following minimum information:

- a. vicinity map
- b. title, scale, north arrow, and date;
- c. all property boundary lines, with bearings and distances
- d. proposed lot lines, with dimensions and lot and block numbers, and acreage of each lot;

- e. the location, dimensions, and purpose of existing and proposed easements;
- f. names and right-of-way widths of existing and proposed roads on and adjacent to the land within the PUD;
- g. existing and proposed utilities on and adjacent to the site;
- h. locations, dimensions, and purpose of any land to be dedicated to the public use, including any improvements to be made to that land;
- i. delineation, if applicable, of any 100-year flood plain as designated by the Federal Emergency Management Agency;
- j. legal description of record including the section, township, and range within which the subdivision is located;
- k. names and addresses of all persons owning property within 100 feet of the boundaries of the proposed PUD.

**15.4.1.2** Supporting documentation, at a minimum, shall include:

- a. site plan showing building footprints and pad elevations
- b. water supply plan;
- c. liquid waste disposal plan and soils report;
- d. solid waste disposal plan;
- e. traffic plan;
- f. terrain management plan;
- g. applicant's policies regarding open spaces;
- h. any proposed commercial or industrial areas and the criteria used to determine the size and location of these areas;
- i. any proposed covenants, conditions, or restrictions to be used within the PUD;

**15.4.1.3** Additional information may sometimes be required by County Staff when deemed necessary to properly assess the request for a PUD.

## **Section 15.5 DEVELOPMENT STANDARDS**

**15.5.1** Construction of structures, facilities, and infrastructure within an approved PUD shall comply with the following standards:

**a. Ownership:** The tract shall be under unified ownership or control at the time of application and shall be planned as a whole. If the tract is not to be developed as a whole, a phasing schedule shall be provided showing the chronological order in which portions of the tract are to be developed.

**b. Chaves County Comprehensive Plan:** The proposed PUD shall be consistent with the County Comprehensive Plan in terms of land use and density.

**c. Lot Area Regulations:** A proposed residential PUD or a residential PUD mixed with commercial and/or industrial uses shall be at least five (5) acres in size. A proposed commercial and/or industrial PUD shall be at least two (2) acres in size.

**d. Density:** For residential PUDs, the total number of dwelling units shall be determined by either the density standard of the original zoning district or the density standard recommended by the County Comprehensive Plan and shall apply to the project as a whole rather than to its individual lots. Densities are calculated on a project-wide basis, permitting, among other things, the clustering of houses with provisions for common open space.

**e. Setback Regulations:** Building setbacks may vary from those of the zoning district in which the PUD is planned as long as the proposed PUD does not adversely affect surrounding property values and will blend well with adjacent developments.

**f. Height Regulations:** Heights of buildings and structures shall match the height requirements of the original zoning district within which the PUD is being proposed.

**g. Open Space:** Sufficient open space shall be provided to meet requirements for zoning district density. The open space shall be commonly available to all uses within the PUD and be landscaped to present an aesthetically pleasing environment consistent with the original zoning district.

**h. Streets, Utilities, Services:** The specifications and standards for streets, utilities, and services may vary from those normally required in this Ordinance as long as modifications will not adversely affect surrounding property values or the public health and welfare.

**i. Off-Street Parking:** All PUDs shall provide off-street parking areas according to the zoning district within which the PUD is being proposed.

**j. Water supply:** The water supply system for the PUD must comply with State Engineer regulations.

**k. Liquid waste:** Liquid waste disposal systems must comply with New Mexico Environment Department regulations.

**l. Drainage:** Drainage plans must protect against flooding, inadequate drainage, and erosion. Post-development stormwater runoff velocities and locations must not differ from pre-development conditions.

**m. Buffers;** When commercial and/or industrial PUDs are proposed, solid fences and 15 foot buffer setbacks are required in accordance with the additional height, area, and use regulations established by this Ordinance.

**n. Traffic:** Roads, driveways, and parking areas developed within the PUD must be adequate to service the lots within the development and provide safe ingress and egress to County roads. The County will determine what improvements, if any, to the existing County road system will be necessary to properly serve the PUD.

**15.5.2** Development standards may vary if it can be demonstrated by the applicant that such modification of specifications and standards will not adversely affect the interests of the general public or the County.

## **Section 15.8 CONSTRUCTION**

**15.8.1** Prior to any construction, building permits must be obtained from the County Building Inspector.

**15.8.2** Any deviation from the approved PUD submittal must be resubmitted to the ETZC for approval.

## ARTICLE 16

### F-1 FLOODPLAIN DISTRICT

#### Section 16.1 PURPOSE AND INTERPRETATION

1. **The purpose** of this article is to establish minimum standards for location and use within the floodplain/flood hazard areas. A flood hazard area is an area as defined and made a part of the Flood Insurance Rate Maps (FIRMs) and/or Floodway Maps for Chaves County dated February 2, 1983 or whatever plans and/or maps are currently available for the purpose of defining flood hazard areas e.g. the Master Plan for Flood Control and Storm Drainage in Chaves County and the City of Roswell, New Mexico, June 1970. The floodplain zone shall overlay the existing use zones and these areas will be governed by both.
2. **USE REGULATIONS** Allowed or permitted uses within the Floodplain Overlay District are as follows:
  - a. cultivation and harvesting of crops (including so-called Victory Gardens) consistent with recognized soil conservation practices.
  - b. wildlife sanctuaries, woodland preserves, or established wilderness areas.
  - c. grazing of livestock.
  - d. recreational facilities such as parks, picnic groves, golf courses, and tennis clubs.
  - e. commercial and general utility or convenience uses such as parking lots, railroads, streets, utility lines, or conduits, storage yards for equipment and material not subject to major damage or displacement by flood waters, provided, however, that such use is accessory to a use permitted in a district of which the flood district overlays.

#### Section 16.2 OBSTRUCTIONS

1. Any obstruction in a floodplain NOT excepted under and by virtue of the permitted uses of this article is hereby declared a public nuisance unless a permit for such obstruction has been obtained from the Flood Commissioner.
2. It shall be unlawful for any person, firm, or corporation to locate an obstruction within or upon an established floodplain without first having obtained a permit therefore, from the Flood Commissioner. This article shall have no application to an obstruction located in a floodplain prior to the effective date of this Ordinance, provided further that no person shall make nor shall any owner permit alteration of an obstruction of whatever nature within an established floodplain, irrespective of whether or not such obstruction be located in the floodplain before or after the effective date of this Ordinance, except upon express written approval and consent of the Flood Commissioner first hand and obtained.

#### Section 16.3 APPLICATION FOR PERMITS, REQUIREMENTS

1. Upon application made, the Flood Commissioner is authorized to approve permits for the construction, alteration, or location of residential and non-residential structures or obstructions within the flood hazard area, provided, however, that if, as and when 100 year water surface elevation criteria within the flood hazard area shall be and become established by the Administrator for the National Flood Insurance Program, and permit approved shall not embody a lower floor (including basement) than the established 100 year water surface elevation.

