SPR-223

TORRANCE COUNTY ZONING ORDINANCE

Adopted by

The Board of County Commissioners of

Torrance County

on March 21, 1990

[including revisions to: May 11, 2016]

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ZONING ORDINANCE
FOR
TORRANCE COUNTY, STATE OF NEW MEXICO

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS AND A ZONING MAP FOR THE UNINCORPORATED AREAS OF TORRANCE COUNTY, NEW MEXICO; AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF.

SECTION 1. TITLE.

These regulations shall be known as the "TORRANCE COUNTY ZONING ORDINANCE", and shall be referred to herein as "this Ordinance".

SECTION 2. PURPOSE.

The provisions of this Ordinance are designed to promote health and the general welfare of the County; to secure safety from fire, flood, and other dangers; to protect local water resources; to facilitate adequate provisions for transportation, solid waste management, water and wastewater systems, schools, parks and other community requirements; to conserve the value of property; and to provide for the compatible development of land and other natural resources in the County. This Ordinance shall be interpreted to be in accordance with the current Torrance County Comprehensive Land Use Plan.
[REV: Ord. No. 95-4, 6/10/95; Ord. No. 2008-003, 4/23/08]

SECTION 3. JURISDICTION.

This Ordinance shall apply to all or any portion of the territory within the County that is not within the zoning jurisdiction of an incorporated municipality or any joint municipal-county extraterritorial zoning authority, and is not held in trust or ownership by the Federal Government or the State of New Mexico. Boundaries delineating the zoning jurisdiction of the County shall be as indicated on the adopted "Torrance County Zoning Map" and amendments hereto, which are made a part of this Ordinance as if described herein.

SECTION 4. DEFINITIONS.

A. Word Forms. Words used in the present tense include the future tense, and words used in the future tense include the present tense. The singular number includes the plural number, and the plural number includes the singular number. The Words "shall" and "must" are mandatory, and the word "may" is permissive.

B. Definitions. The following definitions apply to this Ordinance:

1. "Accessory Uses and Structures" are customarily accessory but clearly incidental and subordinate to principal uses and structures on a premises. [REV: Ord. No. 95-11, 11/10/95]

2. "Agricultural use - low intensity" means certain agricultural uses such as irrigated croplands and limited livestock management other than dairies, feedlots, or other activities which require special consideration by the Planning & Zoning Board and/or County Commission. [REV: Ord. No. 2008-003, 4/23/08]

3. "Agricultural use - high intensity" means those agricultural uses such as, but not limited to, dairies and feedlots which require special consideration by the Planning and Zoning Board and/or the County Commission. [REV: Ord. No. 2008-003, 4/23/08]

4. "Boarding, Rooming, or Lodging House" means a building other than a hotel or restaurant where lodging, with or without meals, is provided for compensation. This definition includes a "Bed and Breakfast" enterprise.

5. "Building" means any relatively permanent enclosed structure having a roof. Buildings meeting New Mexico Regulation & Licensing Construction Industries Division size standard for a required building permit are subject to the provisions specified in Section 19.F.1 of this ordinance. [REV: Ord. No. 2008-003, 4/23/08]

6. "Conditional Use" means a use which may be or become a nuisance or hazard to neighboring properties if proper safeguards are not taken. Such uses require individual review and approval by the Zoning Board. [REV: Ord. No. 2008-003, 4/23/08]

7. "County" means Torrance County, New Mexico.

8. "County Commission" means the Board of County Commissioners of Torrance County, New Mexico. [REV: Ord. No. 2008-003, 4/23/08]

9. "Dwelling Unit" means a structure or part of a structure containing one or more connected rooms designed for and occupied by no more than one family for living and sleeping purposes.

10. "Dwelling Unit, Singular" means a dwelling unit which is not physically connected to any other dwelling unit.

11. "Dwelling Unit, Multiple" means a structure containing two or more dwelling units.

12. "Dwelling Unit, Cluster" means a development pattern consisting of a grouping of dwelling units on a portion of available land, reserving not less than 40 percent of the development site as protected and permanent open space.
[REV: Ord. 2008-003, 4/23/08]

13. "Family" means one or more persons living together in a dwelling unit, provided that unless all members are related by blood, marriage, adoption, or legal assignment, no such family shall include or contain more than 5 unrelated persons.

14. "Feedlot" means a place for cattle, sheep, swine, or other such animals, which are restricted and confined to pens or corrals where feeding is other than grazing and which is operated as a year-round enterprise. For purposes of this Ordinance, a Small Feedlot shall contain from 20 to 200 head of animals, and a Large Feedlot shall contain more than 200 head of animals. A Small Feed lot shall be centered on at least 100 acres. A Large Feedlot shall not be allowed, except in a special use zone.
[REV: Ord. No. 2008-003, 4/23/08]

15. "Flea Market" means an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public. A flea market shall not include temporary residential garage sales lasting no more than three days per six-month period, and seasonal agricultural produce stands.
[REV: Ord. No. 94-2, 2/9/94]

16. "Floor Area" means the total area of all floors of a building.

17. "Floor Area Ratio" means the relationship of the floor area to the lot area, computed by dividing the floor area by the lot area.

18. "Height" means the vertical distance measured from the lowest ground elevation of a structure to the highest point of a structure.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]

19. "Home Occupation" means a business, commercial, or manufacturing activity that is clearly a secondary use of the premises for a dwelling unit, and which results in a product or service for financial gain. Whenever a dwelling unit and/or its premises are used for a home occupation and there is no outside appearance or other off-site evidence of the conduct of a home occupation, the Zoning Director may find such a home occupation as a permissive use in any zone district, subject to the requirements of this Ordinance and business registration requirements. However, any home occupation that exhibits an outside appearance when viewed from a street or an adjoining property, with the exception of a sign as regulated by this Ordinance, or produces an off-site impact on surrounding lands shall require a Conditional Use Permit subject to special requirements provided by this Ordinance.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 95-5, 6/10/95; Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]

20. "Horticultural Operations" means the cultivation and harvesting of plants.
[REV: Ord. No. 2008-003, 4/23/08]

21. "Immediate Family Member" means family relations up to and including the Grandparent, Parent, Brother, Sister, and Child, whether by blood, marriage, adoption, or legal assignment. Relationships of half-blood shall be recognized as natural relationships so long as the step relationship is legally extant at the time of a family transfer of land. Land divisions for the purpose of achieving a family transfer shall be subject to the exemption procedures of the Torrance County Subdivision Regulations.
[REV: Ord. No. 95-11, 11/10/95; Ord. No. 2008-003, 4/23/08; Ord. No. 2008-003, 4/23/08]

22. "Kennel" means any building or buildings or land designed or arranged for housing dogs, cats, and other household pets, and where grooming, breeding, boarding, training, or selling animals is conducted. For purposes of this Ordinance, the housing or boarding of more than five (5) dogs or cats in any combination thereof over the age of three (3) months shall constitute a kennel. In addition to complying with the requirements of this Ordinance, Kennels must comply with the requirements of the Torrance County Animal Control Ordinance.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 95-5, 6/10/95; Ord. No. 2008-003, 4/23/08]

23. "Liquid Waste Disposal Regulations" means the Liquid Waste Disposal Regulations adopted by the Environmental Improvement Board of New Mexico and administered by the New Mexico Environment Department.

24. "Livestock" means all domestic or domesticated animals that are used or raised on a farm or ranch, including the carcasses thereof, and exotic animals in captivity and includes horses, asses, mules, cattle, sheep, goats, swine, bison, ostriches, emus, rheas, camelids and farmed cervidae (deer). For purposes of determining the number of livestock on a lot, one (1) horse or cow equals three (3) goats or three (3) sheep or combination thereof.
[REV: Ord. No. 2008-003, 4/23/08]

25. "Lot" means a parcel of real property described by deed, or a tract of land described by metes and bounds on a plat and recorded in the County Clerk's records in accordance with appropriate laws, and with access to public right-of-way.
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

26. "Mobile Home" (also known as Manufactured Housing) means a transportable structure, at least 8 feet by 32 feet, built to be towed on its own chassis, and designed to be used as a movable dwelling unit for connection to permanent utilities.

27. "Mobile Home Park" means an un-platted tract of land under one ownership on which spaces are leased or rented for occupancy for 30 days or more by mobile homes, and which contains a centralized system of connections for utility services.
[REV: Ord. No. 95-5, 6/10/95]

28. "Nonconformities" are any structures or portions thereof, or uses of any land or structures, or lots which do not conform to the regulations of this Ordinance but which lawfully exist on the effective date of the regulations to which it does not conform.

29. "Permissive Use" means a use which is allowed in a particular zone district.

30. "Poultry" means domestic fowl, such as chickens, turkeys, ducks, and geese, but does not include any animal defined as livestock.
[REV: Ord. No. 2008-003, 4/23/08]

31. "Premises" means any lot or combination of contiguous lots held in single ownership, together with the development thereon.

32. "Recreational Vehicle" means a vehicle which is designed or used as temporary living quarters for recreation, camping, or travel, and which may be a self-propelled motor vehicle or designed to be towed or mounted on a motor vehicle.

33. "Right-of-way" means dedicated public land deeded, reserved by plat, or otherwise acquired by the County, municipalities, or the State for use by the public for the movement of people, goods, and vehicles.

34. "Roadway" means that portion of a right-of-way or a private easement which is primarily devoted to vehicular use.

35. "Salvage Yard" means an enclosed building or outside area where used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Such materials include but are not limited to metals, paper, textiles, glass, 3 or more unregistered motor vehicles (excluding agricultural equipment), and components of motor vehicles. This definition does not include solid waste transfer stations or sanitary landfills.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

36. "Setback" means the required distance between every building or structure and a boundary line of the lot upon which it is located. Setbacks shall consist of an open space, unoccupied and unobstructed by any part of a building or structure, except as otherwise provided in this Ordinance. Setbacks shall not apply to walls, fences, and free-standing signs, unless a building or structure creates a visual obstruction to vehicles passing or accessing the property upon which such building or structure is located.
[REV: Ord. No. 94-2, 2/9/94]

37. "Setback, Front" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, bordering on a roadway. No more than one front setback shall be designated on corner lots or double frontage lots. For any roadway easement less than 60 feet in width, setback shall be measured from a point located 30 feet from the centerline of the roadway easement.
[REV: Ord. No. 94-2, 2/9/94]

38. "Setback, Rear" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which is opposite and most distance from a roadway and does not intersect with a roadway. On double frontage lots, the rear setback shall be designated on the opposite side of the lot from the designated front setback.
[REV: Ord. No. 94-2, 2/9/94]

39. "Setback, Side" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which intersects a roadway. On corner lots, a side setback shall be designated along the lot line bordering a roadway that is not designated as the front setback.

[REV: Ord. No. 94-2, 2/9/94]

40. "Shopping Center" means an integrated retail commercial development occupying a site of 3 or more acres under a single ownership, control or interest, and containing 5 or more connected stores or a total gross floor area in a single structure which is greater than 25,000 square feet.

41. "Structure" means anything constructed, placed, or erected on the ground or which is attached to something located on the ground. For purposes of this Ordinance, the term "structure" does not include vehicles, vegetation, or public utility poles.

42. "Supplemental Residential Dwelling Unit" means a secondary or auxiliary structure used for residential purposes on land not within a previously approved subdivision for use by family members or guests and which may not be leased or rented.
[REV: Ord. No. 2001-2, 3/14/01]

43. "Travel Trailer or Recreational Vehicle Park" means an area of land used for transient commercial parking of occupied travel trailers, pick-up campers, converted buses, recreational vehicles, tents, or any other similar devices used for temporary portable housing.

44. "Variance" means a relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results or actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary hardship. As used in this Ordinance, a variance may be authorized only for area, height, dimension, distance, setback, walls, off-street parking, and off-street loading requirements. Financial gain or loss shall not be the only determining factor in deciding a variance.

45. "Wall" means a solid wall or fence which is visually solid, or a suitable screen of landscaping intended to provide a visual barrier. Materials used in the construction of a wall or fence shall not pose health or safety hazards to the community and shall not be disruptive to the character of surrounding properties.
[REV: Ord. No. 94-2, 2/9/94]

46. "Zone District" means a section of the County, designated in the text of this Ordinance and delineated on the Torrance County Zoning Map, in which requirements for the use of land and building and development standards are prescribed. Boundaries of zone districts shall follow existing property lines unless clearly otherwise shown on the Zoning Map,

in which case, such boundary shall be defined by dimension and distance from existing property lines.

47. "Zoning Board" means the Torrance County Planning and Zoning Board. [REV: Ord. No. 2008-003, 4/23/08]

48. "Zoning Enforcement Officer" means the official person designated by the Zoning Director as the enforcement officer of this Ordinance. [REV: Ord. No. 2008-003, 4/23/08]

49. "Zoning Director" means the official person designated as the principal administrator and enforcement officer of this Ordinance. [REV: Ord. No. 2008-003, 4/23/08]

SECTION 5. INTERPRETATION.

A. Interpretation of Ordinance. No structure shall be constructed, placed or maintained, and no land use commenced or continued within the jurisdiction of this Ordinance except as authorized by this Ordinance and amendments thereto. The provisions of this Ordinance are held to be minimum requirements to carry out the purpose of this Ordinance and are not intended to interfere with any other laws, covenants, or ordinances. Whenever any provisions of this Ordinance are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern. However, the County shall not enforce private covenants, unless such private covenants are incorporated into an approval of a subdivision by the County Commission.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]

B. Interpretation of Zoning Map. Where, due to illegibility of the Zoning Map or other irregularity, there is any uncertainty as to the intended location of any zone district boundaries, interpretation concerning the exact location of such boundaries shall be determined by the Zoning Board.
[REV: Ord. No. 2008-003, 4/23/08]

C. Interpretation of Land Uses. The County Commission shall render interpretations of land uses in any zone district not expressly enumerated in the Torrance County Zoning Table of Land Uses, subject to the following standards and procedures:

1. Request for Interpretation. Any request for an interpretation of a use of land not specifically listed in the Torrance County Zoning Table of Land Uses shall be submitted to the Zoning Board through the Zoning Director. The Zoning Director may create forms for such an application.
2. Following the receipt of a request for interpretation of land use, the Zoning Board shall recommend an interpretation of land use for the applicant at their next scheduled meeting. The Zoning Board recommendation shall be transmitted to the County Commission for consideration at the next

scheduled Commission meeting. The County Commission shall approve, deny, or modify the Zoning Board's recommended interpretation.

3. The interpretation of land use shall be documented as an addendum to the Torrance County Zoning Table of Land Uses. A letter summarizing the interpretation shall be mailed to the applicant, and shall explain the reasons upon which the interpretation is based.
4. Guidelines. Interpretations shall be governed by the following conditions:
   a. No use interpretation shall allow the establishment of any use which was previously considered and rejected by the County Commission.
   b. No use interpretation shall permit any use in a zone district that is not in accordance with the stated intent for that zone district.
   c. No use interpretation shall permit any use in a particular zone district unless that use is substantially similar to other uses permitted in that zone district.
   d. If the proposed use is more similar to an identified conditional use in a zone district, then any use interpretation shall specify conditional use requirements in accordance with this Ordinance.
   e. Any use that is allowed by right or as a conditional use following a use interpretation shall comply with all standards and requirements imposed by this Ordinance.

[REV: Ord. No. 2008-003, 4/23/08]

SECTION 6. GENERAL PROVISIONS.

A. Access to Structures. All structures shall be located such that safe and convenient access is provided for use of the structure, fire protection, and any required off-street parking or loading.

