

ARTICLE 2 ADMINISTRATION

Section 2.1 ETZ AUTHORITY

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

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

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

2.1.4 Any person aggrieved by a decision of the Commission or an administrative officer may appeal to the Authority. Appeals must shall be filed within fifteen thirty (15) days of the date of the decision of the Commission or an administrative officer. All appeals shall be directed to the County Planning Director. An appeal shall stay all proceedings in furtherance of the appealed unless facts indicate that a stay would cause imminent peril to life or property. The Authority shall schedule a public hearing at which the appeal will be heard at a public hearing, and may uphold the decision of the Commission or administrative officer, decide in favor of the appellant, or modify the appealed decision with special conditions which are not contrary to the public interest and which would be within the intent and purpose of this Ordinance.

2.1.5 Per the appeal:

State Statute 3-21-8.C.2 The Authority may, by a majority vote of all of its members (4):

- a. Reverse any order, requirement, decision, or determination of an administrative officer or commission;
- b. Decide in favor of the appellant; or
- c. Make any change in any order, requirement, decision, or determination of an administrative officer or commission.

2.1.6 Any person aggrieved by the decision of the Authority may file an appeal with District Court within thirty (30) days of the date of the decision of the Authority, pursuant to the provisions of Section 39-1-1.1 NMSA.

Section 2.2 ETZ COMMISSION

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

2.2.2 Meeting date, time and place shall be determined by Resolution at the beginning of each calendar year pursuant to the New Mexico Open Meetings Act. The Commission shall keep public records of its proceedings and official actions.

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

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

Section 2.3 CODES ENFORCEMENT OFFICER

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

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

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

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

2.3.5 Any person aggrieved by a decision made by the County Planning Director may appeal to the Authority in accordance with Section 2.1.4.

Section 2.4 AMENDMENT

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

2.4.2 The Authority shall not act on any proposed amendment without a recommendation from the Commission.

2.4.3 Requests to amend this Ordinance may be initiated by the Authority, the Commission, an administrative officer or by an owner of real property in the ETZ area. Amendments may become effective only after a public hearing before both the Commission and the Authority following the guidelines described in Sections 2.5.3, 2.5.4, and 2.5.8.

2.4.4 Notice of the date, time, place and agenda of the public hearing along with a general summary of the proposed amendment shall be mailed to the applicant and published in a newspaper with general circulation in Chaves County at least fifteen (15) days prior to the date of the public hearing.

2.4.5 Amendments shall require approval from a majority vote of all of the Authority members.

Section 2.5 APPLICATION PROCEDURES

2.5.1 Final determinations of zone changes, special use **permits**, **Change of use in the I-1 Industrial District** and variances shall be made by the Commission.

2.5.2 Requests for zone changes, special use **permits**, and variances (applications) may be initiated by the Authority, the Commission, or by an owner of real property in the area to be included in the application. Applications shall be signed by the applicant and submitted to the Planning and Zoning office on official forms at least thirty (30) calendar days before a regularly scheduled Commission meeting. The application shall include: an accurate site plan showing location and dimensions of all existing and proposed improvements to the property; a copy of the properly recorded deed for the property or a contract to purchase the property; the appropriate fee; a copy of the Assessor's map and a list of owners of property within ~~six one~~ hundred (600) feet of the property included in the proposed amendment; and any other related information required by the County Planning Director or authorized representative.

2.5.3 After receipt of an application, a public hearing shall be scheduled for the next regular meeting of the Commission. Notice of the date, time, place and agenda of the public hearing shall be mailed to the applicant and published in a newspaper with general circulation in Chaves County at least fifteen (15) days prior to the date of the hearing. Notice of public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the County Assessor, of lots or land within the area proposed to be changed and within ~~six one~~ hundred (600) feet, excluding public right-of-way, of the area of the proposed amendments, zone changes, special uses, or variances.

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

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

2.5.6 The Commission shall make a decision to approve, to deny, or to approve with conditions any application for a zone change, special use, or variance. Conclusions of Law and Findings of Fact which are sufficient for meaningful review shall be made a part of the decision. All decisions made by the Commission may be appealed per Section 2.1.4 of this article.