2. The application shall be signed by the landowner or his authorized agent and shall contain such information as the Flood Commissioner shall require, including comprehensive maps, plans, profiles, and specifications.
3. In passing upon any such application, the Flood Commissioner shall give due consideration to factors as follows:
  - a. Potential danger to life and property occasioned by water which may become backed up or diverted by any such obstruction;
  - b. Inherent danger that the obstruction could be swept downstream to the injury or damage of others;
  - c. Making mandatory the construction or alteration of any such obstruction in a manner which minimizes potential danger;
  - d. The solidity and permanence factors of the proposed obstruction;
  - e. Overview of the anticipated development of the area within the foreseeable future, which could be affected by the obstruction;
  - f. Construction of streets, alleys, parking lots, or other facilities which potentially increase flooding downstream; and
  - g. Any and all other factors as shall be judged in harmony with the intent and purpose of this Ordinance.
4. Permitted uses within floodplains shall be the same as those permitted uses for lands lying immediately adjacent thereto, but shall be subject to the following requirements:
  - a. Substructure foundations shall be so designed and constructed to withstand flood conditions at the proposed construction site;
  - b. Construction materials shall be of a type and kind not subject to appreciable deterioration by water. Windows, doorways, and other openings in the structure in design and configuration shall incorporate adequate flood-proofing up to and including the first floor elevations;
  - c. All electrical equipment, circuits, and conduits shall be so located, constructed, and elevated so as to minimize or eliminate flood damage;
  - d. When approving permits within the flood hazard area and, in order to assure that the proposed construction (including prefabricated and manufactured homes) are adequately protected from flood damage, the Flood Commissioner or his authorized agent will ascertain:
    1. that the proposed construction is so designed or otherwise modified as will prevent flotation, collapse, or lateral movement induced by flood waters;
    2. that the construction materials and utility equipment employed are resistant to flood damage;
    3. that the construction methods and practices utilized will minimize flood damage.
  - e. The Flood Commissioner will require new or replacement water supply systems and/or sanitary sewage systems to be of such design as will minimize or eliminate infiltration of flood waters into the systems, as well as to prevent discharges from the systems into flood water. The Flood Commissioner will further require the location of on-site waste disposal systems in such manner as will avoid their impairment or contamination or contribute to the spread of contamination originating from them in times of flooding.
  - f. The Flood Commissioners will review all subdivisions proposals to insure that:
    1. all such proposals are adequate for and consistent with the necessity to minimize flood damage;
    2. all public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed as will minimize flood damage;
    3. adequate drainage is provided as will reduce exposure to flood hazards;

4. the increased run-off from any such development does not and will not increase run-off elevations in such manner as will adversely affect downstream development; and
5. base flood evaluation data shall be submitted for subdivision proposals greater than fifty (50) lots or five (5) acres.

#### **Section 16.4 AGENT FOR THE FLOOD COMMISSIONER**

1. The Flood Commissioner may appoint an agent who will obtain and maintain all elevations from permitted structures and such other related data as the Flood Commissioner may specify.
2. The Flood Commissioner, his agents, surveyors, or other employees may make reasonable entry in and upon any lands and waters within the flood hazard area for the purpose of making any investigation, survey, removal, or repair contemplated by this article. An investigation of any natural or artificial obstruction shall be made by the Flood Commissioner, either on his own initiative or upon the written request of any three titleholders of land abutting the watercourse involved.

## ARTICLE 17

### F-2 FLIGHT ZONE DISTRICT

#### Section 17.1 PURPOSE

1. Recognizing the economic importance of the Roswell International Air Center (RIAC) to the citizens of Chaves County, the purpose and intent of the regulations adopted pursuant to this Ordinance shall be to encourage land use patterns for local needs that will separate uncontrollable noise sources from noise sensitive areas and to facilitate the orderly development of areas around airports, while protecting their continued existence, by establishing regulations that must be met before such development will be permitted.

#### Section 17.2 USE REGULATIONS

1. The regulations set forth in this article are "F-2" Flight Zone District Regulations. The Flight Zone is an overlay zone and shall limit the use of those areas it overlays.
2. Use regulations within the "Flight Zone District" - a building or premises shall be used only for the following purposes:
  - a. "**Ldn Zone 4**" is a designated area within which the noise rating includes 75 Ldn and is designated as indicated on the official zoning maps following legal subdivision lines. The following are designated compatible uses in "Ldn Zone 4";
    1. open spaces,
    2. agriculture, except dairy, mink, and poultry production, and no new residences shall be built after the effective date of this Ordinance, and
    3. uses in existence at the time of the adoption of this Ordinance meeting the requirements set forth in Article 25.
  - b. "**Ldn Zone 3**" is a designated area within which the noise rating includes 70 and 75 Ldn and "**Ldn Zone 2**" is a designated area within which the noise rating includes 65 and 70 Ldn. "Ldn zones 3 and 2" are combined and designated as indicated on the official zoning maps, following legal subdivision lines. The following are designated as compatible uses in "Ldn Zones 3 and 2";
    - 1 any use permitted in R-S Rural Suburban Zone,
    - 2 all uses designated in "Ldn Zone 4",
    - 3 playgrounds and parks including amusement parks,
    - 4 golf courses, tennis courts, riding and hiking trails, and cemeteries,
    - 5 agriculture,
    - 6 all other uses are incompatible uses in "Ldn Zones 2 and 3."
  - c. "**Ldn Zone 1**" is a designated area over which the noise rating is less than 65 Ldn.
    - 1 "Ldn Zone 1" is designated as indicated on the official zoning maps following legal subdivision lines.
    - 2 "Ldn Zone 1" is designated Rural Suburban with a five (5) acre minimum lot size.
3. The use of land owned by an individual, partnership, corporation, or other legal entity that lies in more than one zone shall be limited to the uses authorized in the most restrictive zone except where the amount of land lying in the less restrictive zone or zones is of sufficient size to meet the requirements of the zone in which it lies, in which case it shall meet the requirements of that zone.

4. Except when permitted by a variance issued by the Commission,
  - a. Development upon land within the designated airport area shall be regulated in accordance with schedule of land uses for flight zone.
  - b. No designation of use contained in this schedule shall be construed to abrogate or contravene the provisions of any local zoning ordinance, or local, state, or federal regulations.
5. The allowed uses are subject to height and location restrictions set forth in Chaves County ordinances and the City of Roswell ordinances, in the designated mapped areas known as transition, horizontal, and conical zones.
6. The allowed uses will observe location restrictions created by noise levels, so as not to interfere with the function of the RIAC and avoid incompatible uses with RIAC.

## ARTICLE 18

### L-1 ARTERIAL OVERLAY DISTRICT

#### Section 18.1 PURPOSE

**18.1.1** To promote and preserve visually attractive and pleasing surroundings, reduce water erosion and runoff, and improve the overall development and environment.

**18.1.2** To provide a landscaping and paved parking standard for all new construction of buildings, structures, or parking lots hereinafter erected or constructed, and for all changes of use or zoning hereinafter applied for in the Arterial Overlay District.