B. Height Regulations. Any structure may not exceed 80 feet in height unless granted a variance in accordance with this Ordinance. This restriction does not apply to public utility poles.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]

C. Mobile Home Installation. No mobile home shall be occupied unless it is connected to adequate utilities, provided with skirting of a durable material if not installed at ground level, and stabilized and anchored, all in accordance with the regulations promulgated by the Manufactured Housing Act of New Mexico [60-14-1 et seq., NMSA 1978]. No mobile home manufactured before the current federal HUD standard (1976 as of this printing) shall be installed anywhere in the jurisdiction of Torrance County. As noted in Section 19.F.1, a Torrance County Mobile Home Development Permit is required before any mobile home is placed on a property.
[REV: Ord. No. 2008-003, 4/23/08]

D. Water and Wastewater Requirements. All lots and all structures located thereon shall be in compliance with applicable statutes as well as any regulations established by the New Mexico Environment Department and the New Mexico State Engineer's Office concerning water, wastewater and liquid waste disposal. [REV: Ord. No. 2008-003, 4/23/08]

E. Home Occupations. All property owners of lands containing home occupations must file a complete copy of the Torrance County Business Registration Application with the Zoning Director for each home occupation. In order to designate a home occupation as a Permissive Use, the property owner may file a written statement with the Zoning Director declaring that the home occupation will not create any off-site impacts or a non-residential appearance. Upon confirmation of no outside appearance or other off-site evidence of the conduct of a home occupation, the Zoning Director may find such a home occupation as a permissive use in any zone district. The Zoning Director shall inform the property owner in writing of such a finding and the date of such a finding. However, any home occupation that exhibits an outside appearance when viewed from a street or an adjoining property, with the exception of a sign as regulated by this Ordinance, or produces an off-site impact on surrounding lands, shall require a Conditional Use Permit subject to special requirements provided by this Ordinance. Additionally, any home occupation found to be permissive that later exhibits an outside appearance when viewed from a street or an adjoining property, with the exception of a sign as regulated by this Ordinance, or produces an off-site impact on surrounding lands, shall require a Conditional Use Permit subject to special requirements provided by this Ordinance.
[REV: Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]

The following restrictions apply to Home Occupations, whether authorized as a permissive use by the Zoning Director or as a conditional use by the Zoning Board:

1. Not more than 40 percent of the floor area of the dwelling unit, nor more than 800 square feet of an accessory building, shall be used in the conduct of the home occupation,

2. No more than three (3) non-resident employees shall be stationed on the premises,

3. There shall be no exterior storage of materials unless completely enclosed by a wall,

4. No equipment or process shall be used in a home occupation which creates a nuisance such as noise, vibration, lighting, fumes, odors, or electrical interference detectable to the normal senses off the premises,

5. If there is an occasional requirement to park additional vehicles or to provide temporary outside storage of equipment or materials on the premises, then such arrangements or conditions shall be stated fully on the permit application,

6. There shall be no sales or traffic in connection with a home occupation that would disrupt the residential nature of the neighborhood, and

7. There shall be no change in the outside appearance of the building, or other visible evidence of the conduct of a home occupation other than one (1) unobtrusive sign not to exceed six (6) square feet in size.

[REV: Ord. No. 2008-003, 4/23/08]

F. Non-Commercial Cemetery. A parcel used as a Non-Commercial Cemetery, such as a family burial ground, shall be at least 5 acres in area.
[REV: Ord. No. 2008-003, 4/23/08]

G. Public Utility Structure. Excluding towers for cell phone communications, electrical power lines, and telephone communications, a parcel used for essential public utility distribution structures or for communication structures or facilities shall be at least 5 acres in area.
[REV: Ord. No. 2008-003, 4/23/08]

H. Kennels. Kennels are subject to the Torrance County Animal Control Ordinance and the following minimum standards:

1. Minimum lot size for a kennel shall be five (5) acres,

2. All animals shall be contained on the premises in a manner that prevents escape of kennel animals or entry by other animals,

3. All animal containment structures, including outdoor runs, shall maintain a setback of no less than 50 feet from any property line,

4. Animal quarters shall be designed and maintained to ensure safe, healthy, and sanitary conditions for all animals on the premises, and

5. Facilities shall be operated and maintained to discourage the concentration and breeding of insects and rodents.

[REV: Ord. No. 2008-003, 4/23/08]

I. Small Feedlots. Small Feedlots are subject to the following minimum requirements:

1. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents that are detrimental to human habitation; and

2. It shall be unlawful for an owner or keeper of livestock to allow livestock to run at large on public rights-of-way.

[REV: Ord. No. 2008-003, 4/23/08]

J. Setbacks. Unless otherwise specifically provided herein, all structures shall be located with a front and rear setback of at least 25 feet and side setback of at least 15 feet from the lot or property line, roadway right-of-way, or roadway easement. All corner lots shall maintain a minimum 20 foot sight angle for roadway intersections.
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

K. Table of Land Uses. The Torrance County Zoning Table of Land Uses is attached as Appendix 1 and made a part of this Ordinance. The Torrance County Zoning Table of Land Uses enumerates the allowable land uses in each Zone District. All uses indicated as permitted by right or as a conditional use shall be in full compliance with all other regulations or standards contained in this Ordinance. Uses not enumerated in the Torrance County Zoning Table of Land Uses are not necessarily excluded. Section 5 of this Ordinance provides a procedure for making interpretations of use.
[REV: Ord. No. 2008-003, 4/23/08]

L. Zoning Map. The Torrance County Zoning Map is attached as Appendix 2 and made a part of this Ordinance. The Torrance County Zoning Map shows the adopted boundaries of the zone districts within Torrance County.
[REV: Ord. No. 2008-003, 4/23/08]

M. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.
[REV: Ord. No. 2008-003, 4/23/08]

SECTION 7. ESTABLISHMENT OF ZONE DISTRICTS.

A. Zone Districts. For the purpose of this Ordinance, the following zone districts are established: Conservation District (C), Agricultural District (A), Agricultural Preservation District (AP-5, AP-10, & AP-40), Pre-platted Lands District (PL), Rural Residential District (RR), Minor Development District (D-1), Major Development District (D-2), Major Development District, Adult Land Uses (D-3),

Village Community Preservation District (VCP), Rural Community Preservation District (RCP) and Special Use District (SU).
[REV: Ord. No. 95-9, 10/13/95; Ord. No. 95-11, 11/10/95; Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

B. Zoning Map. The boundaries of the zone districts shall be shown on the adopted "Torrance County Zoning Map". The original copies of the zoning map and this Ordinance, and subsequent amendments thereto, shall be maintained by the County Clerk of Torrance County. Zoning maps shall be made available for public reference by the Zoning Director. There is a fee for a copy of an enlarged zoning map and a copy of the Zoning Ordinance set by the County Commission. A schedule of fees is available from the Zoning Director.
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

SECTION 8.0 CONSERVATION DISTRICT (C).

A. Intent. This zone protects and preserves areas within the County which are characterized by their limited access, minimal development, limitations on water resources, natural beauty, fragile environment and native wildlife populations. Dispersed, very low density residential development and low intensity agricultural activities are allowed. Other agriculturally related activities may be allowed. Commercial uses will not be allowed except on a case by case basis in which the primary concern of the Zoning Board will be to minimize the environmental impact on the area. Development may be considered within a 1 mile buffer zone where the "C" Zone joins an incorporated municipality and density or minimum lot size or use within the buffer area may be dictated by the standards set for the adjoining area.
[REV: Ord. No. 95-11, 11/10/95; Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]

B. Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a conditional use permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1.
[REV: Ord. No. 2008-003, 4/23/08]

C. District Standards. The following standards apply to all land use within this zone district:

1. Minimum parcel size will be forty acres or 1/16 section, whichever is the smaller of the two, with the following exceptions:
[REV: Ord. No. 2008-003, 4/23/08]

   a. Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and

may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 8.0.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.
[REV: Ord. No. 2008-003, 4/23/08]

b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of that property provided it is not less than 5 acres in size with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the mortgagee defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.
[REV: Ord. No. 2001-2, 3/14/01]

c. A parcel used for a cemetery shall be at least 5 acres in area.
[REV: Ord. No. 98-5, 9/13/98; Ord. No. 2008-003, 4/23/08]

d. Excluding towers for cell phone communications, electrical power lines, and telephone communications, a parcel used for essential public utility distribution structures or for communication structures or facilities shall be at least 5 acres in area. [REV: Ord. No. 90-4, 6/12/99; Ord. No. 2008-003, 4/23/08]

e. One supplemental residential dwelling unit is allowed on a parcel meeting district minimum standards. If a parcel is at least eighty acres or a 1/8 section in area, then up to two supplemental residential dwelling units are allowed on such a parcel. [REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

2. In the event contiguous parcels within the zone are assembled, any of which may be less than the smaller of forty acres or 1/16 section, no future land division of that assembled parcel will be allowed, except as noted in paragraph 8.0.C.1.b. & c. supra, if any portion of the land division will result in a parcel of less than forty acres or 1/16 section. It is the intent of these standards to restrict parcel size within this zone to a minimum of forty acres or 1/16 section and where possible to reassemble smaller existing parcels into larger parcels more closely approaching the forty acre, 1/16 section minimum.
[REV: Ord. No. 2008-003, 4/23/08]

3. This change will not affect any subdivision plans which have been submitted to the Zoning Board prior to the effective date of this section. [REV: Ord. No. 95-11, 11/10/95; Ord. No. 2008-003, 4/23/08]

4. A proposed land use must comply with Section 23, pertaining to water usage.
[REV: Ord. No. 97-7, 6/27/97]

5. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.
[REV: Ord. No. 2008-003, 4/23/08]

6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.

SECTION 8.1 AGRICULTURAL DISTRICT (A).

A. Intent. This zone district is intended to preserve large areas of land traditionally used for farming and ranching operations and other agricultural uses. This district is characterized by arid rangeland, extreme limitations on water resources and minimal development. The standards prescribed for this district are intended to preserve the traditional uses of the land and thereby protect the business of agriculture and related work. Development may be considered within a 1 mile buffer zone where the "A" Zone joins another zone district and density or minimum lot size or use within the buffer area may be dictated by the standards set for the adjoining area.
[REV: Ord. No. 95-11, 11/10/95]

Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a Conditional Use Permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1. [REV: Ord. No. 2008-003, 4/23/08]

B. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum parcel size will be 40 acres or 1/16 section, whichever is the smaller of the two, with the following exceptions:

[REV: Ord. No. 2008-03, 4/23/08]

a. Parcels smaller than the minimum parcel size which existed on the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as may be allowed by Section 8.1.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.

b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of that property provided it is not less than five acres in size, with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the mortgagee defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.
[REV: Ord. No. 2001-2, 3/14/01]

c. A parcel used for a cemetery shall be at least 5 acres in area.
[REV: Ord. No. 98-5, 9/13/98; Ord. No. 2008-003, 4/23/08]

d. Excluding towers for cell phone communications, electrical power lines, and telephone communications, a parcel, or a portion thereof, which shall be used for essential public utility distribution structures or for communication structures or facilities shall be at least 2.5 acres in area.
[REV: Ord. No. 90-4, 6/12/99; Ord. No. 2008-003, 4/23/08]

2. A one mile buffer zone will be established around the periphery of the "A" zone where it comes in contact with another zone district. Within the buffer zone, the Zoning Board may allow development to take place which is consistent with the zone district to which it joins.
[REV: Ord. No. 95-11, 11/10/95; Ord. No. 2008-003, 4/23/08]

3. A proposed land use must comply with Section 23, pertaining to water usage.
[REV: Ord. No. 97-7, 6/27/97]

4. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the

Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.
[REV: Ord. No. 2008-003, 4/23/08]

5. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.

SECTION 9. AGRICULTURAL PRESERVATION DISTRICT (AP-5, AP-10 & AP-40).

A. Intent. This zone district is intended to protect and preserve areas of suitable agricultural soil for agricultural and agriculture-related uses. The standards prescribed for this district are intended to preserve the open character of the area and thereby to protect the business of agriculture. The minimum lot size in this zone district shall be either five acres (AP-5), ten acres (AP-10), or forty acres (AP-40), as indicated on the Zoning Map.

B. Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a Conditional Use Permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1.
[REV: Ord. No. 2008-003, 4/23/08]

C. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum lot size shall be five acres where identified as AP-5 on the Zoning Map, ten acres where identified as AP-10 on the Zoning Map, and forty acres where identified as AP-40 on the Zoning Map; a parcel used for essential public utility distribution structures or for communication structures or facilities may be 5 acres or larger, with the following exceptions:
[REV: Ord. No. 99-1, 4/10/99; Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

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

legal means of survey so long as the resulting parcel is not smaller than the original parcel.
[REV: Ord. No. 2008-003, 4/23/08]

b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of the property provided it is not less than five (5) acres in size, with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the borrower defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.

c. A parcel used for a cemetery shall be at least 5 acres in area.

2. AP-5 districts have the following restrictions on the number of livestock used as animals for personal use according to lot size:
   a. On lots that do not conform to the district minimum standard but are at least 1/2 acre in area, there shall be no more than two (2) horses or two (2) cows or an equivalent number of sheep or goats.
   b. On lots that exceed the district minimum standard for acreage, additional livestock units are allowed based upon one (1) horse or cow unit per each additional acre of land.
   c. Exception: Livestock, including pigs, temporarily raised for educational purposes by children belonging to a recognized organization such as 4H or Future Farmers of America are not restricted.

   [REV: Ord. No. 2008-003, 4/23/08]

3. Home occupation.
   [REV: Ord. No. 95-5, 6/10/95; Ord. No. 2008-003, 4/23/08]

4. A proposed land use must comply with Section 23, pertaining to water usage.
   [REV: Ord. No. 97-7, 6/27/97]

5. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.
   [REV: Ord. No. 2008-003, 4/23/08]

6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.
[REV: Ord. No. 2008-003, 4/23/08]

SECTION 10. PREPLATTED LANDS DISTRICT (PL).

A. Intent. This zone district provides for the appropriate development of pre-platted subdivisions which are not considered adequate by current planning or environmental standards. This zone district is comprised of certain subdivisions platted and placed on record with the County Clerk prior to 1973, often held in multiple ownership, and substantially or totally undeveloped. This zone district is established to encourage and promote private land readjustment through techniques such as subdivision re-platting, land pooling, and lot consolidation, followed by a change to a more appropriate zone district, if necessary.

Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a Conditional Use Permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1.
[REV: Ord. No. 2008-003, 4/23/08]

B. District Standards. The following standards apply to all land uses within this zone district:

1. Lots shall not be further subdivided or re-platted into lots smaller than the nearest prevailing zone district.
[REV: Ord. No. 2008-003, 4/23/08]

2. In the event that contiguous lots within a specified area are assembled for readjustment and a master plan or site plan for future development is proposed, then such area shall be subject to the setback requirements established for the RR zone district.
[REV: Ord. No. 95-5, 6/10/95]

3. The Zoning Board may determine that a zone change or variance, instead of a Conditional Use Permit, is more appropriate for a proposed development in this zone district.
[REV: Ord. No. 2008-003, 4/23/08]

4. A proposed land use must comply with Section 23, pertaining to water usage.
[REV: Ord. No. 97-7, 6/27/97]

SECTION 11. RURAL RESIDENTIAL DISTRICT (RR).

A. Intent. This zone district accommodates rural residential development and certain agricultural uses such as irrigated croplands and limited livestock management. Large-lot residential land subdivision is characteristic of this district.

B. Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a Conditional Use Permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1.
[REV: Ord. No. 2008-003, 4/23/08]

C. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum lot size shall be two and one-half acres for dwelling units served by individual private wells, and one acre for dwelling units with connections to a centralized water system. For purposes of determining minimum lot size, the calculation of acreage shall include common easements and private roadways for ingress and egress for adjoining lots. A shared domestic well permitted under Section 72-12-1 NMSA 1978 does not qualify as a "centralized water system."
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

2. A proposed land use must comply with Section 23, pertaining to water usage.
[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]

3. Inoperable vehicles or vehicles which have no current registration or licensing stored on a parcel of land are limited to two (2) on a 1/2 acre lot. Additional inoperable or un-registered vehicles may be allowed at one (1) per additional acre of land but in no case shall exceed five (5) regardless of parcel acreage. Inoperable vehicles stored on a property shall be kept from view behind a wall and have body parts and glazing intact.
[REV: Ord. No. 2008-003, 4/23/08]

4. Raising, breeding, management, and sales of livestock, subject to the following requirements:

a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents which are detrimental to human habitation;

b. It shall be unlawful for any owner or keeper of livestock to allow such livestock to run at large on public right-of-way;

c. The number of livestock on the parcel shall not exceed an average density of one head per two acres;
[REV: Ord. No. 2001-2, 3/14/01]

d. The above described restriction does not apply to animals for non-commercial use as follows:
   1) A lot ranging between 1/2 acre and 1 acre in area, may support no more than two (2) horses or two (2) cows or an equivalent number of sheep or goats. Additional non-commercial livestock units are allowed based upon one (1) horse or cow unit or equivalent per each additional acre of land.
   2) Exception: Livestock, including pigs, temporarily raised for educational purposes by children belonging to a recognized organization such as 4H or Future Farmers of America are not restricted.
   [REV: Ord. No. 2008-003, 4/23/08]

5. Commercial agricultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited.
[REV: Ord. No. 2008-003, 4/23/08]

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

A. Intent. This zone district provides for commercial and business uses intended to serve the surrounding neighborhoods on a day-to-day basis including retailing and personal services. Development in this zone district shall be characterized as low intensity or small-scale, and shall not be detrimental to nearby residential uses.
[REV: Ord. No. 95-9, 10/13/95]

B. Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a Conditional Use Permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1.