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

~~2.5.8 After receipt of the recommendation from the Commission, notice of the date, time, place and agenda of the public hearing along with a general summary of the proposed amendment shall be mailed to the applicant and published in a newspaper with general circulation in Chaves County at least fifteen (15) days prior to the date of the public hearing with the Authority.~~

~~2.5.9 Approval of the amendment shall require a minimum of four (4) votes of the Authority in favor of the request. If less than four (4) members are present, the request shall be postponed until the next regularly scheduled meeting.~~

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

Section 2.6 ENFORCEMENT

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

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

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

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

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

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

Section 2.7 VARIANCE

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

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

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

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

Section 2.8 SPECIAL USE

2.8.1 The designation of zoning districts is made in an effort to create areas within which the uses are similar or substantially uniform. There are uses that, because of their unique character or special or unusual impact upon the use of adjacent property, require special consideration.

2.8.2 Special Uses and Special Use Permits are further described in Article 25.

ARTICLE 3
RULES OF CONSTRUCTION AND DEFINITIONS

Section 3.1 RULES OF CONSTRUCTION

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

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

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

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

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

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

Section 3.2 DEFINITIONS

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

ABANDONMENT: When a structure or use has been inactive for a six-month period or more.

ACCESSORY BUILDING, STRUCTURE OR USE: A subordinate detached building or use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with the principal building or use.

ADULT ARCADE: An enterprise where, for any forms of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET: A nightclub, bar, restaurant, or similar commercial enterprise, whether or not alcoholic beverages are served, which features: (a) persons who appear nude or semi-nude; or (b) live performances which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT DAY CARE CENTER/ FACILITY: A facility licensed by the State as an adult day care center or as an adult respite facility, which provides care, services and supervision for less than twenty-four (24) hours a day to three (3) or more adults, who because of diminished mental or physical capacity, find it difficult to care for themselves in their own residence during the day. Adult day care does not include public or private school facilities or senior recreation centers.

ADULT DAY CARE HOME: A private dwelling in which a resident of the dwelling has been licensed by the State to provide adult day care home services or adult respite home services, and who provides care, services and supervision for less than twenty-four (24) hours a day to at least three (3) adults but not more than five (5) adults, who because of diminished mental or physical capacity find it difficult to care for themselves in their own residence during the day. The use as an adult day care home or adult respite home shall be an accessory use. The primary use shall be as a private residence.

ADULT ENTERTAINMENT EMPLOYEE: Any and all persons, including managers, entertainers, and independent contractors who work in, render services to, and have direct interaction with clientele of the sexually oriented business or adult entertainment enterprise.

ADULT ENTERTAINMENT ENTERPRISE: Any commercial or retail enterprise which (a) offers entertainment or services, including rooms, readily available for purchase, rental, viewing, or use by patrons of the establishment; and (b) is represented to be or is primarily in the business of offering services which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas and exclude minors by virtue of age. "Adult entertainment enterprises" shall include, but not be limited to, the following: adult arcade, adult cabaret, adult mini theater, adult motel, adult motion picture theater, adult panorama establishment, adult theater, live adult entertainment enterprise, massage parlor, nude or semi-nude model studio, sexual encounter center, and sexual encounter establishment.

ADULT MINI THEATER: An enclosed building with a capacity of less than 50 persons, a portion of an enclosed building with a capacity of less than 50 persons, or an outdoor theater with a capacity of less than 50 persons used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this chapter for observations by patrons therein.

ADULT MOTEL: A hotel, motel, or similar commercial enterprise which:

- a. Offers accommodations to the public for any form of consideration and provides patrons with (1) closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; and (2) which has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- b. Offers sleeping rooms for rent on an hourly basis; or
- c. Allows tenant(s) or occupant(s) of a sleeping room to sub-rent on an hourly basis.

ADULT MOTION PICTURE: An enclosed building with a capacity of 50 or more persons, a portion of an enclosed building with a capacity of 50 or more persons, or an outdoor theater with a capacity of 50 or more persons used for presenting motion picture films, video cassettes, cable television, or any other such visual media distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined therein for observation by patrons therein.