#### Section 18.2 DISTRICT REGULATIONS

**18.2.1** Minimum site landscaping and required planting areas shall be installed in accordance with the standards and requirements of this article, which shall apply to all projects including construction, exterior alteration, and site improvements in the R-3, O-1, C-1, C-P, and I-1 zoning districts which fall within the Arterial Overlay District.

**18.2.2** Requirements of the Arterial Overlay District shall apply to any land that lies outside the city limits of Roswell and within the limits of the Roswell-Chaves County Extraterritorial Zone that is within 250 feet of the right-of-way of the following roads: US 70, US 285, US 380, South Main, Sunset, Yakima, or the Roswell US 285-West Relief Route.

#### Section 18.3 GENERAL REQUIREMENTS

##### 18.3.1 Permitting

1. Applications for building permits and zoning changes shall include plans and written material showing how applicable site landscaping or planting area requirements are to be met and shall be approved by the Planning and Zoning Department prior to the issuance of building permits.
2. All required landscaping shall be irrigated by either an underground sprinkler or drip system or by a hose attachment within 100 feet of any part of the landscaped area.
3. Any significant or substantive changes to an approved landscape or irrigation plan shall be approved by the Planning and Zoning Department prior to the issuance of occupancy permits.
4. A Landscape Certification must be completed by the Planning and Zoning Department within 90 days of the issuance of occupancy permit or use of the site, building, or structure.

##### 18.3.2 Size and Location

1. All parking and loading areas provided in compliance with this Ordinance shall be surfaced with a durable concrete or bituminous concrete surface and shall be maintained in a usable, dustproof condition and graded and drained to dispose of all surface water.
2. Landscaping shall be provided by buffer strips located adjacent to the street and between the street and the parking lot, structure, or use (see sketches), in accordance with the following minimum requirements:
  - a. The landscaped area shall be the greater of: 10 % of the required parking area, or a buffer strip which averages 5 feet in width. For purposes of this section, the parking area shall

include all driveways, access ways, loading and unloading areas, and other hard surface activity areas within the sites property lines.

- b. Buffer strips shall be clearly visible from the adjacent streets.
- c. Uses with up to 25 parking spaces shall have a buffer strip of landscaped area which is an average of 5 feet wide.
- d. Uses with more than 25 parking spaces shall have a buffer strip of landscaped area which is an average of 10 feet wide.
- e. Up to 1/2 of the required landscaped area may locate within the public right-of-way providing that plans are approved by all affected public utility companies and government agencies.
- f. Landscaping materials shall not be located such that, at maturity, they interfere with safe-sight distances for vehicular traffic or conflict with overhead utility lines or overhead lights.

### **18.3.3 Materials**

1. All planting materials shall be taken from the list of approved landscaping planting materials which is on file in the office of the Commission. Plant materials shall be selected for: energy efficiency and drought tolerance; adaptability and relationship to the Chaves County environment; color, form, and pattern; ability to provide shade; soil retention; etc.
2. Trees shall be included in each landscaping scheme and shall be planted a maximum of 40 feet apart. Deciduous trees shall be at least 8 feet in height and 1 1/2" in caliper and coniferous trees at least 4 feet in height, at the time of planting. All lots shall have at least 2 trees in the landscaped area.
3. Shrubs shall be not less than one foot in height at the time of planting. Where shrubs, low-level vegetation, or desert landscaping plants are used, vegetative matter shall cover, at the time of planting, at least 30% of the required planting area. Any area not covered by vegetation shall be mulched.
4. Where grasses are used, vegetative matter shall cover, at the time of planting, 50% of the planting area.
5. Where vines are used, vegetative matter shall cover, at time of planting, 50% of the planting area.
6. Non-turf areas, such as shrub beds, shall be top dressed with a bark chip mulch or approved alternative.
7. Crushed rock or gravel may be used as mulch where planting materials are exclusively desert type plants.

### **18.3.4 Maintenance**

1. Required planting areas shall be permanently maintained, which includes watering, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials.
2. It shall be the responsibility of the owner to replace dead plant material, mulch, gravel, and faulty irrigation systems whether or not the negligence to or damage of the landscaped area was the cause of the owner. This replacement shall occur within 6 months of written notice to perform such replacement.

(See APPENDIX B for sample plot plans)

**ARTICLE 19**  
**S-1 OUTDOOR ADVERTISING OVERLAY DISTRICT**

**Section 19.1 PURPOSE**

To encourage the effective use of billboards as a means of communication while maintaining the aesthetic environment; to attract sources of economic development and growth; to minimize the possible adverse effect of billboards on nearby public and private property; and to enable fair and consistent enforcement of this Ordinance.

**Section 19.2 ESTABLISHMENT OF DISTRICT**

Standards of the Outdoor Advertising Overlay District shall apply to land that lies outside the city limits of Roswell, within the limits of the Roswell-Chaves County Extraterritorial Zone, and within 100 feet of the right-of-way of the following roads: N. Main Street; Clovis Highway; Roswell Relief Route between N. Main St and ½ mile south of Pine Lodge Road; Roswell Relief Route between W. Poe Street and 1 mile north of W. Second Street; Roswell Relief Route between SE Main Street and ½ mile west of Sunset Avenue; SE Main Street between Brasher Road and Omaha Road; W. Second Street between Brown Road and Avenida de Vista; and E. Second Street between Red Bridge Road and Bosque Road.

No billboards shall be constructed within the ETZ outside the district boundary described above.

**Section 19.3 PERMITTING**

All billboards along state or federal highways must be permitted by the New Mexico State Highway and Transportation Department and obtain a zoning clearance from Chaves County Planning and Zoning.

All billboards within the district boundary described above must obtain a permit from the Chaves County Building Official.

**Section 19.4 CONSTRUCTION**

Building permits from Chaves County Planning and Zoning must be obtained prior to construction of all billboards. Construction must comply with the most current Uniform Sign Code.

**Section 19.5 LOCATION**

A maximum of 6 billboards may be located on each side of the highway within any mile of the Outdoor Advertising Overlay District. Billboards may be located a minimum of 500 feet from any other billboard on the same side of the road, and a minimum of 500 feet from any intersection.

**Section 19.6 MAINTENANCE**

Signs must be built and maintained in conformity with the structural standards of the most current Uniform Sign Code. Any sign determined to be abandoned in accordance with this Ordinance must be repaired or removed within 30 days of notice of abandonment.