[REV: Ord. No. 2008-003, 4/23/08]

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

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

2. All structures shall be located with a front setback of no less than 25 feet, unless otherwise specified in this Ordinance;

3. Non-residential buildings shall be situated no less than 25 feet from any lot in residential use, unless otherwise specified in this Ordinance;

4. Any non-residential activity in this zoning district that requires outdoor storage of supplies or material, other than living plants, must provide an outdoor storage area enclosed by a wall or fence of sufficient structure to conceal the outdoor storage area;
[REV: Ord. No. 95-9, 10/13/95]

5. Dwelling units (multiple) are subject to the following provisions:
   a. Gross density for any lot shall not exceed three dwelling units per acre;
   b. The above stated gross density may be exceeded only upon permit granted by the New Mexico Environment Department if site conditions are suitable for compliance with the Liquid Waste Disposal Regulations; and
   c. If centralized water and sewer systems are available to the site, then a floor area ratio of 0.3 is permitted for each lot.
   [REV: Ord. No. 2008-003, 4/23/08]

6. Dwelling units (cluster) are subject to the following provisions:
[REV: Ord. No. 2008-003, 4/23/08]
   a. A site development plan shall be provided to adequately describe a unified scheme for residential and other supportive land uses which cover any size acreage;
   b. The site development plan shall include written statements and information describing types and locations of structures, utilities, internal circulation and traffic impact, landscaping and site drainage, and a development phasing schedule if appropriate;
   c. The gross density of a cluster development shall not exceed two dwelling units per acre, however, structural densities shall be in accordance with the water supply well and wastewater treatment standards set by the New Mexico Environment Department;
   d. A portion of the land within a cluster development, comprising no less than 40 percent of the development site, shall be designated

as open space for the common use of the residents or for preservation of an environmentally sensitive area; and

e. Ownership of the common area shall be clearly defined with appropriate covenants forbidding future partition, and the responsibility for improvements and maintenance of the common area shall be established with a procedure for funding such improvement and maintenance of the common area.
[REV: Ord. No. 2008-003, 4/23/08]

7. Gasoline service station or a commercial garage is subject to the following regulations:
   a. All major repair work on vehicles shall be conducted within an enclosed building;
   b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone districts; and
   c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high.
   [REV: Ord. No. 2008-003, 4/23/08]

8. A proposed land use must comply with Section 23, pertaining to water usage.
[REV: Ord. No. 97-7, 6/27/97]

SECTION 13.0 MAJOR DEVELOPMENT DISTRICT (D-2)

A. Intent. This zone district accommodates the major business activities in the area, including highway-related commercial activities, office and entertainment facilities, wholesale and retail sales, and service providers. The land uses within this district shall be developed with adequate transportation access and appropriate design to minimize any negative impacts to abutting lands.
[REV: Ord. No. 95-9, 10/13/95]

B. Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a Conditional Use Permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1.
[REV: Ord. No. 2008-003, 4/23/08]

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

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

2. All structures shall be located within a front setback of no less than 25 feet, unless otherwise specified in this Ordinance;

3. Non-residential buildings shall be situated no less than 25 feet from any lot in residential use, unless otherwise specified in this Ordinance;

4. Any non-residential activity in this zoning district that requires outdoor storage of supplies or materials, other than living plants, must provide an outdoor storage area enclosed by a wall or fence of sufficient structure to conceal the outdoor storage area;
[REV: Ord. No. 95-9, 10/13/95]

5. Flea markets are subject to the following requirements;
   a. Adequate off-street parking shall be provided to contain the largest anticipated crowd,
   b. The site shall be kept free of litter and adequate refuse containers shall be provided,
   c. Overnight storage of merchandise shall be prohibited, and
   d. Adequate sanitary facilities (rest rooms) either portable or permanent shall be provided on site for use by patrons;
   [REV: Ord. No. 2008-003, 4/23/08]

6. Gasoline service station or a commercial garage is subject to the following regulations:
   a. All major repair work on vehicles shall be conducted within an enclosed building,
   b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone district, and
   c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high; and
   [REV: Ord. No. 2008-003, 4/23/08]

7. A proposed land use must comply with Section 23, pertaining to water usage.
   [REV: Ord. No. 97-7, 6/27/97]

SECTION 13.1 MAJOR DEVELOPMENT DISTRICT, ADULT LAND USES (D-3).
[REV: Ord. No. 2001-2, 3/14/01]

A. Intent. This zone is intended to allow the uses and apply the standards described in the D-2 District with the addition of a conditional use and additional standards and procedures for Adult Land Uses.

B. Permissive Uses. The following permissive uses are allowed in this zone district: All permissive uses allowed in D-2 District.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board: All conditional uses allowed in the D-2 District and Adult Land Uses, as described and authorized in Subsection E below.
[REV: Ord. No. 2008-003, 4/23/08]

D. District Standards. The following standards apply to all land uses within this zone district: All the District Standards required in the D-2 District.

E. Additional Standards and Procedures for Adult Land Uses. In addition, the following standards and procedures apply to the below-defined Adult Land Uses that are lawful as conditional uses in the D-2 District:

1. DEFINITIONS:

Adult Amusement Establishment.

a. An establishment which provides amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas;

1) Specified Anatomical Areas, means:

a) Less than completely and opaquely covered by clothing:
(1) Human genitals or pubic region;
(2) Buttock; and
(3) Female breast below a point immediately above the top of the areola; and
b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2) Specified Sexual Activities, including the following:

a) Human genitals in a state of sexual stimulation or arousal;
b) Acts of human masturbation, sexual intercourse, or sodomy; and
c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

b. An establishment which features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment; or

c. An establishment which, upon payment of a fee, provides an escort or a partner to its patrons; or

d. An establishment which, upon payment of a fee, provides its patrons with a male or female model fully or partially clothed or nude for the purposes of demonstrating body oils, body lotions or devices.

Adult Bookstore. An establishment having a substantial or significant portion of its stock in film, video tapes, trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Photo Studio. An establishment which, upon payment of a fee, provides photographic equipment or models for the purpose of photographing specified anatomical areas.

Adult Theater. A theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Land Use(s). Any one, any combination, or all of the following uses: Adult Amusement, Adult Bookstore, Adult Photo Studio, Adult Theater.

2. PROCEDURES FOR OBTAINING CONDITIONAL USE PERMIT

a. Application. In addition to the requirements described in Section 21.B & C of the Zoning Ordinance, an applicant seeking approval for an Adult Land Use defined above must show that the proposed land use satisfies the Approval Requirements stated below, and must provide the following information:

1) The name, address, telephone number, principal occupation, and age of the applicant;

2) The name, address and principal occupation of the managing agent or agents of the business;

3) The business name, business address and business telephone number of the establishment or proposed

establishment, together with a description of the nature of the business;

4) Whether the business or proposed business is the undertaking of a sole proprietorship, partnership or corporation. If a sole proprietorship, the application shall set forth the name, address, telephone number and principal occupation of the sole proprietor. If a partnership, the application shall set forth the names, addresses, telephone numbers, principal occupations and respective ownership shares of each partner, whether general, limited or silent. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the names, addresses, telephone numbers and principal occupations of every officer, director and shareholder (having more than ten percent of the outstanding shares), and the number of shares held by each;

5) The names, addresses, telephone numbers and principal occupations of every person, partnership or corporation having any interest in the real property utilized or to be utilized by the business or proposed business;

6) A description of all other business enterprises (sales or services), which shall occur on the premises;

7) Whether the applicant, anyone having a ten percent or more ownership interest in the business or proposed business has:

   a) ever had a business license denied, revoked or charges filed therefore, and if so, the application shall state the name of the business, date, jurisdiction, and outcome of any hearing,
   b) ever owned or operated an Adult Land Use business, and if so, the name of the business and address, dates involved and position or interest therein,
   c) been convicted within five years of application or renewal, of any felonious crime (and if so, shall state the person involved, the charge, date, court and disposition of the charges).

b. Time Limits. Review by the Zoning Board shall be advisory to the County Commission which shall decide whether to grant or deny the Application. The County shall render its decision according to the following time limits:

1) An Application submitted 15 or more days prior to the next regularly scheduled Zoning Board monthly meeting shall be heard at that meeting;

2) Unless Applicant requests or consents to a deferral, the Zoning Board shall render its oral recommendation at the time of its meeting and, within 7 days following the meeting, the Zoning Board shall submit a written Recommendation to the County Commission;

3) Directly following the Zoning Board meeting, the County Commission shall call for a public meeting by notification of the time and place of the public hearing published in the next available newspaper of general circulation in the County at least 15 days prior to the hearing; and

4) The hearing of the Application shall take place at the next regularly scheduled bi-weekly meeting of the County Commission following the expiration of the 15-day notice period. Upon conducting its public hearing, the County Commission shall render either an oral or written decision, either to approve or deny the Conditional Use Permit, at the conclusion of the hearing. If the Commission makes only an oral decision, it may adopt a written decision at its next regularly scheduled meeting.

From the date of submission of a completed application, a decision of the County Commission must be made within 60 days. If a decision is not rendered, either approving or denying the Conditional Use Application, within the 60-day period, the Application will be approved and issued as a matter of law. Any time that lapses during a deferral requested by or consented to by the Applicant shall be excluded from the calculation of the 60-day period.
[REV: Ord. No. 2008-003, 4/23/08]

3. APPROVAL REQUIREMENTS

The approval standards of Section 21.D of the Zoning Ordinance shall be satisfied if the Application meets all of the following Approval Requirements:

a. The proposed land use will not violate any civil or criminal law otherwise applicable, including, but not limited to, this Ordinance and the applicable building, fire and health regulations; criminal code sections 30-9-14, -14.1, -14.2 & -14.3 NMSA 1978 prohibiting

indecent exposure, indecent dancing, indecent waitering and aggravated indecent exposure; and the Liquor Control Act, sections 60-3A-1, et seq., NMSA 1978, and all regulations promulgated there-under;

b. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any building approved for another Adult Land Use, as measured in a straight and the most direct line;

c. The closest edge or corner of the building proposed for an Adult Land Use is at least 1000 feet from the closest edge or corner of any conforming residential dwelling, as measured in a straight and the most direct line, except that this provision may be waived if the owner(s) of any residential dwelling(s) located closer than the minimum separation distance consents in writing to the proposed use;

d. The closest edge or corner of the building proposed for an Adult Land Use is at least 300 feet from the closest edge or corner of any conforming commercial structure and has a side setback of at least 150 feet, as measured in a straight and the most direct line, except that this provision may be waived if the owner(s) of any commercial structure(s) or property located closer than the minimum separation distance consent in writing to the proposed use;

e. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any church or from its grounds, whichever is closer, as measured in a straight and the most direct line. Church "grounds" are any developed, fenced or enclosed outside area used by church members proximate to a church;

f. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any primary or secondary school or from its grounds, whichever is closer, as measured in a straight and the most direct line. School "grounds" are any developed, fenced or enclosed outside area used by school children proximate to a school;

g. The Applicant, whether an individual or any of the stockholders, officers or directors, if a corporation, or any of the partners, if a partnership, including limited partners, or the manager or other person principally in charge of the operation of the business, or any person receiving, or having a right to receive any sum from, or percentage of the profits due to an interest in or sale of the

business, has not been convicted within a five-year period immediately prior to the application, of any crimes involving fraud, consumer fraud or intent to defraud, prostitution;

h. Neither the applicant nor any ten percent corporation shareholder nor a corporate officer has had a revocation of a business license for violations of code regulations relating to Adult Land Uses within the preceding two years;

i. The land use will meet the parking requirements of Section 17; and

j. The applicant has provided all required information.

4. APPEALS

An appeal to the District Court for the County of Torrance may be made within 30 days after a denial.

5. OPERATION REQUIREMENTS AND RESTRICTIONS.

Once the Applicant has received a permit for an Adult Land Use, the permittee shall abide by the following requirements and restrictions:

a. Signs. In addition to the sign regulations stated in Section 18 of this Ordinance, any sign advertising an Adult Land Use shall not contain any emphasis, either by wording, picture or otherwise, on matters related to specified sexual activities or specified anatomical areas.

b. Exterior Display. No Adult Land Uses shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public way or from any property not permitted for the Adult Land Use. This provision shall apply to any display decoration, sign, show window or other opening.

c. Employee Records. The permittee shall at all times maintain and retain for the preceding three years the legal names/aliases and addresses of all persons employed as dancers by the permittee.

d. Employee Age Minimum. The permittee shall not employ or allow as a dancer a person under the age specified by state law or regulation where alcohol is consumed.

e. Admittee Age Minimum. No person under the age of 18 years shall be admitted where a nonalcoholic Adult Land Use is permitted. No

person under the age of 21 years shall be admitted where an Adult Land Use with a liquor license is permitted. No employee of an Adult Land Use establishment shall allow any minor to loiter around or to frequent the establishment or to allow any minor to view a permitted Adult Land Use.

f. Consumption of Alcohol. No permittee shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor, or any beverage represented as containing any alcohol, upon the permitted premises without a valid liquor license.

g. Display of Licenses. The permittee shall conspicuously display all licenses required by this Ordinance.

h. No Dancing in Concealed Areas. All dancing permitted as part of an Adult Amusement Enterprise shall take place within an area which is visible immediately upon entrance to the establishment premises, or is visible immediately from the entry room area of the establishment's premises; however, no permitted dancing shall be visible to or from any outside or un-permitted areas.

i. Contact Limitation. No dancer shall touch, fondle or caress any patron and no patron shall touch, fondle or caress any dancer on either the dancer's or patron's genitals, pubic region, buttock or female breast.

j. Advertisement Disclaimer. Any Adult Land Use establishment that does not have a liquor license and which uses the words that imply the availability of alcoholic liquor on the premises, such as "bar," or "lounge" or "saloon," in any advertisement or name must state in all such advertisements that alcoholic beverages are not sold or allowed on the premises.

k. Posted Warning. All Adult Land Use establishments shall post at each entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind any bar a sign with letters not less than three inches high stating:

"PROSTITUTION IS UNLAWFUL"

All Adult Land Use establishments that are not licensed to sell alcoholic beverages shall post at each entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind the bar a sign with letters not less than three inches high stating:

"ALCOHOL IS NOT SOLD HERE"

The letters for all such signs must be black on a yellow background and the sign at each entrance door and behind the bar must be between four and six feet above floor level. Each sign must be located and illuminated sufficient to be visible by a person with normal eyesight or eyesight corrected to 20/20, thirty feet from the sign.

l. The permittee shall maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.

m. The permittee must meet the parking requirements of Section 17.

6. RESPONSIBILITIES OF THE OPERATOR

a. It is the responsibility of the permittee to assure that the requirements of this Ordinance are satisfied in the exercise of the permit for an Adult Land Use. Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the permittee, if such act or omission occurs either with the authorization, knowledge, or approval of the permittee, or as a result of the permittee's negligent failure to supervise the employee's conduct, and the permittee shall be punishable for such act or omission in the same manner as if the permittee committed the act or caused the omission.

b. Any act or omission of any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the permittee for purposes of determining whether the permittee's permit shall be revoked, suspended or renewed.

c. The permittee shall insure compliance of the establishment and its patrons with the provisions of this Ordinance.