**(For definitions see Article 3)**

## ARTICLE 20

### AREA AND SETBACK REQUIREMENTS

ZONING District	MINIMUM LOT SIZE (AREA)	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	HEIGHT
R-1 Single Family Residential	6000 sq ft	25 ft *	30 ft *	5 ft *	35 ft * or 2 stories
R-2 Two Family Residential (duplex)	3500 sq ft per unit	25 ft *	30 ft *	5 ft *	35 ft * or 2 stories
R-3 Multi Family Residential	5000 sq ft (+ 1250 sq ft for second story)	25ft *	30ft *	5 ft *	35 ft * or 2 stories
Townhouse Type Residential	Each unit 24 ft wide, 3000 sq ft	10 ft between buildings		0 ft party walls-5 ft	35 ft * or 2 stories
R-MS Residential-Manufactured Home Subdivision	6000 sq ft	25 ft	20 ft	8 ft	35 ft
R-MP Residential-Manufactured Home Park	3000 sq ft 30 ft lot width	25 ft	20 ft	20 ft	None
O-1 Office – Professional	None	0 ft *	10 ft – abutting an alley	0 ft *	35 ft *
C-1 Commercial	None	0 ft *		0 ft *	
I-1 Industrial	None	0 ft *		0 ft *	
R-S Rural Suburban	5 acres	50 ft *	50 ft *	20 ft *	
R-S (DSB) Rural Suburban in area of sever depletion of shallow water basin (unadjudicated domestic 1 acre right)	10 acres (Flight Zone)				
R-S DSB Rural Suburban in area of severe depletion of shallow water basin (adjudicated shallow or artesian water right)	5 acres	50 ft *	50 ft *	20 ft *	
R-S (1-A) Rural Suburban Flight Zone (see map)	5 acres				
PUD Planned Unit Development	Residential or mixed-5 ac Commercial or Ind-2 ac	See Article 15	See Article 15	See Article 15	See Article 15

\* See article 21 for additional height and area requirements

\*\* Setbacks and building separation according to the Uniform Building Code

## ARTICLE 21

### ADDITIONAL HEIGHT, AREA, AND USE REGULATIONS

The district regulations hereinafter set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

#### Section 21.1 Height

1. Public, semi-public, or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet, if that part of the building exceeding the height limit is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.
2. Single family dwellings, two family dwellings, and multiple family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards respectively, are increased by not less than five (5) feet over and above the yard requirements prescribed for the zoning district in which they are located, provided, however, that any such structure shall not exceed three (3) stories in height.
3. Chimneys, fire, stage, water, ornamental, or radio towers, elevator bulkheads, monuments, stacks, scenery lofts, spires, steeples, and necessary mechanical appurtenances thereto, may be erected to a height in accordance with existing or thereafter ordinances. Unless otherwise restricted herein, or defined in Article 3, or by other ordinance, height of farm buildings in the "R-S" Zone are not restricted.
4. Fences and walls may be constructed not to exceed eight (8) feet in height. Corner lots located on the intersection of two (2) or more streets, shall not have walls exceeding three (3) feet in height within thirty (30) feet of the intersection, or as otherwise approved by the Commission, in order to maintain an unobstructed view for traffic.
5. No building exceeding one and one-half (1 1/2) stories or twenty-five (25) feet shall be erected within seven hundred and fifty (750) feet of any airport or landing field.

#### Section 21.2 Area

1. Accessory buildings may be built or placed in a required rear yard but such accessory building shall not be nearer than ten (10) feet to the main building, nearer than two (2) feet to any side or rear lot line, or nearer than five (5) feet to any alley abutting the rear of the lot, nor shall any such accessory building occupy more than thirty (30) percent of the rear yard. Smaller prefabricated metal storage buildings may abut the property line in the rear yard.
2. Accessory buildings which are to be used for storage purposes only may be erected upon a lot prior to the construction of the main buildings, but no accessory building shall be used for a dwelling purpose except by domestic or farm and ranch servants employed on the premises.
3. Accessory buildings and uses not attached to the main building or structure that are uses customarily incidental to the permitted use in a residential dwelling district, but not involving the conduct of a business, shall be located not less than sixty (60) feet from the front lot line.
4. Accessory uses in a commercial district such as exterior storage for display of products for rent or sale may occupy not more than fifteen percent (15%) of the interior display area. This excludes on site outside storage of materials for manufacture or assemblage and not for display.

5. Every part of a required yard or interior court shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, and ornamental features projecting not to exceed twelve (12) inches.
6. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a rear yard not more than five (5) feet, and the ordinary projections of chimneys and flues may be permitted by the Enforcement Officer.
7. An open, unenclosed porch or paved terrace, may project into a required front or rear yard for a distance of not exceeding ten (10) feet.
8. For the purpose of the side yard regulations, a two-family or a multiple family dwelling shall be considered as one (1) building occupying one (1) lot.
  - a. Where the building farthest from the street provides a front yard not more than ten (10) feet deeper than the building closest to the street, then the front yard is and remains an average of the existing front yards.
  - b. Where condition (a) is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
  - c. Where neither condition (a) or (b) is the case and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.

## **9. Corner Lots**

- a. Corner lots shall have a minimum side yard of twenty-five (25) feet on the street side of the lot in all residential dwelling districts.
- b. On the street side of a corner lot in an industrial or a commercial district that adjoins a dwelling district there shall be a side yard of not less than twenty-five (25) feet.

## **10. Front Yard**

- a. Where the structures within a single block in a residential area have observed a variation in the front yard line, but not more than ten (10) feet, a building may not project into the front setback more than the average of forty percent (40%) of the buildings in that block.
- b. Where lots have a double frontage, a front yard shall be required on both streets.
- c. In a commercial, industrial, or office district where the frontage on one side of the street between two intersecting streets is located partially in a dwelling district, the yard requirements of a dwelling district shall apply.
- d. Residential Planned Unit Development shall not be required to have side or rear yard setbacks except those required for fire zones indicated in the Uniform Building Code and parking and subdivision criteria.

## **11. Side Yard**

- a. In a commercial or industrial district, on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than twenty-five (25) feet.
- b. The side yard on the street side of a corner lot shall not be less than twenty-five (25) feet, in a residential dwelling district.
- c. Where a commercial or industrial district rears a residential district, there shall be a side yard of not less than fifteen (15) feet.

## **12. Rear Yard**

- a. In a commercial district where a lot does not abut an alley there shall be a rear yard having a depth of not less than twenty (20) feet unless the lot is a lot of record at the time of the passage of this Ordinance and is less than one hundred (100) feet in depth in which case the rear yard need not, exceed twenty (20) percent of the depth of the lot.
- b. In an industrial or commercial district where the lot abuts on a dwelling district, there shall be a rear yard of not less than twenty (20) feet.

**13. Interior Courts** all interior courts shall have a width equal to at least the height of the highest part of the building forming the court.

**14. Buffer** an industrial, commercial, or office district which abuts a residential district at the rear or side yard shall be required to provide a maintained and landscaped buffer setback of fifteen (15) feet and a solid fence of brick, masonry, stone, or wood.

### **Section 21.3 Use**

1. The use and height of buildings hereafter erected, converted, enlarged, or structurally altered, and the use of any land shall be in compliance with the regulations established herein for the zone in which such land or building is located.
2. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the zone in which a building or premises is located.
3. No part of a yard or other open space provided about any building for the purpose of complying with the provision of this Ordinance shall be included as a part of a yard or other open space required for another building.
4. Every building hereafter erected, converted, enlarged, or structurally altered shall be located on a lot of record, and in no case shall there be more than one main building on one lot, except as may be further regulated in this Ordinance.
5. When two (2) or more lots in a duly recorded subdivision, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which it is located, are contiguous and are held in one (1) ownership, they may be used as one (1) zoning lot for such permitted use.
6. Unobstructed vision clearance for traffic safety shall be maintained by the property owner or occupant on all corner lots regardless of the zone classification with reference to any buildings, sign, fence, ornament, hedge, shrub, tree, display, or other obstruction, but not including existing buildings.

**ARTICLE 22**

**PARKING AND LOADING REQUIREMENTS**

<b>Zoning District</b>	<b>Spaces Required</b>	<b>Area Required</b>
R-1 Residential - Single Family	2 off-street per unit	360 square feet
R-2 Residential - Two Family	2 off-street per unit	360 square feet
R-3 Residential - Multiple Family	2 off-street per unit	360 square feet
R-MS Residential – Manufactured Home Subdivision	2 off-street per unit	360 square feet
R-MP Residential – Manufactured Home Park	2 off-street per unit	360 square feet
R-S Rural Suburban	2 off-street per unit	360 square feet
O-1 Offices – Professional	2 off-street per unit	360 square feet
C-1 Commercial		*
I-1 Industrial		*
F-1 Floodplain		*
F-2 Flight Zone		*
PUD Planned Unit Development	Same as Zoning District	Same as Zoning District

\* See Article 23 for requirements.

## ARTICLE 23

### OFF STREET PARKING AND LOADING REQUIREMENTS

#### Section 23.1 Provisions for Parking Spaces

1. In all districts there shall be provided at the time any building or structure is erected or structurally altered except as otherwise provided, off-street parking spaces.
  - a. Bowling alley: five (5) parking spaces for each alley
  - b. Business, professional, or public office building, studio, bank, medical, or dental clinic: three (3) parking spaces plus one additional parking space for each 400 square feet of floor area over 1,000 square feet
  - c. Church or temple: One (1) parking space for each six (6) seats in the main auditorium
  - d. Community center, library, museum, or art gallery: ten (10) parking spaces plus one (1) additional space for each 300 square feet of floor area in excess of 2,000 square feet
  - e. Dance hall, assembly, or exhibition hall without fixed seats: One (1) parking space for each 100 square feet of floor area used therefore
  - f. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sale and service, clothing or service shop: two (2) parking spaces plus one (1) additional parking space for each 300 square feet of floor area over 1,000 square feet
  - g. Hospital: One (1) parking space for each four (4) beds
  - h. Hotel: One (1) parking space for each three sleeping rooms or suite, plus one (1) space for each 200 square feet of commercial floor area contained therein
  - i. Industrial:
    - 1 One (1) off-street parking space for each employee;
    - 2 Loading and unloading spaces as will be required for its daily operation;
    - 3 Visitor parking
  - j. Private club or lodge: One (1) parking space for every ten (10) members
  - k. Restaurant, night club, cafe, or similar recreation or amusement establishment: One (1) parking space for each 100 square feet of floor area
  - l. Sanitarium, convalescent home, home for the aged, or similar institution: One (1) parking space for each six (6) beds
  - m. Theater or auditorium (except school): One (1) parking space for each five (5) seats or bench seating spaces
  - n. Motel: One (1) parking space for each sleeping room or suite

#### Section 23.2 Rules for Computing Number of Parking Spaces

1. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
2. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
3. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

4. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

### **Section 23.3 Location of Parking Spaces**

1. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 400 feet from an institutional or other non-residential building served subject to the following requirements:
  - a. Up to fifty (50) percent of the parking spaces required for one (1) theater, public auditorium, bowling alleys, dance halls, nightclubs or cafes, and, up to 100 percent of the parking spaces required for a church or school auditorium may be provided and used jointly by two (2) banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used or operated during the same hours as those listed in one (1) provided, however, that written agreement thereto is properly executed and filed as hereinafter specified.
  - b. In any case where the required parking spaces are not located on the same lot with the building or use served to where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approve as to form, and executed by the District Attorney, and shall be filed with the application for a building permit.

### **Section 23.4 Loading Space Requirements**

1. Any business or industrial building, hospital, institution, or hotel hereafter erected, converted, or extended, in any district shall provide adequate off-street facilities for the loading and unloading of merchandise and goods within or adjacent to the building, in such a manner as not to obstruct freedom of traffic movement on the public streets or alleys; provided, that each loading and unloading space shall have a minimum width of twelve (12) feet, a minimum length of 35 feet and a minimum height clearance of 15 feet and shall not reduce the required off-street parking area required by the section.

### **Section 23.5 Construction and Maintenance of Parking Areas**

1. All open parking areas provided in compliance with this Ordinance shall be surfaced with a durable, dust-proof surface consisting of concrete, bituminous concrete, or compacted gravel or crushed stone properly sealed and surface treated as approved, unless otherwise specified in this Ordinance. The parking areas shall be maintained in a usable dust-proof condition and graded and drained to dispose of all surface water. Whenever lighting is provided, it shall be so hooded or shielded as to reflect the light away from abutting or neighboring property, including public rights-of-way.

## ARTICLE 24

### NON-CONFORMING USES

#### Section 24.1 DEFINITIONS

**24.1.1 Non-Conforming Use** A non-conforming use is the use of a structure, premises, or land which is not in conformity with the regulations or provisions of this Ordinance for the zone in which it is located.

**24.1.2 Legal Non-Conforming Use** A legal non-conforming use, commonly referred to as a "grandfathered use", is a use of a structure, premises or land which was in existence prior to a zoning or rezoning of the area in which the property is located, which therefore excludes or prohibits the use. Such nonconforming uses are legal subject to the provisions of this Ordinance.

**24.1.3 Unlawful Non-Conforming Use** An unlawful non-conforming use is a non-conforming use which does not conform to the provisions of this Ordinance required for a legal non-conforming use.

#### Section 24.2 APPROVAL OF LEGAL NON-CONFORMING USES

**24.2.1 Administrative Approval** A legal non-conforming use may be approved by the department head in charge of planning and zoning provided: (1) the use is not expanded, extended, enlarged, reconstructed, or changed in use to any extent from its use as it existed at the time it became a legal non-conforming use due to a zoning change, and (2) provided it is otherwise in accordance with the provisions of this Ordinance. Any questions regarding the use or administrative approval of the use shall be referred to the Commission for determination.

**24.2.2 Commission Approval** Any enlargement, extension, expansion, reconstruction, or change of a legal non-conforming use requires the approval of the Commission in accordance with the provisions of this Ordinance.

**24.2.3 Certificate of Legal Non-Conforming Use** A certificate of Legal Non-Conforming Use will be issued by the department of planning and zoning upon approval of a legal non-conforming use. The certificate shall include the approved use, approval by administrative or Commission, the date and place of approval, the specific restrictions and conditions of approval, documentation on file that verifies legality, specific dimensions, and sizes of structures and lot or parcel, and other information deemed appropriate.