7. RENEWAL

After the first issuance of a Conditional Use Permit for an Adult Land Use, the permit shall terminate upon the first-year anniversary of its issuance, unless it is renewed. Once the permit is renewed, it shall terminate upon

the five-year anniversary of its most recent renewal, unless renewed again. There is no limit to the number of times a permit may be renewed. Any application for renewal must comply with the rules and regulations in effect at the time the application for renewal is submitted.

SECTION 14.0 VILLAGE COMMUNITY PRESERVATION DISTRICT (VCP).
[REV: Ord. No. 2001-2, 3/14/01]

A. Intent. This zone district preserves residential clusters in established unincorporated communities, and is intended to protect development of historic significance. This district allows residential development with necessary commercial, business, and other non-residential activities which serve local residents. The district regulations permit future development consistent with the existing character of the community, subject to health and safety standards.

B. Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a Conditional Use Permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1.
[REV: Ord. No. 95-5, 6/10/95; Ord. No. 97-8, 6/27/97; Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

C. District Standards: The following standards apply to all land uses within this zone district:

1. Minimum lot size for dwelling units served by individual private wells shall be two and one-half net acres. Minimum lot size for dwelling units served by a centralized water system shall be as determined by the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations. For purposes of determining minimum lot size, the calculation of acreage shall include common easements and private roadways for ingress and egress for adjoining lots. A shared domestic well permitted under Section 72-12-1 NMSA 1978 does not qualify as a "centralized water system";
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

2. All structures shall be located with a front setback of no less than 15 feet;

3. A proposed land use must comply with Section 23, pertaining to water usage; and
[REV: Ord. No. 97-7, 6/27/97]

4. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis shall obtain written consent from the land

grant governing body and are prohibited within 300 feet of a church, school, or daycare center.
[REV: Ord. No. 2008-003, 4/23/08]

SECTION 14.1 RURAL COMMUNITY PRESERVATION DISTRICT (RCP).
[REV: Ord. No. 2001-2, 3/14/01]

A. Intent. This zone protects and preserves areas within the County which are characterized by their limited access, minimal development, limitations on water resources, natural beauty, fragile environment and native wildlife populations. Dispersed, very low density residential development and low intensity agricultural activities are allowed. Other agriculturally related activities may be allowed. Commercial uses will not be allowed except on a case-by-case basis in which the primary concern of the Zoning Board will be to minimize the environmental impact on the area. Development may be considered within a 1 mile buffer zone where the "RCP" Zone joins an incorporated municipality and density or minimum lot size or use within the buffer area may be dictated by the standards set for the adjoining area.
[REV: Ord. No. 2008-003, 4/23/08]

B. Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a Conditional Use Permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1.
[REV: Ord. No. 2008-003, 4/23/08]

C. District Standards. The following standards apply to all land use within this zone district:

1. Minimum parcel size will be forty acres or 1/16 section, whichever is the smaller of the two, with the following exceptions:

   a. Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 14.1.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.
   [REV: Ord. No. 2008-003, 4/23/08]

   b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of that property

provided it is not less than 5 acres in size with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the mortgagee defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.

2. In the event contiguous parcels within the zone are assembled, any of which may be less than the smaller of forty acres or 1/16 section, no future land division of that assembled parcel will be allowed, except as noted in paragraph D.1.b. & c. supra, if any portion of the land division will result in a parcel of less than forty acres or 1/16 section. It is the intent of these standards to restrict parcel size within this zone to a minimum of forty acres or 1/16 section where possible to reassemble smaller existing parcels into larger parcels more closely approaching the forty acre, 1/16 section minimum.

3. This change will not affect any subdivision plans which have been submitted to the Zoning Board prior to the effective date of this section. [REV: Ord. No. 2008-003, 4/23/08]

4. A proposed land use must comply with Section 23, pertaining to water usage.

5. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required. [REV: Ord. No. 2008-003, 4/23/08]

6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis shall obtain written consent from the land grant governing body and are prohibited within 300 feet of a church, school, or daycare center. [REV: Ord. No. 2008-003, 4/23/08]

SECTION 15. SOLID WASTE MANAGEMENT DISTRICT (SW)

A. Intent. This zone district provides for the siting, development, and operation of solid waste facilities in Torrance County. The boundaries of this zone district shall be defined as needed on a case-by-case basis following the amendment procedures and siting criteria provided in this Ordinance. Disposal of solid waste within Torrance County shall be regulated in accordance with all relevant laws

including this Ordinance, the Torrance County Solid Waste Management Ordinance (Ord. No. 94-12), and all other applicable municipal, county, state, and federal laws pertaining to solid waste. Furthermore, no solid waste facility shall be established or operated without first obtaining a Solid Waste Facility Permit from the County Commission in accordance with the procedures set forth in this Ordinance.
[REV: Ord. No. 95-4, 6/10/95; Ord. No. 2008-003, 4/23/08]

B. Solid Waste Definition. The specific terms, "solid waste" and "solid waste facility" as defined by the Torrance County Solid Waste Management Ordinance (Ord. No. 94-12) are hereby adopted and incorporated herein by reference and made a part of this Ordinance.
[REV: Ord. No. 95-4, 6/10/95]

C. Application for Zoning Amendment. Each application for a zone change to establish a Solid Waste Management District must be accompanied by a facility development report and site plan of sufficient size and scale in order to show:
[REV: Ord. No. 95-4, 6/10/95]

1. Boundaries of the proposed district and existing land uses and structures within the proposed district and within 500 feet of the proposed district boundaries;

2. Routes and design specifications of all proposed access roadways and/or railways within the proposed district and within one mile of the proposed district boundaries;

3. Existing topography, and re-grading plans if applicable, within the proposed district at a contour interval of two feet, based on mean sea level datum. All natural watersheds, watercourses, and floodplains shall be identified in accordance with the siting criteria established for this zone district;

4. Hydro-geologic data sufficient to define the groundwater level or water table underlying the proposed district. Such data shall be confirmed by the N.M. State Engineer Office in writing;

5. Location and estimated pumping rates of all water wells, including abandoned wells, within the proposed district and within 500 feet of the proposed district boundaries;

6. The proposed design and operation of the solid waste facility in detail, with supporting narrative to adequately describe the facility in terms of any impact to water resources, air quality, surrounding properties and land use, and local transportation systems;

7. Documentation of ownership and financial interests of the proposed solid waste facility; and

8. Location and dimensions of all proposed land use activities including structures, landscaping, on-site traffic circulation, and any other improvements to the land.

D. Special Permit Required. No person shall operate a solid waste facility without a Solid Waste Facility Permit issued by the County Commission in accordance with the procedures and criteria set forth in this Ordinance. Torrance County and the Torrance County Solid Waste Authority shall be exempt from filing and renewal fees as specified in this Ordinance. The purpose of the permit procedure is to ensure that the solid waste facility is in compliance with the regulations established by this Ordinance. The procedure for obtaining a Solid Waste Facility Permit shall be as follows:
[REV: Ord. No. 95-4, 6/10/95; Ord. No. 2008-003, 4/23/08]

1. Any operator of a solid waste facility must submit an initial application with filing fee to the Zoning Board on a prescribed form obtainable from the Zoning Director. The initial application filing fee shall be $2,500 to cover the site inspection, technical review, and related administrative costs of the County.
[REV: Ord. No. 2008-003, 4/23/08]

2. The Solid Waste Facility Permit shall be subject to expiration and renewal after a period of one year. At least 30 days prior to the expiration date of a Solid Waste Facility Permit, an application for renewal may be submitted and processed in the same manner as the initial application. A filing fee of $1,000 must be submitted with an application to renew a Solid Waste Facility Permit. The purpose of the filing fee is to cover ongoing site inspection and related administrative costs of the County. Operators of existing facilities may continue to operate provided they apply for a permit 30 days before the anniversary date of the existing permit and upon proof of continued compliance with the requirements of this Ordinance.

3. Upon receipt of a Solid Waste Facility Permit application, the Zoning Board shall review the application to determine compliance with this Ordinance at a regularly scheduled meeting. The Zoning Board may request information regarding the operation of the solid waste facility as deemed appropriate. The Zoning Board may also request comments in writing from relevant state or federal agencies regarding the operation of the solid waste facility.
[REV: Ord. No. 2008-003, 4/23/08]

4. The Zoning Board shall prepare and transmit a recommendation in writing to the County Commission within 7 days after their review of the

application is completed. The County Commission shall review the application, the recommendations of the Zoning Board, and any relevant public comment at a regularly scheduled meeting. Upon determining that the application for the solid waste facility is in compliance with this Ordinance, the County Commission shall grant a Solid Waste Facility Permit.
[REV: Ord. No. 2008-003, 4/23/08]

5. Renewal of a Solid Waste Facility Permit may be denied for failure to comply with this Ordinance, making any misrepresentation or omission of any relevant fact in the application, or for failure to comply with any other applicable municipal, county, state, or federal laws pertaining to solid waste.

E. Siting Criteria. This zone district shall be subject to the following siting criteria:
[REV: Ord. No. 95-4, 6/10/95]

1. District boundaries shall be no closer than 10,000 feet from any airport or aviation facility subject to regulation by the Federal Aviation Administration;

2. District boundaries shall be no closer than two miles from perennial streams or wetlands as designated by the U.S. Fish and Wildlife Service;

3. This zone district, or any portion thereof, shall not be located within any 100-year floodplain as designated by the Federal Emergency Management Agency;

4. No solid waste facility shall be established within a natural watercourse with visible evidence of the occasional flow of water; and

5. No solid waste facility shall be established where the ground water or the water table is less than 100 feet below the surface of the land or the bottom surface of any proposed pit, whichever is more restrictive.

F. Operational Criteria. This zone district shall be subject to the following operational criteria:
[REV: Ord. No. 95-4, 6/10/95]

1. Solid waste facilities shall be designed and operated to minimize blowing litter both on-site and off-site. Durable fencing shall be installed as least 6 feet in height around active areas for purposes of debris retention and site security;

2. Solid waste facilities shall be provided with all-weather access roads built to a standard adequate to bear anticipated traffic generated by the facility;

3. Solid waste facilities shall be designed and operated to minimize soil erosion and to mitigate storm-water runoff pollution; and

4. Solid waste facilities shall be monitored in accordance with state and federal standards to detect the release of gaseous, liquid, or solid pollutants from the solid waste facility.

G. Water Usage. A proposed land use must comply with Section 23, pertaining to water usage.
[REV: Ord. No. 97-7, 6/27/97]

SECTION 16. SPECIAL USE DISTRICT (SU)

A. Intent. This zone district provides for singular developments which require special consideration because of their magnitude, unusual nature, infrequent operations, questionable impact on surrounding property, or other such reason. The boundaries of this zone district shall be defined as needed on a case-by-case basis following the amendment procedures provided in this Ordinance. Special conditions may be imposed by the County Commission following recommendation by the Zoning Board. The County Commission may not grant a zone change for establishment of a Special Use District unless satisfactory provisions have been made:
[REV: Ord. No. 2008-003, 4/23/08]

1. To assure that compatibility of property uses shall be maintained in the general area;

2. To preserve the integrity and character of the area in which the Special Use District will be located, and the utility and value of property in the Special Use District and in adjacent zone districts; and

3. To assure that the Special Use District will not become detrimental to the public health, safety, or general welfare of the County.

B. Application. Each application for a zone change to establish a Special Use District must declare the proposed use and, unless otherwise specified, must be accompanied by a site development plan of sufficient size and scale in order to:

1. Show boundaries and topography of the property to be developed;

2. Show the proposed size, location, use, and arrangement of all structures, signs, parking and loading areas, drainage facilities, landscaping, and traffic and pedestrian circulation routes; and

3. Indicate the location, type, use and size of structures on adjacent properties within 100 feet of the proposed Special Use District boundary.

C. Removal of Zones. In the event that a use authorized as a Special Use District is permanently discontinued, the Special Use District may be canceled and removed under the provisions for an amendment to this Ordinance. That area delineated by a discontinued Special Use District shall be rezoned to the prevailing zone district as determined by the County Commission following recommendation by the Zoning Board.
[REV: Ord. No. 2008-003, 4/23/08]

D. Uses Allowed in Special Use District. Designated uses for this zone district are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1. Uses not enumerated in the Torrance County Zoning Table of Land Uses are not necessarily excluded. Section 4 of this Ordinance provides a procedure for making interpretations of use. Designated uses for this zone district which are subject to specific requirements or regulations are prescribed as follows:
[REV: Ord. No. 2008-003, 4/23/08]

1. Airports, airstrips and heliports subject to the following requirements:
[REV: Ord. No. 2008-003, 4/23/08]

   a. Application for airport development shall be accompanied by a site plan showing: boundary lines including approach zones; runway layout with aprons, taxi strips, and parking and tie-down area; locations and heights of all buildings, structures, trees, and overhead wires within the airport boundary and the approach zones and also within 100 feet outside of such boundary; and other pertinent data such as topography and grading plan, drainage, water and sewer services, and access roadway,

   b. The planned airport area shall be sufficient to meet Federal Aviation Administration requirements for the class of airport proposed, and

   c. Any buildings or other structures in the proposed airport development shall be at least 100 feet from any right-of-way or lot line;

2. Commercial or cooperative cemetery, mausoleum, or crematory;

3. Correction, detention, or penal institution;

4. Dairies, slaughter houses, and Large Feedlots containing more than 200 head of animals;

5. Fuel wholesalers and storage (gasoline, liquefied petroleum) provided that all facilities shall not be within 500 feet of any dwelling unit unless sufficient blast, explosion, or fire confinement structures are installed according to appropriate State regulatory agencies;

6. Hospital, sanatorium, nursing home, or mental institution;

7. Limited industrial activities subject to the following regulations: [REV: Ord. No. 95-5, 6/10/95]

   a. The manufacturing, processing, assembling, renovating, treatment, storage, or warehousing of raw materials, goods, merchandise, or equipment shall be conducted within an enclosed building and/or within an area completely enclosed by a wall,

   b. No building for manufacturing purposes shall be located less than 150 feet from any existing dwelling unit, except for a resident caretaker dwelling,

   c. Any process using explosive material shall not be located within 500 feet of any dwelling unit unless sufficient blast, explosion, or fire confinement structures are installed according to appropriate State regulatory agencies,

   d. All buildings on a manufacturing site shall not cover an aggregate area of more than 40 percent of such site, and

   e. All manufacturing activities shall be conducted in accordance with State and Federal environmental standards;

8. Mining, processing, or stockpiling of rock, sand, gravel, clay, or similar materials; provided it complies with the following requirements for land rehabilitation:

   a. Backfilling shall be made with non-noxious and non-combustible materials, and

   b. Peaks and depressions of the land resulting from the operation shall be reduced to a surface which is in substantial conformity to the surrounding topography and measures are taken to minimize erosion;

9. Mobile Home Park, subject to the following requirements:

   a. The maximum density of the Mobile Home Park shall be subject to the approval of the New Mexico Environment Department; however, if public water and sewer systems are available, then maximum density of the Mobile Home Park shall be 6 mobile homes per acre,

   b. No mobile home shall be located within 40 feet of any other mobile home,

   c. Any mobile home shall be located at least 25 feet from the right-of-way line of any roadway and at least 25 feet from any property line of the Mobile Home Park, and

   d. All interior roadways shall be at least 25 feet wide, and shall be either paved or graveled;

10. Wind Energy Facilities, subject to the following requirements:

   a. Purpose: The County encourages the development of businesses that harness wind energy. The purpose of this special use district is to foster the development of the County's wind power resources while preserving traditional land uses.

   b. Findings: The County finds that wind energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Wind energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio. Wind energy power plants stimulate economic development directly and indirectly.

   c. Wind Energy Facility Permit: If the County Commission approves a special use district for a Wind Energy Facility, the County Commission shall also issue to the applicant a Wind Energy Facility Permit. The Wind Energy Facility Permit shall specify additional conditions that apply to the Wind Energy Facility.