#### Section 24.3 ENLARGEMENT, EXTENSION, EXPANSION, RECONSTRUCTION OR CHANGE IN USE

**24.3.1** Any legal non-conforming use may be expanded, enlarged, extended, reconstructed, or changed in accordance with all of the following provisions:

1. Any enlargement, extension, expansion, or reconstruction of a structure, premises, or land or change in the use thereof to any extent from its size or use as it existed at the time it became a legal non-conforming use shall first be approved by the Commission.
2. Approval by the Commission shall not exceed expansion, enlargement, extension, or reconstruction of structures or buildings greater than 50%, as it existed at the time it became a legal non-conforming use.

3. Approval of any change in the use of a structure, premises, or land as existed at the time it became a legal non-conforming use shall reduce any adverse effects as it previously existed and be an improvement and beneficial to the area as determined by the Commission.
4. The size or area of any lot, parcel, or land upon which the use is located shall not be extended, expanded, or enlarged to any extent for a legal non-conforming use, except as is otherwise permissible by the provisions of this Ordinance for a conforming use.
5. Approval of extensions, enlargements, expansions, reconstruction, or changes of legal non-conforming uses by the Commission may require fencing, buffering, landscaping, or other conditions to the extent deemed appropriate and necessary by the Commission.
6. Adverse effects of extensions, enlargements, expansions, or reconstruction of legal non-conforming uses on surrounding areas shall be considered by the Commission in their determinations for approval.
7. A legal non-conforming structure shall not be fully or partially replaced or reconstructed without prior approval of the Commission consistent with the provisions of this section.
8. All property owners within 100 feet of a requested enlargement, expansion, extension, reconstruction, or change in a legal non-conforming use shall be notified of the date, time, and place that the Commission will consider such request, and may provide input or protest regarding the request.

#### **Section 24.4 DISCONTINUED LEGAL NON-CONFORMING USE**

If the legal non-conforming use of land, buildings, or premises is discontinued for a period of one (1) year, any use of the property thereafter shall conform to the regulations of the zoning district in which the property is located except as provided in Section 5.

In the event that an excepted use is discontinued due to litigation or administrative process, the excepted use may be extended past the twelve month period at the discretion of the Commission.

In the event that a legal non-conforming use is discontinued due to unforeseen circumstances beyond the control of the owner to use or transfer the use, the use may be extended past the twelve month period. The extension of use may be granted at the discretion of the Commission, provided that the extension shall not exceed a total of twelve months before and after the time the owner was unable to use or transfer the use; and an application for extension is submitted prior to expiration of the twelve months period after the owner was unable to use or transfer the use of the property. In determining the unforeseen circumstances for discontinuance, the Commission may consider but shall not be limited to litigation, a disabling injury, a debilitating illness to the owner, operator, or the like.

#### **Section 24.5 LOT SIZE**

Legal Non-Conforming land, which does not conform to this Ordinance because of lot size, may be developed at any time provided such development conforms to all other provisions of this Ordinance and other applicable statutes.

#### **Section 24.6 TRANSFER OF PROPERTY**

Property owners shall have the right to sell or transfer property which includes an approved legal non-conforming use provided the property owner discloses in writing to the new proprietor that the property is a legal non-conforming use subject to restrictions, prohibitions, and other provisions of Article

25 of this Ordinance, and which states any restrictions or conditions thereof which may have been placed on the property.

**Section 24.7 VERIFICATION AND DOCUMENTATION**

A non-conforming use shall be verified prior to approval as a legal non-conforming use by submittal of appropriate and sufficient documentation to include but not be limited to business licenses, tax records, notarized statements, and other documents deemed necessary for approval.

**Section 24.8 FEES**

All requests relating to this Article that require Commission review shall require a fee consistent with Appendix A of this Ordinance.

## ARTICLE 25

### SPECIAL USE PERMITS

#### Section 25.1 Granting Special Use Permits

1. The Commission may grant a special permit in districts from which the uses are otherwise prohibited by this Ordinance and shall impose appropriate conditions and safeguards, which may include a specified period of time for the special use permit to protect the general plan to conserve and protect the property values in the neighborhood.
2. Prior to granting any Special Use Permit, the Commission shall hold a public hearing and shall determine that:
  - a. The granting of the Special Use Permit will not be injurious to the public health, safety, morals, and general welfare of the community.
  - b. The use or value of the area adjacent to the property included in the Special Use Permit will not be affected in a substantially adverse manner.
  - c. The site for the proposed Special Use Permit is suitable for that use, and the surrounding properties are compatible with that use.
  - d. That the grant of the Special Use Permit would be within the spirit, intent, purpose, and general plan of this Ordinance.

#### Section 25.2 Use Regulations A special use permit shall be required for the following uses:

1. Airports\* or landing fields.
2. Cemeteries and mausoleums
3. Communications transmitter antennas or towers provided they are at least 100 feet from any public way.
4. Community buildings or recreation fields
5. Electric substations, gas regulator or pump/booster stations, and well and water pumping stations in any district, provided that in any residential district or commercial district, the site shall be developed and maintained in conformance with the general character and appearance of the district. Such development shall include landscaping and suitable screening in the form of a wall, or solid fence and compact evergreen shrub.
6. Extraction of gravel, sand or other raw materials, provided that a satisfactory guarantee be posted with the Commission assuring that the land be left in such a condition that all faces, slopes, edges, or spoil piles have a maximum slope 2 1/2 feet horizontal to one (1) foot vertical.
7. Hospitals, clinics\*, and institutions
8. Night clubs\*
9. Nursery schools, day nurseries, child care centers, pre-kindergartens, and other special and similar private schools in an Industrial District as an accessory or function for employees, provided that adequate safety from loud noises and other industrial dangers are supplied and there is at least 100 square feet of open play for each child enrolled. Each play area shall be screened with a suitable wall, fence, or evergreen shrub.
10. Parking lots adjacent to, across the street from, or across the alley from the Commercial District, or a Business District.
11. Penal institutions
12. Poultry hatcheries, poultry production, dairying and any similar activities.

13. Private clubs or lodges
14. Railroad tracks, yards, and similar railroad facilities
15. State licensed or state operated family or group care residences for homeless or abused children, the mentally ill or retarded, the criminal offender, or alcohol or drug abusers that function as a transition from institution to community
16. Substance abuse treatment facilities
17. Temporary commercial amusements or recreational developments

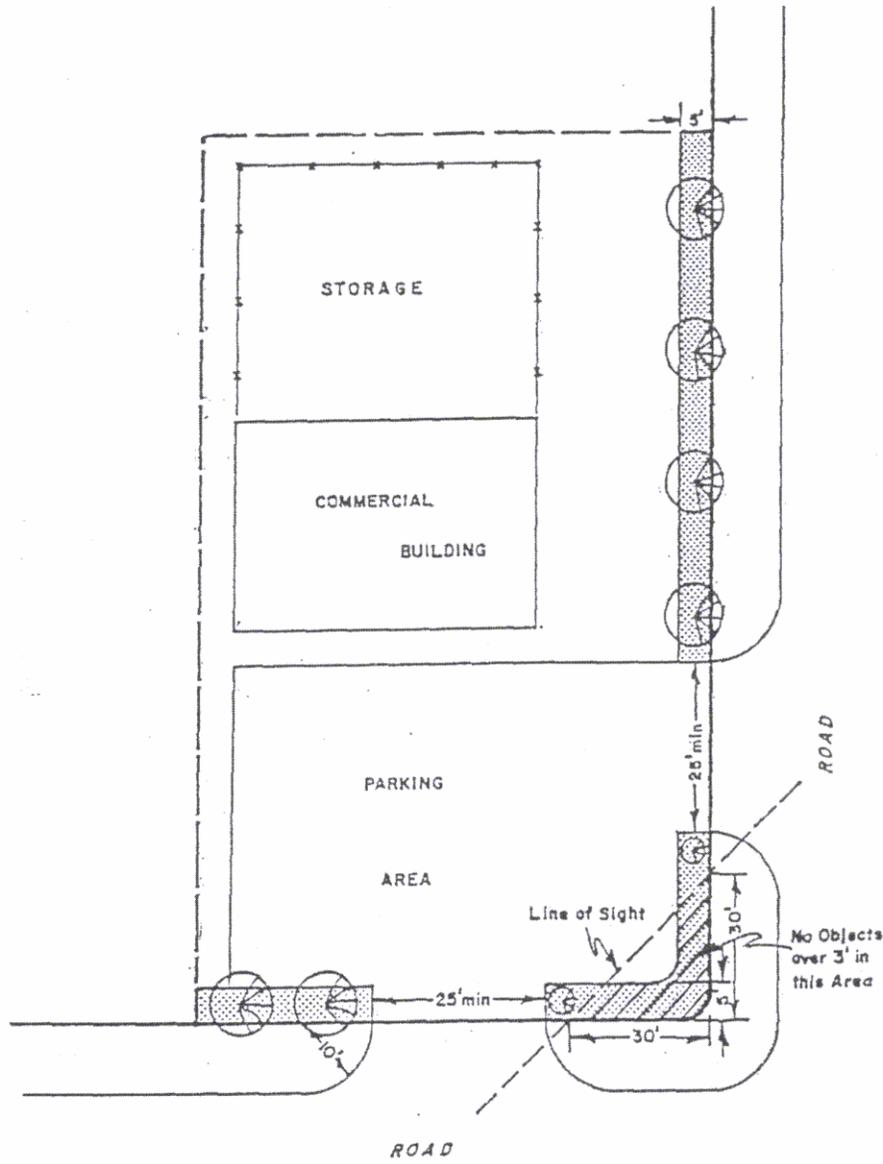
**Area, height, and setback requirements are set forth in Articles 20 and 21.**

**\* defined in Article 3.2, Definitions**



APPENDIX B

Sample Plot Plans for Article 18  
Arterial Overlay District



Lots with Double Road Frontage

Illustrative Example Only

ARTICLE XXV

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Section 1. HEARING.--

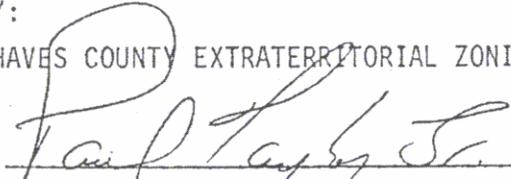
On the 8th day of May, 1980 a public hearing was held by the Roswell-Chaves County Extraterritorial Zoning Authority to consider the passage of ORDINANCE NO. 80-1, the "ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING ORDINANCE." All parties in interest and citizens had an opportunity to be heard. Notice of the date, time, and place of the hearing, and an outline, was published in a newspaper of general circulation at least once a week for two (2) consecutive weeks prior to the date of the hearing.

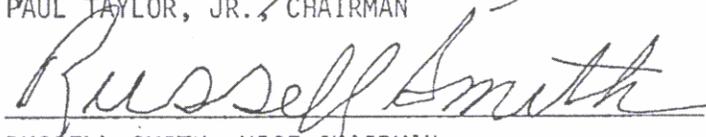
Section 2. ADOPTION.--

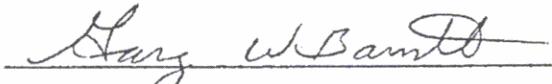
On this the 10th day of June, 1980, after due consideration of the results of the public hearing described in the foregoing Section 1, ORDINANCE NO. 80-1, the "ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING ORDINANCE: is hereby:

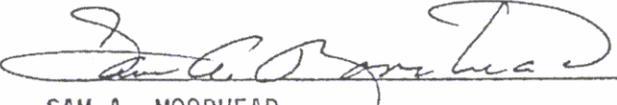
PASSED, APPROVED, AND ADOPTED BY:

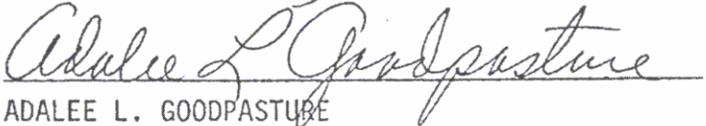
ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING AUTHORITY

  
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PAUL TAYLOR, JR., CHAIRMAN

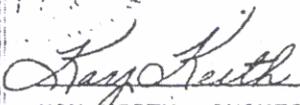
  
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RUSSELL SMITH, VICE-CHAIRMAN

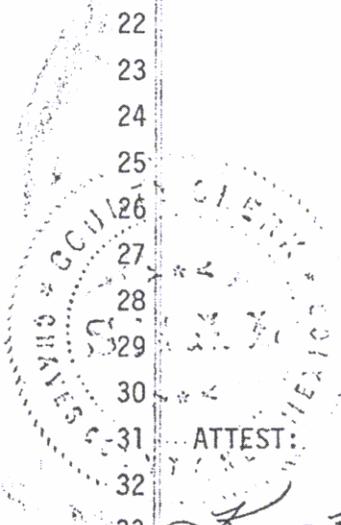
  
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GARY W. BARNETT

  
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SAM A. MOORHEAD

  
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ADALEE L. GOODPASTURE

ATTEST:

  
\_\_\_\_\_  
KAY KEITH, CHAVES COUNTY CLERK



**A RESOLUTION AMENDING PORTIONS OF THE ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING ORDINANCE BY CLARIFYING REQUIREMENTS FOR SPECIAL USE PERMITS, DESIGNATING PERMITTED USES FOR THE VARIOUS ZONING DISTRICTS, ADDING DEFINITIONS TO ARTICLE 3, DEVELOPING CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDS), AND MAKING NUMBERING, FORMATTING, AND OTHER ADJUSTMENTS TO ARTICLES 5 THROUGH 27.**

**NOW, THEREFORE, BE IT RESOLVED** by the Roswell-Chaves County Extraterritorial Zoning Authority

**THAT THE THIRTEENTH AMENDMENT** to the Roswell-Chaves County Extraterritorial Zoning Ordinance shall be recorded as Revision No. 13 and shall be as follows:

Amend Section 2.5.10 to read: The ETZ Map shall be located in the Planning and Zoning Department. All amendments and changes in zoning district boundaries and/or classifications that are approved by the Commission or Authority shall be promptly noted on the Map.