      1) Wind Energy Facility Permit. Prior to any change in ownership or controlling interest of any entity owning

a wind energy facility permitted in Torrance County, application shall be made to the Zoning Board, requesting transfer of the wind energy facility siting permit. Approval of such transfer shall be conditioned upon explicit agreement by the new permitee to comply with all provisions of this Ordinance and the original permit. The application may be in letter form and shall be signed by the authorized representatives or agents of both the current permitee and the prospective permitee.

d. Definitions:
   1) Wind Energy Facility: An electricity-generating facility consisting of two or more wind turbines under common ownership or operating control that includes substations, MET towers, cables/wires and other building accessories to such facility, whose main purpose is to supply electricity to off-site customer(s).
   2) Permittee: The developer, owner or operator of a Wind Energy Facility who applies for a special use district and receives a Wind Energy Facility Permit.

e. Additional Information to be submitted with the application:
   1) The applicant and landowner's name and contact information.
   2) The Assessor's parcel map numbers, existing use and acreage of the site parcel.
   3) A survey map at an appropriate scale showing the proposed location of the wind energy facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences/schools, churches, hospitals, or libraries to a distance of 2,000 feet (or other measure).
   4) A survey map at an appropriate scale showing any federal, state, county or local parks, recognized historic or heritage sites, state-identified wetlands or important bird areas as identified in federal, state, county, or local GIS databases or other generally-available documentation.
   5) Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, and including an engineering analysis and certification of the tower, showing compliance with the applicable building code.
   6) Data pertaining to the tower's safety and stability, including safety results from test facilities.

7) Proposal for landscaping and screening.
8) A completed Environmental Assessment Form.
9) A project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than 2.7 inches, and the base map used shall be a published topographic map showing man-made features, such as roads and buildings.
10) No fewer than four color photos, no smaller than 4" by 6", taken from the each of the four cardinal directions from locations within a three-mile radius from the site.
11) Images of the photos from paragraph 10 above shall be computer-enhanced to simulate the appearance of the as-built site facilities as they would appear from the locations where the photos were taken.

f. Additional Approval Standards:
1) Safety:
a) The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
b) Wind turbine towers shall not be climbable up to 15 feet above ground level by external ladders.
c) All access doors to wind turbine towers and electrical equipment shall be lockable.
d) Appropriate warning signage shall be placed on wind turbine towers, electrical equipment and wind energy facility entrances.
e) Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
f) All wind turbines shall conform to industry standards for automatic braking, governing or feathering to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and turbine components.
g) As a condition of approval, prior to the construction of the facility the applicant shall submit to the County proof of insurance [in an amount to be determined by the County in consultation with the County's insurer], to cover damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility.
h) Any wind energy system found to be unsafe by a local, state or federal agency shall be repaired by the

owner to meet federal, state and local safety standards or removed within six months.

i) If any turbine is not operated for a continuous period of 12 months, the owner shall notify the County within 30 days of such occurrence and shall set forth reasons for the operational difficulty and propose a corrective action plan. The corrective action shall be completed within 6 months. If the corrective action is not completed, the County may require removal of the inoperative turbine and tower.

2) Siting and Installation:

a) To the extent practicable, the facility shall combine transmission lines and points of connection to local distribution lines.

b) To the extent practicable, the facility shall connect to existing substations, or if new substations are needed, minimize the number of new substations.

c) Electrical controls and control wiring and power lines shall be wireless or underground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

3) Setbacks:

a) Each wind turbine shall be set back from the nearest property line a distance no less than 1.1 times its total height, unless appropriate easements are secured from adjacent property owners.

b) Each wind turbine shall be set back from the nearest public road a distance no less than 1.1 times its total height, determined at the nearest boundary of the underlying right-of-way for such public road.

c) Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.

4) Nuisance:

a) Audible noise due to wind energy facility operations shall not exceed fifty (50) dBA for any period of time, when measured at any occupied residence, school, hospital, church or public library existing on the date of approval of the wind energy facility.

b) The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

c) No individual tower facility shall be installed in any location where its proximity with fixed broadcast,

retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

5) Environmental and Visual:
   a) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
   b) The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
   c) No individual tower facility shall be installed at any location that would substantially detract from or block the view of the major portion of a recognized scenic vista, as viewed from any public road right-of-way or publicly-accessible parkland or open space within the County.
   d) Wind turbines shall be set back at least 2,500 feet from important bird areas as identified by [state, feds].

6) Restoration of Property:
   a) As a condition of approval of a special use district for a Wind Energy Facility, within one year of the termination or abandonment of leases, easements or operations of a Wind Energy Facility, the permittee shall cause, at its own expense, the restoration of the land to its pre-facility condition.

   [REV: Ord. No. 2008-003, 4/23/08]

11. Solar Energy Facilities, subject to the following requirements:

a. Purpose: The County encourages the development of businesses that harness solar energy. The purpose of this special use district is to foster the development of the County's solar power resources while preserving traditional land uses.

b. Findings: The County finds that solar energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Solar energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the state's energy supply

portfolio. Solar energy power plants stimulate economic development directly and indirectly.

c. Solar Energy Facility Permit: If the County Commission approves a special use district for a Solar Energy Facility, the County Commission shall also issue to the applicant a Solar Energy Facility Permit. The Solar Energy Facility Permit shall specify additional conditions that apply to the Wind Energy Facility.

1) Solar Energy Facility Permit. Prior to any change in ownership or controlling interest of any entity owning a solar energy facility permitted in Torrance County, application shall be made to the Zoning Board, requesting transfer of the solar energy facility siting permit. Approval of such transfer shall be conditioned upon explicit agreement by the new permittee to comply with all provisions of this Ordinance and the original permit. The application may be in letter form and shall be signed by the authorized representatives or agents of both the current permittee and the prospective permittee.

d. Definitions:

1) Solar Energy Facility: An electricity-generating facility consisting of any solar collector, as defined in the New Mexico Solar Rights Act, NMSA 1978, § 47-3-1 through 47-3-5, as amended, or combination of solar collectors under common ownership or operating control that includes substations, cables/wires and other building accessories to such facility, whose main purpose is to supply electricity to off-site customer(s).

2) Permittee: The developer, owner or operator of a Solar Energy Facility who applies for a special use district and receives a Solar Energy Facility Permit.

e. Additional Information to be submitted with the application:

1) The applicant and landowner's name and contact information.

2) The Assessor's parcel map numbers, existing use and acreage of the site parcel.

3) Demonstration:

a) of solar rights, recorded pursuant to the Solar Recordation Act, NMSA 1978, § 47-3-6 through § 47-3-12, to support the Solar Energy Facility; or

b) that activities on neighboring properties will not impair the line-of-sight path from the solar collector or collection of solar collectors to the sun.

4) A survey map at an appropriate scale showing the proposed location of the solar energy facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences/schools, churches, hospitals, or libraries to a distance of 2,000 feet (or other measure).

5) A survey map at an appropriate scale showing any federal, state, county or local parks, and recognized historic or heritage sites, as identified in federal, state, county, or local GIS databases or other generally-available documentation.

6) Standard drawings of a solar collecting device structure(s), including the bases and footings, drawings of access roads, and including an engineering analysis and certification showing compliance with the applicable building code.

7) Data pertaining to the solar collecting device's safety and stability, including safety results from test facilities.

8) Proposal for landscaping, screening, and storm water management.

9) A completed Environmental Assessment Form.

10) A project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than 2.7 inches, and the base map used shall be a published topographic map showing man-made features, such as roads and buildings.

11) No fewer than four color photos, no smaller than 4" by 6", taken from the each of the four cardinal directions from locations within a three-mile radius from the site.

12) Images of the photos from paragraph 10 above shall be computer-enhanced to simulate the appearance of the as-built site facilities as they would appear from the locations where the photos were taken.

f. Additional Approval Standards:

1) Safety:

a) The solar energy facility has been designed and would be operated to prevent the misdirection of concentrated solar radiation onto nearby property, public roads or other areas accessible by the public.

b) The solar energy facility has been designed and would be operated to protect public safety, including development and implementation of a plan of operating procedures to prevent public access to hazardous areas, including appropriate warning signage on electrical equipment and at the solar energy facility entrances.

c) The solar energy facility is not located adjacent to, or within the control zone, of any airport.

d) During the operation, all chemicals or solvents used to clean photovoltaic panels or heliostats would be low in volatile organic compounds and the operator would use recyclable or biodegradable products to the extent possible.

e) Any component of the solar energy facility found to be unsafe by a local, state or federal agency shall be repaired by the owner to meet federal, state and local safety standards or removed within six months.

f) If the solar energy facility is not operated for a continuous period of 12 months, the owner shall notify the County within 30 days of such occurrence and shall set forth reasons for the operational difficulty and propose a corrective action plan. The corrective action shall be completed within 6 months. If the corrective action is not completed, the County may require removal of the solar energy facility.

2) Siting and Installation:

a) To the extent practicable, the facility shall combine transmission lines and points of connection to local distribution lines.

b) To the extent practicable, the facility shall connect to existing substations, or if new substations are needed, minimize the number of new substations.

c) Electrical controls and control wiring and power lines shall be wireless or underground except where solar collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

3) Environmental and Visual:

a) The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend

the facility into the natural setting and existing environment.

b) No solar energy facility shall be installed at any location that would substantially detract from or block the view of the major portion of a recognized scenic vista, as viewed from any public road right-of-way or publicly-accessible parkland or open space within the County.

c) No solar energy facility shall cause unnatural flooding of adjacent properties.

4) Restoration of Property

a) As a condition of approval of a special use district for a Solar Energy Facility, within one year of the termination or abandonment of leases, easements or operations of a Solar Energy Facility, the permittee shall cause, at its own expense, the restoration of the land to its pre-facility condition.
[REV: Ord. No. 2008-003, 4/23/08]

12. Major power generation facilities including fuel-fired power plants as well as region-serving developments of solar or wind-driven energy generators.
[REV: Ord. No. 94-2, 2/9/94]

13. Planned Area Development (PAD), subject to the following requirements:

a. A PAD shall incorporate a unified planning scheme for residential comprised of singular, multiple, and/or cluster dwelling units and other supportive land uses which cover an area of 40 acres or more,
[REV: Ord. No. 2008-003, 4/23/08]

b. A PAD may be constructed in increments provided a development phasing schedule showing anticipated initiation and completion of each phase is documented, and provided each phase includes a site development plan as required for this zoning district and is reviewed and approved prior to development as a separate but component plan of the PAD,

c. A Supportive Data Document shall be required and shall contain statements and information concerning the following:
[REV: Ord. No. 2008-003, 4/23/08]

1) purpose and intent of the PAD,
2) internal and external land use relationships,
3) distribution, type, and intensity of land uses,
4) development phasing schedule, if applicable,

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

d. The gross density of the PAD shall not exceed 3 dwelling units per acre, unless the dwelling units are served by public water and/or sewer systems, in which case the maximum gross density may be increased to a density which is appropriate for the area as determined by the Zoning Board;
[REV: Ord. No. 2008-003, 4/23/08]

e. A portion of the land within a PAD may be designated as open-space common area for resident use, provided ownership of the common area is clear, with appropriate covenants forbidding partition for future sale and development, and provided the maintenance responsibility for the common area is definite, and a method is provided for funding such maintenance of the common area;

f. Minimum lot size shall be one-and-one-half acres, or shall be subject to approval by the Zoning Board in areas where public water and sewer systems are available; and
[REV: Ord. No. 97-2, 3/26/97]
[REV: Ord. No. 2008-003, 4/23/08]

g. All building setbacks within the PAD shall be subject to approval by the Zoning Board.
[REV: Ord. No. 2008-003, 4/23/08]

14. Salvage yards for scrap material, including automobile bodies, provided that:
[REV: Ord. No. 95-5, 6/10/95]

a. All activities are conducted within an enclosed building or within an area completely enclosed by a wall,

b. Outside storage of salvage materials or automobile bodies may not be stacked higher than the surrounding wall,

c. Any walls surrounding outside storage of materials shall be located with a front setback of no less than 50 feet, and

d. The entire site for a salvage yard shall not exceed five acres;

15. Shopping Centers, subject to the following requirements:

    a. The shopping center site shall be located with direct access to a State or Federal arterial highway, or a designated County arterial road,

    b. All buildings must be placed at least 30 feet from any property line of the shopping center land,

    c. At least 10 percent of the required off-street parking area shall be landscaped and maintained in a clean and healthy condition,

    d. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened to the extent possible such that it does not shine directly or reflect into any adjoining residential properties or public roadways,

    e. Loading docks and outside storage areas shall be screened from public roadways and abutting residential properties,

    f. Any shopping center proposal for an ultimate development containing more than 100,000 square feet of floor area shall include a traffic impact analysis of traffic generated by the shopping center and its effect on the surrounding roadway system, and

    g. No shopping center shall cause unnatural flooding of adjacent properties from storm water runoff.

16. Travel Trailer or Recreational Vehicle Park provided it complies with the following requirements:

    a. The minimum park size shall be 2 acres,

    b. The park site shall be graded, drained, and free of rubbish,

    c. The park site shall have a wall, fence or planted area, 6 feet in height, that buffers the site from adjoining areas, and

    d. The park shall contain individual campgrounds and each campground shall be at least 1,000 square feet in area with adequate parking such that no portion of any vehicle extends into a road within the park.

E. Water Usage. A proposed land use must comply with Section 23, pertaining to water usage.
[REV: Ord. No. 97-7, 6/27/97]

SECTION 17. OFF-STREET PARKING AND LOADING.

A. Parking and Loading Space Required. There shall be provided on site, when any new building is erected, or change of land use is approved, off-street parking and loading spaces as set forth herein. Existing buildings continuing existing land uses need supply such parking and loading space only to the extent ground space is available on site.
[REV: Ord. No. 2001-2, 3/14/01]

B. Number of Parking Spaces. The minimum number of parking spaces to be provided shall be as follows:

1. Dwelling units: 2 spaces per dwelling unit;

2. Eating and drinking establishments: one space per 100 square feet of floor area;

3. Industrial, manufacturing, and wholesaling establishments: one space per 2 employees on largest shift;

4. Medical and dental offices, clinics, including veterinary clinics: 5 spaces per doctor;

5. Offices, public buildings, and service establishments: one space per 300 square feet of floor area;

6. Places of public assembly: one space per 5 seats when fully occupied;

7. Retail and commercial business establishments: one space per 200 square feet of floor area;

8. Rooming or boarding house: one space for each 2 rooms; and

9. Additional space for parking may be required to prevent the occurrence of off-site parking along roadways and rights-of-way and on adjoining property.
[REV: Ord. No. 2001-2, 3/14/01]

C. Parking Design Standards. The following standards shall be applied to off-street parking area:

1. All parking spaces shall be provided with adequate circulation and access to a road or street;

2. Each parking space shall consist of an area not less than 9 feet by 20 feet; and

3. Where parking is used for larger vehicles such as semi-tractor trailers, spaces of sufficient size and adequate circulation and access for such vehicles must be provided.
[REV: Ord. No. 2001-2, 3/14/01]

D. Off-Street Loading Requirements. Sufficient off-street loading space shall be provided on all premises which receive or distribute bulk materials by motor vehicle. Off-street loading space shall not be located on designated off-street parking space or public right-of-way.

SECTION 18. SIGN REGULATIONS.

A. Purpose. The purpose of this Section is to allow such signs that will not endanger the public safety, will not obstruct or detract from visibility necessary for traffic safety, and will not be detrimental to the land use objectives set by this Ordinance. No sign shall be placed or erected in Torrance County unless such sign conforms to the regulations herein. In addition, these sign regulations shall be supplemental to the regulations promulgated by the New Mexico Highway Beautification Act [67-12-1 to 67-12-14 NMSA 1978] concerning the regulation of outdoor advertising along public highways.
[REV: Ord. No. 96-4, 4/27/96]

B. Definition. For purposes of this Ordinance, a sign shall mean a device which is constructed to convey information visually and which is exposed to public view. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. The following shall not be included in the application of regulations herein:
[REV: Ord. No. 96-4, 4/27/96]

1. Signs bearing only property numbers, postal box numbers, farm and ranch names, or individual names of occupants of premises;

2. Flags, insignia, or signs of any government, including legal notices, identification information, or directional signs;

3. Signs placed by a public utility for the health, safety, welfare, or convenience of the public; and

4. Temporary holiday decorations.

C. Sign Size. The size of signs within the County shall be regulated according to the sign face which shall mean that area of the sign or signs which is enclosed by a continuous line, connecting the extreme points or edges of the sign, but not including structural supports of the sign. On any two-sided sign, only one sign face shall be counted in calculating the design size.
[REV: Ord. No. 96-4, 4/27/96]

D. Business Signs. The following regulations shall apply to all signs relating to business, commercial, industrial, and service activities throughout the County, including both on-premise and off-premise signs:
[REV: Ord. No. 96-4, 4/27/96]

1. For purposes of this Ordinance, an off-premise sign means a sign that is not physically located on the premises to which the sign refers;

2. For any free-standing sign, attached to an independent supporting structure which is not an integral part of a building, the sign face shall not exceed 800 square feet if located within 350 feet of the right-of-way line of an Interstate Highway. Free-standing signs which are not located within 350 feet of the right-of-way line of an Interstate Highway shall not exceed 300 square feet of sign face;

3. Building-mounted signs shall not exceed 100 square feet of sign face per tenant, unless the building is located within 350 feet of the right-of-way line of an Interstate Highway wherein a building-mounted sign shall not exceed 300 square feet of sign face per tenant;

4. No more than one on-premise, free-standing sign adjacent to each abutting roadway may be allowed. In any case of multiple enterprises on the premises, one free-standing sign may be allowed for each enterprise provided that no single sign shall exceed 800 square feet of sign face and the aggregate of all free-standing signs shall not exceed a sum of 1200 square feet of sign face on the premises;

5. Signs may be illuminated by any manner, provided there is no direct or reflected light onto highways or into residential areas;

6. Free-standing signs shall not exceed 30 feet in height, however, free-standing signs located within 350 feet of the right-of-way line of an Interstate Highway may be constructed to a maximum of 80 feet in height. Building-mounted signs shall not exceed the height of the building unless granted a variance in accordance with this Ordinance; and

7. One non-illuminated sign is allowed for each home occupation permitted by the County, provided that no such sign shall exceed six square feet of sign face;

8. All free-standing business signs are required to display a County Business License number and must pay a one-time fee of $25 (twenty-five dollars) to cover administrative and inspection costs.

E. Auxiliary Signs. The following regulations for auxiliary signs shall apply County-wide:
[REV: Ord. No. 96-4, 4/27/96]

1. Signs visible from public right-of-way directing and guiding traffic and parking on private property shall not exceed ten square feet of sign face, may be illuminated by any manner provided there is no direct or reflected light onto highways or into residential areas, and shall display no advertising matter. For an enterprise which provides services to commercial trucking, such signs may be allowed that will not exceed 150 square feet of sign face, will not exceed 20 feet in height, and will not exceed 20 feet in length;

2. Informational signs intended to identify name, location, activities, or occupant of non-residential premises shall be limited to two signs, each of which shall not exceed 32 square feet of sign face and may be illuminated only by indirect light; and

3. No auxiliary sign shall be higher than its distance to the nearest point on the property line, but in no case higher than the height of the highest building on the premises.

F. Temporary Signs. Requirements for temporary signs which are placed for a limited period of time are as follows:
[REV: Ord. No. 96-4, 4/27/96]

1. No temporary sign may be placed unless identification of the responsible agent is clearly posted on the sign;

2. Signs relating to the sale, lease, or development of real estate shall comply with the following regulations:

   a. One on-premise sign per lot is permitted, provided that no such sign face shall exceed ten square feet,

   b. Off-premise signs directing or leading prospective buyers to real estate for sale or lease shall be limited to no more than five signs for each property, provided that no such sign face shall exceed ten square feet,

c. Signs promoting or advertising subdivisions for sale shall not have a sign face greater than 32 square feet, and

d. All real estate signs shall be removed within five days after the property is sold;

3. Signs relating to a political campaign prior to an election may be permitted on any lot provided such signs shall not be placed more than 90 days prior to the election and shall be removed within 10 days following the election;

4. Temporary signs which are not related to a political campaign shall be placed for a maximum of 90 days, which may be extended no more than twice for periods of 60 days each, following separate written requests for renewal to the Zoning Director;
[REV: Ord. No. 2008-003, 4/23/08]

5. No temporary sign shall be higher than its distance to the nearest point on the property line, but in no case higher than the height of the highest building on the premises; and

6. Temporary signs shall be non-illuminated and shall not exceed 32 square feet of sign face.

G. Prohibited Signs. The following signs are prohibited within the County:
[REV: Ord. No. 96-4, 4/27/96]

1. Signs located within dedicated public right-of-way or an easement for a roadway;

2. Signs applied to trees, rocks, or other natural objects;

3. Signs which are or may become a public safety hazard.

H. Nonconforming Signs. Any sign that does not comply with a regulation concerning sign dimensions, number, and location as stated herein, but which existed prior to the effective date of such sign regulation, shall be considered a nonconforming sign and shall be subject to the following requirements:
[REV: Ord. No. 96-4, 4/27/96]

1. The nonconforming sign shall not be expanded or extended; and

2. Routine maintenance of a nonconforming sign is allowed.

SECTION 19. ADMINISTRATION.

A. Administrative Official. A Zoning Director shall be appointed by the County Commission to administer the provisions of this Ordinance. The Zoning Director may also serve in some other capacity as an employee or appointed official of the County.
[REV: Ord. No. 2008-003, 4/23/08]

B. Authority of Zoning Director. The Zoning Director is authorized to take reasonably necessary actions to administer and enforce this Ordinance, including:

1. Conducting inspections of buildings, structures, and the uses of land to determine compliance with this Ordinance;

2. Investigating resident complaints alleging violations of this Ordinance;

3. Issuing notices of violations of this Ordinance;

4. Issuing citations charging violations of this Ordinance;

5. Prosecuting charges for violations, including negotiating and entering into plea agreements, before the Torrance County Magistrate Court.
[REV: Ord. No. 2008-003, 4/23/08]

C. Authority of Zoning Enforcement Officer. The Zoning Director may designate a Zoning Enforcement Officer and delegate the Zoning Director's full authority to enforce this Ordinance to the Zoning Enforcement Officer. If a Zoning Enforcement Officer is so designated, then any restrictions, limitations or requirements placed upon the Zoning Director for the enforcement of this Ordinance shall apply to the Zoning Enforcement Officer.
[REV: Ord. No. 2008-003, 4/23/08]

D. Inspections and Investigations. The Zoning Director shall carry an identification card provided by the County during all inspections and investigations. This provision does not grant right of entry without due process of law if necessary. The Zoning Director shall conduct on-site inspections and collect other relevant information which may be requested by the County Commission or the Zoning Board as necessary to carry out the purpose of this Ordinance.
[REV: Ord. No. 2008-003, 4/23/08]

E. Information and Records. The Zoning Director shall maintain an office to supply the public with information concerning this Ordinance, and shall maintain copies of this Ordinance and the County Zoning Map in an updated form. A "Zoning Action File" shall be maintained and shall contain records of the following:
[REV: Ord. No. 2008-003, 4/23/08]

1. Conditional Use Permits;

2. Variances Allowed Under this Ordinance;

3. Zone District Changes;

4. Special Use Permits;

5. Requests for Use Interpretation;

6. Applications for Amendments to this Ordinance;

7. Certificates of Nonconformance;

8. Zoning Appeals;

9. Zoning Violations and Complaints;

10. Development Review Permits; and

11. Building Permit Applications.
[REV: Ord. No. 97-5, 6/27/97; Ord. No. 2008-003, 4/23/08]

F. Development Review Permit. For purposes of this Ordinance, with respect to any premises within the jurisdiction of Torrance County:
[REV: Ord. No. 2001-2, 3/14/01]

1. No accessory structure or building meeting current New Mexico Regulation & Licensing Construction Industries Division size requirement for a building permit (200 sq. ft. at the time of this printing), nor mobile home shall be placed, constructed, or installed, nor;
[REV: Ord. No. 2008-003, 4/23/08]

   a. Shall electric service be connected to any accessory structure, building or mobile home if such building or mobile home has not already had electric service previously connected or has not already been issued a Development Review Permit in connection with such electric service, nor;

   b. Shall any building or mobile home be used as a residence if the building has not previously been used as a residence or has not previously been issued a Development Review Permit in connection with such use as a residence, without first being reviewed by the Planning and Zoning Director, and issued a Development Review Permit. In addition to these requirements, an applicant for a Development Review Permit shall:
   [REV: Ord. No. 2008-003, 4/23/08]

1) Submit a recorded deed or real estate contract that the applicant is the owner in fee simple or equitable title owner of the property or, proof that owner has authorized the application, through lease or other written authority.

2) Submit a suitable Building Permit or appropriate documentation establishing the applicant's right to construct a building or residence.

3) Submit the appropriate septic permit by the State Environment Department.

4) Submit the appropriate well permit issued by the State Engineer's Office or letter of intent from a centralized water system which states the proper legal description for the subject property and confirms there is a sufficient amount of water to provide for potable, sanitary, and fire suppression service to the dwelling or accessory structure. Applications which rely upon water harvesting or hauling water from a source off-premise must have on-premise storage capacity sufficient to provide the services listed above designed by a New Mexico licensed engineer or architect.

5) Submit a copy of the (1) New Mexico Registration and Title, or (2) Manufacture Certificate of Origin for a mobile or modular home.

6) Submit a statement from the Solid Waste Authority that you will be receiving their services for developments of human occupation.

7) Submit a statement from the Torrance County Treasurer showing taxes are paid to date.

8) Submit the applicable permit fee to the Planning and Zoning Director.

9) Where the property to be developed lies within a special flood hazard area, submit additional information and documentation as provided in the Flood Damage Prevention Ordinance, 92-4, or the Federal Emergency Management Agency (FEMA) National Flood Insurance Program.
[REV: Ord. No. 2008-003, 4/23/08]

Upon the review and approval of the Planning and Zoning Director, a Development Review Permit will be issued, a property address can be assigned, and a site inspection will be performed.
[REV: Ord. No. 2008-003, 4/23/08]

G. Violations and Enforcement. Whenever a violation of this Ordinance is discovered or is alleged to have occurred, the Zoning Director shall investigate and inspect the site of the violation or alleged violation and take action as follows: [REV: Ord. No. 2008-003, 4/23/08]

1. Any person aggrieved by an apparent violation of this Ordinance may file a written complaint with the Zoning Director. Such complaint shall describe the location and circumstances of the apparent violation with specific references to the provisions of this Ordinance which are alleged to have been violated.
[REV: Ord. No. 2008-003, 4/23/08]

2. Whenever the Zoning Director finds probable cause to believe a violation of this Ordinance exists, whether acting on independent initiative or in response to a written complaint, the Zoning Director shall notify the person responsible for the alleged violation. Such notification shall be made in writing to the owner or tenant of the property, indicating the nature of the violation and ordering the action necessary to correct the violation. Corrective action may require discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall require the taking of any other action authorized by this Ordinance to ensure compliance with or to prevent violations of the provisions of this Ordinance. Absence of personal service of the notice of violation shall not constitute a defense when the Zoning Director has made a diligent effort to locate the owner or tenants.
[REV: Ord. No. 2008-003, 4/23/08]

3. Action to correct a violation of this Ordinance shall be completed within 60 days following the date of notification by the Zoning Director. If a violator fails to take corrective action within 60 days, the County shall seek imposition of the penalties set forth in this Ordinance.
[REV: Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]

SECTION 20. NONCONFORMITIES.

A. Definition. Within the zone districts established by this Ordinance, there exist: lots, structures, or uses of land or structures which were lawful before this Ordinance was passed or amended, but would be prohibited or restricted under the terms of this Ordinance. It is the intent of this Ordinance to allow these nonconformities to continue until they are removed, but not to encourage their survival.

B. Certificate of Nonconformance. Nonconformities shall be identified and issued Certificates of Nonconformance as determined by the Zoning Director. Upon

receipt of a written notification from the Zoning Director, it shall be the responsibility of owners of nonconforming property to obtain a Certificate of Nonconformance from the Zoning Director within 60 days after the date of notification.
[REV: Ord. No. 2008-003, 4/23/08]

C. Nonconformities Allowed. A nonconformity existing at the time this Ordinance takes effect may be continued under the Certificate of Nonconformance. The authority to continue a nonconforming use is transferable to the successors and assigns of the owner. The transfer of authority shall be evidenced by transfer of the Certificate of Nonconformance to the successor or assignee. A continuing nonconforming use may also be referred to as a "grandfathered use".

D. Expansion. A nonconformity shall not be enlarged, expanded, or extended. However, the addition of a lawful use to any portion of a nonconforming building shall not be deemed an extension of such nonconforming building.

E. Restoration. If a nonconforming use or structure is damaged or destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, then restoration must be for a permitted use. Singular dwelling units, however, may be exempt from this restoration requirement if approved by the Zoning Board and the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations.
[REV: Ord. No. 2008-003, 4/23/08]

F. Abandonment. Whenever a nonconforming use has been discontinued or abandoned for a period of one year or more, such use shall not thereafter be reestablished, and any future use must be in conformance with the provisions of this Ordinance. Any nonconforming dry land or irrigated farmland shall be exempt from this abandonment requirement.

G. Nonconforming Lot Size. Any lot of record existing prior to the effective date of this Ordinance, which fails to meet the minimum area requirements, may be developed, redeveloped, or improved provided that any other requirements of the lot are in conformance with the provisions of this Ordinance. Unless specifically cited by the Zoning Board, a Certificate of Nonconformance will not be required for nonconforming lots.
[REV: Ord. No. 2008-003, 4/23/08]

SECTION 21. CONDITIONAL USE PERMITS.

A. Approval and Permit Required. Conditional uses established by this Ordinance shall not be allowed without the review and approval of the Zoning Board, which shall be guided in making a decision by the criteria set forth in this section. Anyone seeking a Conditional Use Permit shall provide to the Zoning Director such information as may be reasonably required to determine whether the

requested conditional use is consistent with the intent and purpose of this Ordinance.
[REV: Ord. No. 2008-003, 4/23/08]

B. Application. Any request for a Conditional Use Permit shall be submitted with filing fee to the Zoning Director on a prescribed application form obtainable from the Zoning Director. The Zoning Director shall transmit the application and any supplementary information to the Zoning Board for review and consideration at their next regularly scheduled meeting. To the extent possible, all abutting property owners shall be notified of the Zoning Board meeting at which the Conditional Use Permit application will be considered.
[REV: Ord. No. 2008-003, 4/23/08]

C. Posting Signs. The Zoning Director shall post one or more signs on the premises involved, no less than 15 days prior to the date of the Zoning Board meeting at which the Conditional Use Permit application will be considered. The applicant shall maintain the posted sign on the premises until the zoning action is completed. Such posted sign shall provide details of the application and the meeting at which the zoning action will be considered. At least one on-premise sign shall be visible from each road which abuts the premises involved. The applicant is responsible for removing such signs within five days after a decision is made on the Conditional Use Permit. Failure to properly maintain signs is grounds for deferral or denial of the application. It is unlawful for any person, except the applicant or an agent for the applicant or the Zoning Director, to remove any such sign during the period it is required to be maintained under this paragraph.
[REV: Ord. No. 97-6, 6/27/97; Ord. No. 2008-003, 4/23/08]

D. Guidelines. The Zoning Board shall not approve any Conditional Use Permit unless satisfactory provision has been made concerning the following, where applicable:
[REV: Ord. No. 2008-003, 4/23/08]

1. Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood, or catastrophe;

2. Off-street parking and loading areas where required, with particular attention to the refuse and service areas;

3. Water and liquid waste facilities, with reference to soil limitations, locations, and public health;

4. The economic, noise, glare, or odor effects of the conditional use on adjoining properties;

5. General compatibility with adjacent properties; and

6. A proposed land use must comply with Section 23, pertaining to water usage.
[REV: Ord. No. 97-7, 6/27/97]

E. Limitations. Conditional Use Permits issued in accordance with this Ordinance shall be considered permanent, with the following exceptions:
[REV: Ord. No. 95-5, 6/10/95]

1. For any conditional uses that have an exceptional tendency, because of their nature or character, to create an adverse impact on neighboring properties, the Zoning Board may limit the term of the permit to a specified length of time after which the permit shall expire and may be renewed. An application for renewal of the Conditional Use Permit may be submitted and processed in the same manner as the original application, with reduced filing fee.
[REV: Ord. No. 2008-003, 4/23/08]

2. Where there has been a significant change in the physical extent, operations, or character of a permitted conditional use, the Zoning Board may require a renewal of the original Conditional Use Permit. Significant change shall be determined by the Zoning Board, based on a scheduled review of the Conditional Use Permit.
[REV: Ord. No. 2008-003, 4/23/08]

3. An approved Conditional Use Permit shall become void one (1) year after the date of approval if the rights and privileges granted thereby have not been utilized.