Delete Section 2.5.11

Delete the phrase "mobile home" and replace with "manufactured home" throughout the Ordinance.

Amend Section 3.2, DEFINITIONS by adding the following:

**NIGHT CLUB** any establishment, including a private club, which typically allows or provides on-site consumption of food and/or drink (alcoholic or non-alcoholic), music, and/or dancing after 10:00 PM on any given night.

**PLANNED UNIT DEVELOPMENT (PUD)** a land use planning technique which permits flexibility and innovation in design, placement of buildings, use of open spaces, and off-street parking areas and encourages a more creative approach to the utilization of the land while simultaneously providing a compatible and stable environment in harmony with and at substantially the same population density and area coverage of the surrounding area.. PUDs may be proposed for any use or combination of uses allowed in the zoning districts established by this Ordinance.

Amend Section 4.2.1.c to read: "Landfills are not allowed in floodplains unless the New Mexico Environment Department (NMED) approves".

Amend Section 4.2.3.b to read: "Solid waste shall be disposed of only in an NMED permitted landfill or areas authorized by the Commission through the CEO. Disposal of solid waste along road rights-of-way, water courses or other unauthorized areas is strictly prohibited".

Amend the first sentence of 4.2.4 to read: "**Zoning District or Land Use Areas** Proposed subdivisions in the Extraterritorial Zone shall have their zoning district or land use areas assigned by the Commission during a public hearing prior to any final approval of the plat by the Roswell Planning and Zoning Commission and the Chaves County Planning and Zoning Commission".

ARTICLE XXVI

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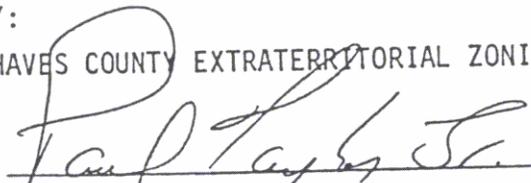
Section 1. HEARING.--

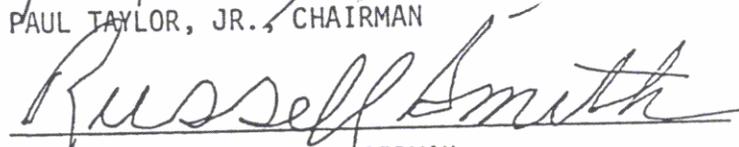
On the 8th day of May, 1980 a public hearing was held by the Roswell-Chaves County Extraterritorial Zoning Authority to consider the passage of ORDINANCE NO. 80-1, the "ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING ORDINANCE." All parties in interest and citizens had an opportunity to be heard. Notice of the date, time, and place of the hearing, and an outline, was published in a newspaper of general circulation at least once a week for two (2) consecutive weeks prior to the date of the hearing.

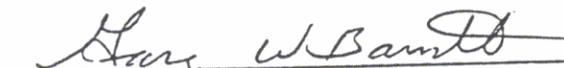
Section 2. ADOPTION.--

On this the 10th day of June, 1980, after due consideration of the results of the public hearing described in the foregoing Section 1, ORDINANCE NO. 80-1, the "ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING ORDINANCE: is hereby:  
PASSED, APPROVED, AND ADOPTED BY:

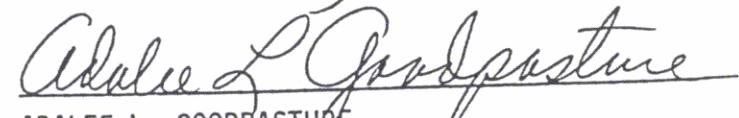
ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING AUTHORITY

  
PAUL TAYLOR, JR., CHAIRMAN

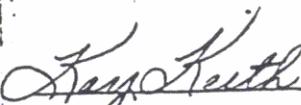
  
RUSSELL SMITH, VICE-CHAIRMAN

  
GARY W. BARNETT

  
SAM A. MOORHEAD

  
ADALEE L. GOODPASTURE

ATTEST:

  
KAY KEITH, CHAVES COUNTY CLERK

Amend new Section 25.2.13 to read: "Private clubs or lodges".

Add new Section 25.2.14, Railroad tracks, yards, and similar railroad facilities.

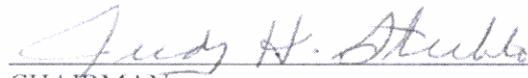
Amend new Section 25.2.15 to read: "State licensed or state operated family or group care residences for homeless or abused children, the mentally ill or retarded, the criminal offender, alcohol or drug abusers that function as a transition from institution to community".

Add new Section 25.2.16, Substance abuse treatment facilities.

Add "Area, height, and setback requirements are set forth in Articles 20 and 21" and "\* defined in Article 3.2, Definitions" to new Article 25.

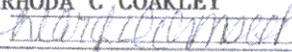
**PASSED, APPROVED, ADOPTED, AND SIGNED THIS 29<sup>th</sup> DAY OF September, 2005.**

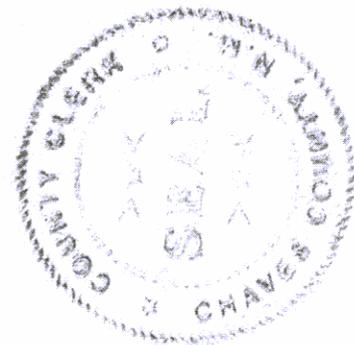
This is to certify that the requirement of Section 10-15-1 (c) NMSA (1978) concerning notice, public hearings, and necessary coordination have been met.

  
\_\_\_\_\_  
CHAIRMAN  
ROSWELL-CHAVES COUNTY EXTRATERRITORIAL  
ZONING AUTHORITY

ATTEST:

  
\_\_\_\_\_  
SECRETARY  
ROSWELL-CHAVES COUNTY EXTRATERRITORIAL  
ZONING AUTHORITY

State of New Mexico } SS  
County of Chaves }  
FILED FOR RECORD  
AT 10:07 SEP 28 2005 AM  
and recorded in book 532 page 1780  
RHODA C. COAKLEY County Clerk  
 Deputy



RCPT #266420 FEE N/C  
CHAVES COUNTY ETZ  
GIVE TO BARBARA BROWNE

## APPENDIX A FEE SCHEDULE

### Change of Zoning:

Size of Area	FEE
First Acre	\$150, plus \$10 per acre
To 5 Acres	\$200, plus \$10 per acre
To 20 Acres	\$350, plus \$5 per acre
70 + Acres	\$600 maximum

### Special Use Permit:

New	\$150.00
Renewal	\$100.00
Administrative Review	\$50.00

<b>Variance</b>	\$150.00
<b>Land Use Permit</b>	\$20.00
<b>Appeals</b>	\$100.00
<b>Late Penalty fee on public hearing items</b>	\$50.00