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

5. The County Commission may revoke a permit if the requirements and restrictions required by this Ordinance are not met. Before a permit may be revoked, the permittee must be given at least 10 days written notice of the specific charges and be given the opportunity for a hearing before the County Commission.
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

SECTION 22. VARIANCES.

A. Definition. The Zoning Board may approve a variance from the strict application of area, dimension, distance, setback, off-street parking, and off-street loading

requirements of this Ordinance in the case of exceptional physical conditions where the strict application of the requirements of this Ordinance would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of land or building.
[REV: Ord. No. 2008-003, 4/23/08]

B. Application. Any request for a variance should be submitted with filing fee to the Zoning Director on a prescribed application form obtainable from the Zoning Director. The Zoning Director shall transmit the application and any supplementary information to the Zoning Board for review and consideration at their next regularly scheduled meeting. To the extent possible, all abutting property owners shall be notified of the Zoning Board meeting at which the variance application will be considered.
[REV: Ord. No. 2008-003, 4/23/08]

C. Posting Signs. The Zoning Director shall post one or more signs on the premises involved no less than 15 days prior to the date of the Zoning Board meeting at which the variance application will be considered. The applicant shall maintain the posted sign on the premises until the zoning action is completed. Such posted sign shall provide details of the application and the meeting at which the zoning action will be considered. At least one on-premise sign shall be visible from each road which abuts the premises involved. The applicant is responsible for removing such signs within five days after a decision is made on the variance. Failure to properly maintain signs is grounds for deferral or denial of the application. It is unlawful for any person, except the applicant or an agent for the applicant or the Zoning Director, to remove any such sign during the period it is required to be maintained under this paragraph.
[REV: Ord. No. 97-6, 6/27/97; Ord. No. 2008-003, 4/23/08]

D. Water Usage. A proposed land use must comply with Section 23, pertaining to water usage.
[REV: Ord. No. 97-7, 6/27/97]

E. Requirements. The Zoning Board may impose any necessary requirements in approving a variance to assure that the requested variance:
[REV: Ord. No. 2008-003, 4/23/08]

1. Will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property; and

2. Will not significantly change the character of the neighborhood or reduce the value of nearby property.

SECTION 23. WATER USAGE.

A. Purpose. Given the effects that water usage associated with a proposed land use may have on water resources within the County, both as to quality and quantity, the purpose of this section is to promote the health, safety and welfare of County inhabitants; to promote the conservation and beneficial use of water resources within the County; and to protect prior existing water rights and interests.
[REV: Ord. No. 97-7, 6/27/97]

B. Application. Every application under the Zoning Ordinance will be evaluated as to its potential effect on water resources within the County. Every application shall contain with it a statement of the water usage associated with or required to carry out the proposed land usage. Either the Zoning Director or Zoning Board shall make an initial review of the associated water usage and shall determine whether the proposed usage is of such an extent or nature that referral for comment to an appropriate public agency is in order.
[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]

C. Referral to Public Agency. After an application is deemed complete, the County Zoning Director or Zoning Board may forward a copy of the application to any of the following state or local agencies by certified mail "Return Receipt Requested" with a request for review and opinion:
[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]

1. New Mexico State Engineer's Office;

2. New Mexico Environment Department;

3. Soil and Water Conservation District in which the proposed land usage would occur;

4. The Estancia Basin Water Planning Committee; and

5. Such other public agencies as the County deems necessary or appropriate.

D. Agency Response. The state and/or local agencies shall be given forty-five (45) days from their receipt of the application to review and return an opinion regarding its effect on water resources within the County. The Zoning Director shall obtain receipts or other proof showing the date the opinion request was received by each state or local agency. In reviewing an application, the Zoning Board shall consider any timely agency response or comment in making a decision or recommendation on the application.

[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]

E. Guidelines. In evaluating a water usage associated with a proposed land use, the County shall consider the following factors, where applicable:
[REV: Ord. No. 97-7, 6/27/97]

1. The effect or impacts on the public safety, health and welfare of County inhabitants, particularly those in the vicinity of the proposed water usage;

2. The potential adverse effects on water quality;

3. Effects on water quantity, including potential impairment of prior existing water uses; and

4. Whether the water use is consistent with conservation and beneficial use of water.

SECTION 24. AMENDMENTS.

A. Amendment. The County Commission may amend any part of this Ordinance, including the zone district boundaries. The County Commission may elect to submit a proposal for amendment to the Zoning Board for review and recommendation made by the Zoning Board.
[REV: Ord. No. 2008-003, 4/23/08]

B. Application. Any request for an amendment to this Ordinance, not originating from the County Commission or from a committee established by the County Commission to propose an amendment, shall be submitted with filing fee to the Zoning Director on a prescribed application form obtainable from the Zoning Director. The Zoning Director shall transmit the application and any supplementary information to the Zoning Board for review and consideration at their next regularly scheduled meeting. The Zoning Board shall prepare and transmit a recommendation in writing to the County Commission within 7 days after their review of the proposed amendment is completed. To the extent possible, all abutting property owners of any land proposed for a zone change shall be notified of the Zoning Board meeting at which a zone change will be reviewed for recommendation to the County Commission. An application to amend the zone map for specific parcel of land must be accompanied by a site development plan, showing to scale and in detail the proposed structures on the site, distance from structures on adjoining properties, ingress and egress, parking and signage. If the application is approved by the County Commission, the land uses on the parcel shall conform to the site development plan and may only be modified by approval of the Zoning Board of a revised plan.
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

C. Public Hearing. The County Commission shall call for a public hearing in which to make its decision on an application for amendment to this Ordinance. Notification of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least 15 days prior to the hearing.

D. Posting Signs. The Zoning Director shall post one or more signs on the premises involved no less than 15 days prior to the date of the Zoning Board meeting at which the amendment application will be considered. The applicant shall maintain the posted sign on the premises until the zoning action is completed. Such posted sign shall provide details of the application and the public hearing at which the zoning action will be considered. At least one on-premise sign shall be visible from each road which abuts the premises involved. The applicant is responsible for removing such signs within five days after a decision is made by the County Commission on the application for amendment. Failure to properly post signs is grounds for deferral or denial of the application. It is unlawful for any person, except the applicant or an agent for the applicant or the Zoning Director, to remove any such sign during the period it is required to be maintained under this paragraph.
[REV: Ord. No. 97-6, 6/27/97]

E. Notification by Mail. Whenever a property owner initiates a zone change for an area of one block or less (or 5 acres or less), notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulations. Whenever a property owner initiates a zone change for an area of more than one block (or more than 5 acres), notice of the public hearing shall be mailed by first class mail to the owners of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulations. If any notice by first class mail is returned undeliverable, the County shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address. Notification by mail is not required for County-wide changes, initiated by the County, for purposes of revising or adopting a new zoning category; however such changes are subject to the public notice requirements provided herein for the public hearing to consider an amendment to this Ordinance.
[REV: Ord. No. 97-2, 3/26/97]

SECTION 25. APPEALS.

A. Right of Appeal. Anyone aggrieved by a decision of the Zoning Director or the Zoning Board in carrying out the provisions of this Ordinance may appeal such decision to the County Commission. Such appeal must set forth specifically

wherein it is claimed there was an error or an abuse of discretion, or where the decision was not supported by evidence in the matter.
[REV: Ord. No. 2008-003, 4/23/08]

B. Application. Any appeal following a decision of the Zoning Director or the Zoning Board shall be made in writing to the County Commission on prescribed forms obtainable from the Zoning Director upon payment of the applicable filing fee. Any appeal not submitted within 30 days after the decision which is the subject of the appeal shall not be considered by the County Commission.
[REV: Ord. No. 2008-003, 4/23/08]

C. Public Hearing. The decision on an appeal shall be made by the County Commission following a public hearing. Notification of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least 15 days prior to the hearing.
[REV: Ord. No. 2008-003, 4/23/08]

D. Stay of Proceedings. An appeal shall stay all proceedings in the action unless the Zoning Director or Zoning Board certifies that a stay will cause imminent peril to life or property. Upon such certification, the proceedings shall not be stayed except by order of district court.
[REV: Ord. No. 2008-003, 4/23/08]

E. Decision. An appeal shall be decided within 30 days of the date of application of the appeal. A majority vote of the members of the County Commission is required to reverse, change, or affirm a decision made by the Zoning Director or the Zoning Board.
[REV: Ord. No. 2008-003, 4/23/08]

SECTION 26. FEES.

A. Applications. Any applications required by this Ordinance shall be filed on prescribed forms obtainable from the Zoning Director upon payment of filing fee. Such fees shall not be required where the County or any official thereof is the moving party. The purpose of the filing fee is to cover administrative and processing costs and shall not be refundable.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]

B. Fees. Fees under this Ordinance are required for the following actions. The Commission shall set the amount of fees by resolution. The Zoning Director shall maintain a copy of the fees resolution and make it available to the public and applicants:
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

1. Conditional Use Permit

2. Conditional Use Permit renewal

3. Variance

4. Zone District Change Permit

5. Special Use Permit, including Wind Energy Permit or Solar Energy Permit

6. Request for Use Interpretation

7. Amendment to this Ordinance

8. Appeal

9. Development Review Permit

10. Initial Solid Waste Facility Permit

11. Solid Waste Facility Permit Renewal

12. Enlarged Zoning Maps

[REV: Ord. No. 2008-003, 4/23/08]

SECTION 27. PENALTIES.

Anyone violating any of the provisions of this Ordinance shall upon conviction be subject to a fine not exceeding $300 or imprisonment for a period not exceeding 90 days, or both such fine and imprisonment. Any violation continued for a period of 30 days after conviction shall be prosecuted and treated as a separate offense.

SECTION 28. SEVERABILITY.

The provisions of this Ordinance shall be deemed to be severe, and should any sentence, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 29. EFFECTIVE DATE.

This Ordinance shall become effective on the 20th day of April, 1990, following publication by title and general summary. Amendments to this Ordinance are effective when adopted by the County Commission according to the laws governing County ordinances.
[REV: Ord. No. 2008-003, 4/23/08]

ORIGINALLY PASSED APPROVED AND SIGNED the 21st day of March, 1990, by the Board of County Commissioners of Torrance County, New Mexico.

AMENDED on the 11th day of May, 2016, by the Board of County Commissioners of Torrance County, New Mexico.

Chairman

Member

Member

ATTEST:

County Clerk

TORRANCE COUNTY SEAL CLERK STATE OF NEW MEXICO

TORRANCE COUNTY
LINDA JARAMILLO, CLERK
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APPENDIX 1: TORRANCE COUNTY TABLE OF LAND USES

KEY		
Zone	**District Type**	**See Page**
C	Conservation	13
A	Agricultural	15
AP-5	Agricultural Preservation, 5 acre min	17
AP-10	Agricultural Preservation, 10 acre min	17
AP-40	Agricultural Preservation, 40 acre min	17
RR/PL	Rural Residential/Pre-Platted	19-20
D-1	Minor Development	21
D-2	Major Development	23
D-3	Adult Land Use	25
VCP	Village Community Preservation	33
RCP	Rural Community Preservation	34
SU	Special Use	39

FOR ALLOWED USES:

C = Conditional Land Use requiring a Conditional Use Permit

P = Permissive Land Use

S = Requires Special Use Zone

Uses not enumerated in the Torrance County Zoning Table of Land Uses are not necessarily excluded. Section 4 of this Ordinance provides a procedure for making interpretations of use.

ALLOWABLE LAND USE	ZONE DISTRICTS											
C = Conditional P = Permissive S = Special Use	C	A	AP-5	AP-10	AP-40	RR/PL	D-1	D-2	D-3	VCP	RCP	SU
Accessory commercial buildings							C	P				
Accessory uses and structures	P	P				P				P	P	
Accessory uses and structures (stripped-out mobile home)	C	C				C				C	C	
Accounting, bookkeeping, CPA							P	P				
Agricultural, not Large Feedlot												
Agricultural production, low intensity production agriculture	P										P	
Low intensity agricultural operations such as livestock grazing and related ranching activities	P										P	
Airports												S
Ambulance service, rescue service							P	P				
Amusement parks, carnival, circus								C				
Animal shelter, animal pound, animal kennel								P				
Antique dealers							P	P				
Appliance sales, service, and repair							P	P				
Art gallery or museum							P	P				
Auction house (excluding livestock)								P				
Automobile, truck, trailer, camper, RV, boat, sales, service, repair, rental							C	P				
Bakery, confectionery							P	P				
Ballrooms, dancing instruction							P	P				
Bank, ATM, Savings and Loan, Credit Union							P	P				
Barber or beauty shop							P	P				
Bars, lounges, package liquor sales							C	P				
Boarding, rooming, or lodging house for no more than 12 residents						C	P			C		
Books, video, compact disk sales, service, and rental							P	P				
Bottling plant								P				
Bowling alley, video game arcade							P	P				
Bus (common carriers) depot							C	P				
Business, service, and commercial establishments, primarily serving agricultural and agricultural-related uses			C	C	C							

ALLOWABLE LAND USE	ZONE DISTRICTS											
C = Conditional P = Permissive S = Special Use	C	A	AP-5	AP-10	AP-40	RR/PL	D-1	D-2	D-3	VCP	RCP	SU
Cabinets, furniture, upholstery, manufacture, sales, and services							C	P				
Cable TV, receiving center, distribution center, service center							C	P				
Candle, manufacture								P				
Car wash								P				
Carpet, floor coverings, cleaning, and sales							P	P				
Ceramics sales							P	P				
Ceramics, manufacture								C				
Churches, places of worship							C	P				
Clinic (dental or medical), hospital, sanatorium, nursing home							P	P				
Clothing or dry goods sales							P	P				
Club, lodge (with liquor license)							C	P				
Club, lodge (without liquor license)							P	P				
Cold storage plant								P				
Commercial or cooperative cemetery, mausoleum, or crematory												S
Communication structures and facilities	C	C	C	C	C						C	
Construction contractor, building trade contractor, storage, sales, and service							C	P				
Convenience services along a highway such as a service/gas station, or restaurant		C										
Correction, detention, or penal institution												S
Cultivation and harvesting of plants and croplands	P	P	P	P	P	P					P	
Dairies, slaughter houses, and Large Feedlots containing more than 200 head of animals												S
Dairy products, wholesale								P				
Data processing, computers, electronics, sales, service, repair							P	P				
Day care or child care services as regulated by the New Mexico Children Youth and Families Department						C				C		
Department store, variety store, sales							P	P				

ALLOWABLE LAND USE	ZONE DISTRICTS											
C = Conditional P = Permissive S = Special Use	C	A	AP-5	AP-10	AP-40	RR/PL	D-1	D-2	D-3	VCP	RCP	SU
Drug store, pharmacy, cosmetics, sales							P	P				
Dude ranch or other agricultural work experience or vacation operation	C	C									C	
Dwelling unit (cluster or multiple)							P	P				
Dwelling unit (singular) one unit per lot	P	P	P	P	P	P	P	P	P	P	P	
Dwelling unit, one temporary unit for watchman, groundskeeper, or medical care-taker				C	P	C	C	P		C		
Dwelling unit, one permanent supplemental residential unit per 40 acres	C	C	C	C	C						C	
Dwelling unit, agriculture production exemption for parcels of 160 acres or more, one permanent supplemental residential unit per 40 acres	P	P	P	P	P						P	
Equipment and tools, rental, sales, or service							P	P				
Essential public utilities distribution structures	C	C	C	C	C	C				C	C	
Farm equipment stores, animal feed stores, tack shops, and other agricultural support sales and services			C	C	C		C	P				
Fireworks stand (temporary), sales							C	P				
Floral shop, plant store							P	P				
Feedlot, Large												S
Feedlot, Small		C	C	C	C							
Food products, sales or storage							P	P				
Food store, grocery store, convenience store							P	P				
Fuel wholesalers and storage (gasoline, liquefied petroleum) provided that all facilities shall not be within 500 feet of any dwelling unit unless sufficient blast, explosion, or fire confinement structures are installed according to appropriate State regulatory agencies												S
Funeral home, mortuary							P	P				
Gasoline service station, commercial garage							C	P				
Gift shop, crafts store, curios shop							P	P				
Glass products, sales, service, installation							P	P				

ALLOWABLE LAND USE	ZONE DISTRICTS											
C = Conditional P = Permissive S = Special Use	C	A	AP-5	AP-10	AP-40	RR/PL	D-1	D-2	D-3	VCP	RCP	SU
Greenhouse, nursery, landscaper							P	P				
Gunsmith, gun sales, service, shooting range (indoor or outdoor)							P	P				
Hardware sales							P	P				
Home furnishings, sales and services							P	P				
Home occupation	C	C	C	C	C	C	C	P		C	C	
Horse breeding, boarding, riding and training activities (including necessary facilities for such activities)	P	P									C	
Hospital equipment and supplies, sales and services							P	P				
Hospital, sanatorium, in-patient care facility, or mental institution												S
Hotel, motel, motor lodge							C	P				
Ice cream store							P	P				
Interior decorator							P	P				
Janitorial service and supplies							P	P				
Jewelry, sales and manufacture							P	P				
Kennels (Residential: 6 to 9 dogs, cats or combination thereof; requires Animal Control Ordinance permit)	P	P	P	P	P	P	P	P	P	P	P	
Kennels (Commercial: 10 or more dogs, cats or combination thereof; requires Animal Control Ordinance permit)	P	P	C	C	C	C	C	P	P	C	P	
Kennels (Foster/Rescue: 10 or more dogs, cats or combination thereof; requires Animal Control Ordinance permit)	P	P	C	C	C	C	C	P	P	C	P	
Laboratory, dental or medical							P	P				
Laboratory, research								C				
Large-scale commercial processing of agricultural products			C	C	C							
Laundromat, dry cleaner							P	P				
Library (Public)							P	P				
Linen supply, sales and service							P	P				
Liquor wholesaler								P				
Livestock grazing and related ranching activities		P										

ALLOWABLE LAND USE	ZONE DISTRICTS											
C = Conditional P = Permissive S = Special Use	C	A	AP-5	AP-10	AP-40	RR/PL	D-1	D-2	D-3	VCP	RCP	SU
Livestock related training facilities, e.g. rodeo training facilities, roping arenas, vet training facilities, etc.		P										
Livestock raising, breeding, management and sales, as long as such use is not a Feedlot	P	P	P	P	P	P					P	
Livestock exotic, including exotic birds and wildlife, raising, breeding, management and sales, as long as such use is not a Feedlot	P	P	C	P	P						P	
Locksmith							P	P				
Low intensity agricultural operations such as livestock grazing and related ranching activities	P										P	
Lumber yard, sales and storage, firewood sales and storage								P				
Major power generation facilities including fuel-fired power plants as well as region-serving developments of solar or wind-driven energy generators												S
Masonry, plastics, fiberglass, sales and service								P				
MET Tower	C	C	C	C	C	C	C	C	C	C	C	
Mining, processing, or stockpiling of rock, sand, gravel, clay, or similar materials; provided it complies with requirements for land rehabilitation												S
Mobile Home Park, subject to special requirements												S
Mobile home sales, service, repair								P				
Motorcycles, sales, service, repair, rental							C	P				
Moving and transfer company (including warehouse)								P				
Music store							P	P				
Office equipment and supplies, sales, services							P	P				
Offices, professional, semi-professional, administrative, clerical							P	P				
Offices, temporary							C	P				
Ornamental iron products, sales, assembly, repair							C	P				
Other low intensity production agriculture	P										P	
Outdoor flea market								C				

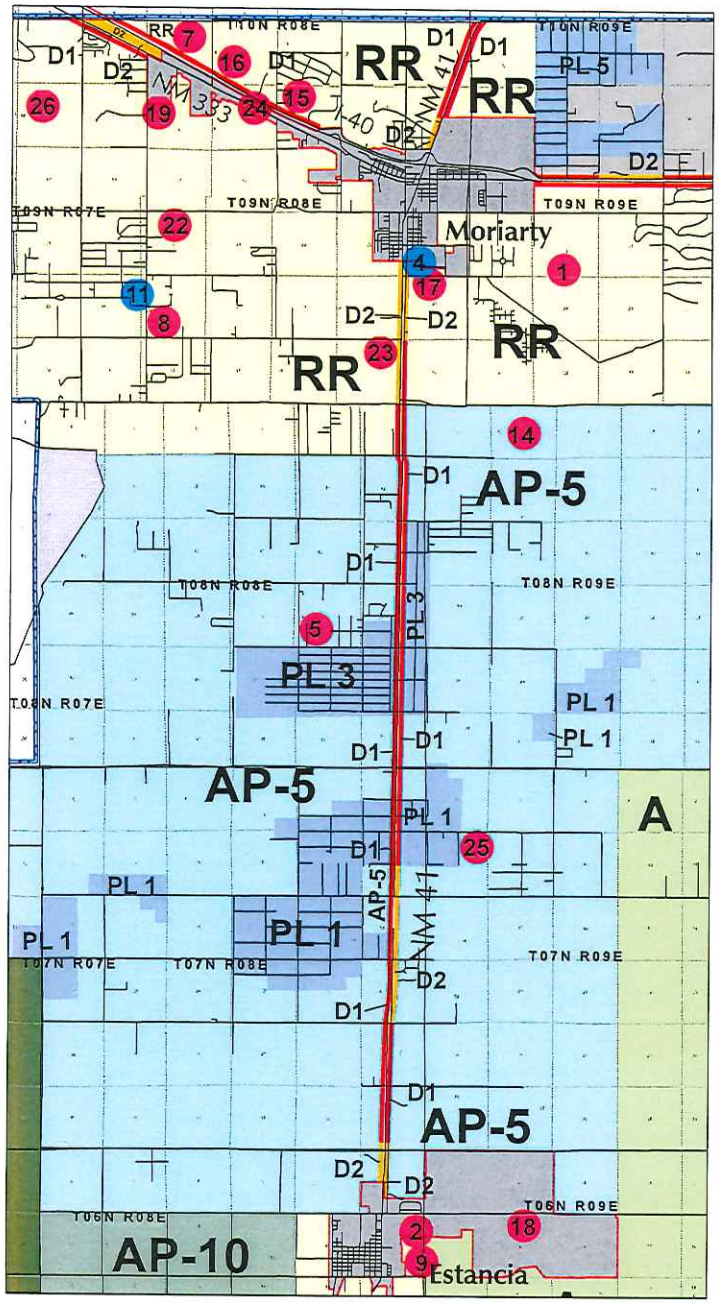
ALLOWABLE LAND USE	ZONE DISTRICTS											
C = Conditional P = Permissive S = Special Use	C	A	AP-5	AP-10	AP-40	RR/PL	D-1	D-2	D-3	VCP	RCP	SU
Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high							C	P				
Outfitters	C										C	
Parcel, package, delivery services							P	P				
Pawn shop, surplus, salvage goods, second-hand store, sales, trades (indoor only)							C	P				
Pest control, exterminator							P	P				
Photographic (equipment, supplies, studio) sales, service, repair							P	P				
Planned Area Development (PAD)												S
Printing							P	P				
Private air-strip												S
Radio or microwave transmission, repeater, multiplexing, dispatching								P				
Radio or television station								C				
Raising, breeding, management and sales of livestock, as long as such use is not a Feedlot [REV: Ord. No. 2001-2, 3/14/01]			P	P	P	C						
Recreation hall, billiard parlor							C	P				
Reducing salon, health spa, aerobic exercise, racquetball court							P	P				
Religious and educational institutions						C				C		
Residential group training home for developmentally or physically handicapped, and residential nursing home, providing for no more than 12 persons at any one time						C				C		
Restaurant, cafe, cafeteria, delicatessen, catering (with liquor license)							C	P				
Restaurant, cafe, cafeteria, delicatessen, catering (without liquor license)							P	P				

ALLOWABLE LAND USE	ZONE DISTRICTS											
C = Conditional P = Permissive S = Special Use	C	A	AP-5	AP-10	AP-40	RR/PL	D-1	D-2	D-3	VCP	RCP	SU
Roadside stands which sell locally produced agricultural products or locally made home crafted items		C										
Salvage yards for scrap material, including automobile bodies												S
Shoes, boots, sales, repair							P	P				
Shopping center								P				S
Signs, sales and manufacture							C	P				
Single residential dwelling units	P	P									P	
Skating rink								P				
Small Bed and Breakfast operations limited to two guest bathrooms	C	C									C	
Solar Energy Facilities												S
Sporting goods, sales, services, rental							P	P				
Storage (outside), rental, warehousing, rental							C	P				
Storage sheds, rental							C	P				
Tailor shop							P	P				
Taxidermist							C	P				
Telephone switching facility (toll or local)							C	P				
Theater							P	P				
Travel Trailer or Recreational Vehicle Park, subject to special requirements												S
Truck terminal and maintenance								C				
Utility company, service center, storage								C				
Vehicle parts, sales, supplies							P	P				
Veterinary hospitals		C	C	C	C			P				
Watch repair, sales, and service							P	P				
Welding shop								C				
Wind Energy Facilities												S
Wood cutting and other activities related to harvesting of trees	P	P									P	

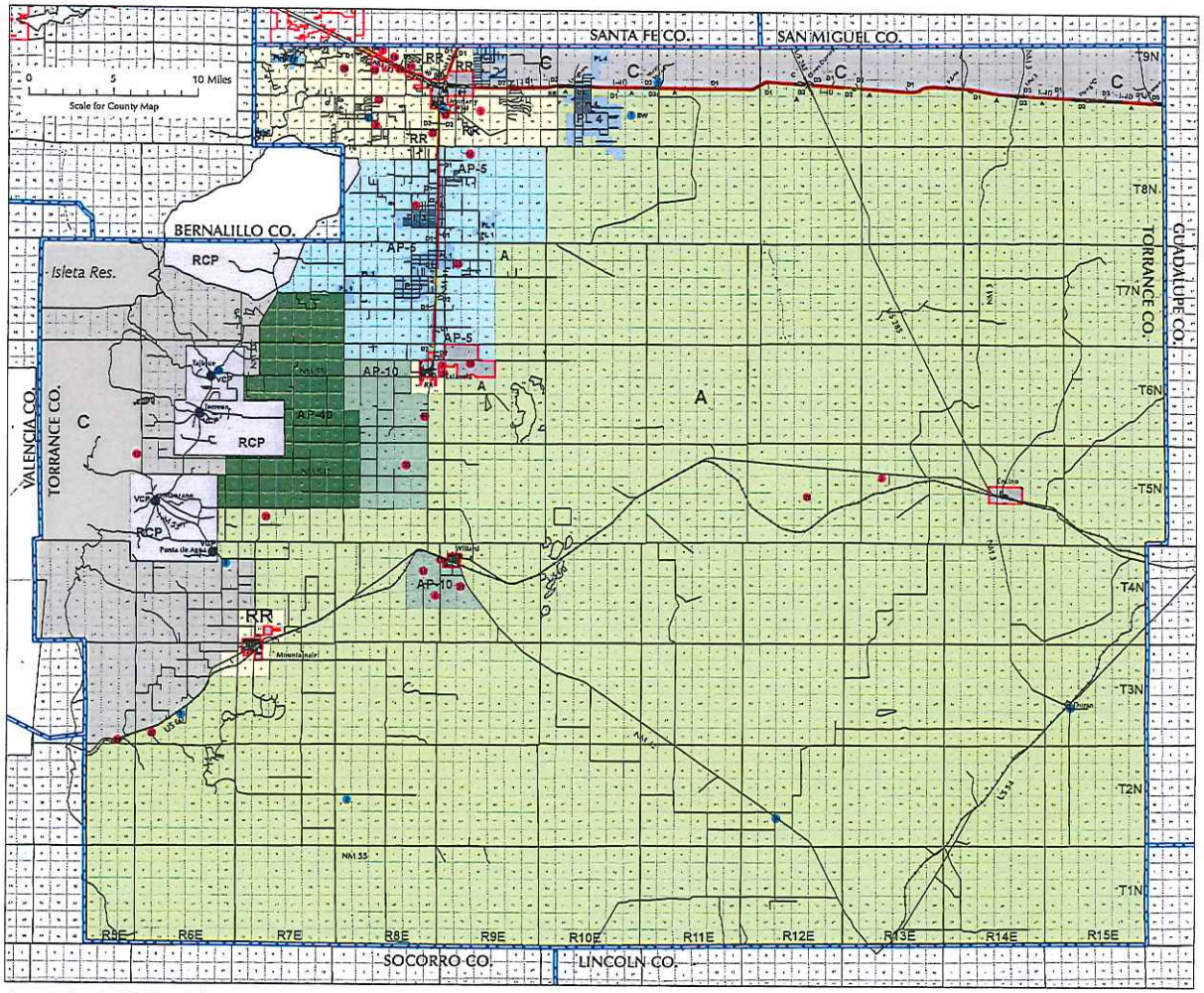
Torrance County Zone Map

Draft 10/13/2009

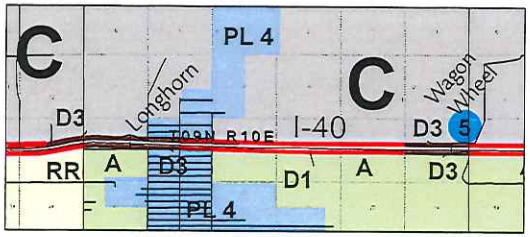
Inset for NM 41 Corridor

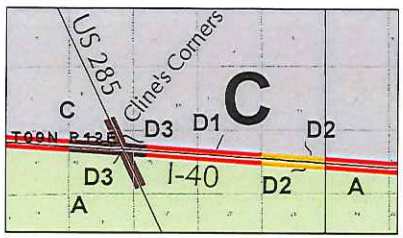


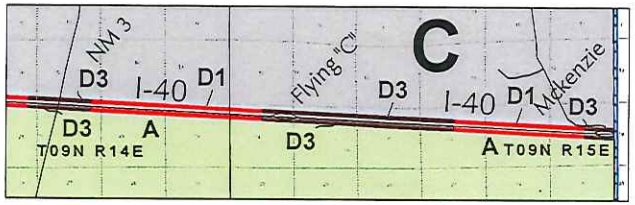
County Map

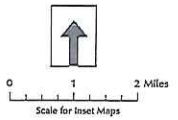


Insets for I-40 Corridor









County Zoning Districts

- D1 MINOR DEVELOPMENT
- D2 MAJOR DEVELOPMENT
- D3 MAJOR DEVELOPMENT
- RR RURAL RESIDENTIAL
- A AGRICULTURAL (40 ACRE MINIMUM)
- AP-5 AGRICULTURAL PRESERVATION (5 ACRE MINIMUM)
- AP-10 AGRICULTURAL PRESERVATION (10 ACRE MINIMUM)
- AP-40 AGRICULTURAL PRESERVATION (40 ACRE MINIMUM)
- PL PREPLATTED LANDS
- C CONSERVATION (40 ACRE MINIMUM)
- RCP RURAL COMMUNITY PRESERVATION DISTRICT
- VCP VILLAGE COMMUNITY PRESERVATION
- SU SPECIAL USE (NUMBERED)
- SOLID WASTE MANAGEMENT DISTRICT (NUMBERED)
- INCORPORATED MUNICIPALITY
- Municipal Limits
- County Boundary

Note: D1, D2, and D3 are districts with 350 foot setbacks from the highway right-of-way boundary.