ADULT PANORAM EXTABLISHMENT: Any building or portion of a building which contains device(s) which for payment of a fee, membership fee, or other charge, is used to exhibit or display a picture, view, or other graphic display distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined therein.

ADULT THEATER: A concert hall, theater, auditorium, or similar commercial enterprise which, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this chapter for observation by patrons therein.

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

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

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

APARTMENT: Any building or portion thereof which contains three or more dwelling units – does not include a townhouse or condominium.

AMATEUR RADIO TOWER: An antenna structure operated by a federally licensed amateur radio operator for amateur radio activities and does not mean citizens band or commercial antennas. Maximum height shall be fifty-five (55) ft. measured from natural ground and shall be setback from property lines the same distance as the height of the tower.

ANIMAL, DOMESTIC: An animal of a species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.

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

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

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

BOARD: The Chaves County Board of Commissioners

BOARDING HOUSE: A building other than a hotel, where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for at least three (3) but not more than ~~twenty (20)~~ **twelve (12) people** persons.

BODY SHOP: A shop where vehicle exteriors, or bodies, are replaced and/or reconditioned.

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

BUILDING HEIGHT: The height of a building measured from the ground surface level to the highest point of the building.

BUNK HOUSE: An accessory structure used as a dwelling unit, being less than one thousand-six hundred (1600) square feet in size, occupied by a person(s) working on the property or for the property owners on which the structure is located and is not for rent, lease, or sale. Bunk houses are not assigned rural addresses separate from the principle residence on the property and utilities are provided through the principle residence

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

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

CANNABIS; All parts of the plant genus *Cannabis* containing a delta-9- tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and does not include:

the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; or
the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink or another product;

CANNABIS CONSUMPTION AREA. An indoor area where cannabis products may be served and consumed;

CANNABIS COURIER. A person that transports cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

CANNABIS ESTABLISHMENT: A cannabis testing laboratory; a cannabis manufacturer; a cannabis retailer; a cannabis research laboratory; a vertically integrated cannabis establishment; a cannabis producer microbusiness; an integrated cannabis microbusiness; or a cannabis consumption area.

CANNABIS EXTRACT. A product obtained by separating resins, tetrahydrocannabinols or other substances from cannabis by extraction method approved by the Cannabis Control Division; and does not include the weight of any ingredient combined with cannabis extract to prepare topical or oral administrations, food, drink or another product.

CANNABIS GROWTH AND EDUCATIONAL STORE. A retail facility that sales items used to assist in the growth and cultivation of cannabis and/or the production of cannabis integrated product but shall not possess cannabis of any kind.

CANNABIS INTEGRATED PRODUCT. A product that is or that contains cannabis or cannabis extract, including edible or topical products that may also contain other ingredients;

CANNABIS MANUFACTURER. A person or facility that: manufactures cannabis products; packages cannabis products; has cannabis products tested by a cannabis testing laboratory; or purchases, acquires, sells or transports wholesale cannabis products to other cannabis establishments.

CANNABIS PRODUCER. A person or facility that: cultivates cannabis plants; has unprocessed cannabis products tested by a cannabis testing laboratory; transports unprocessed or processed cannabis products only to other cannabis establishments; or sells cannabis products wholesale.

CANNABIS PRODUCER MICROBUSINESS. A cannabis producer at a single licensed premise that possesses no more than two hundred (200) total mature cannabis plants at any one time.

CANNABIS RESEARCH LABORATORY. A facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cannabis cultivation, characteristics or uses;

CANNABIS RETAILER. A person or facility that sells cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

CANNABIS TESTING LABORATORY. A person or facility that samples, collects and tests cannabis products and transports cannabis products for the purpose of testing;

CARPORT: A roofed structure with two (2) or more open sides under which vehicles are stored.

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

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

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

COMMERCIAL CANNABIS ACTIVITY: The cultivation, production, possession, manufacture, storage, testing, researching, labeling, transportation, couriering, purchase for resale, sale or consignment of cannabis products; and does not include activities related only to the medical cannabis program, to cannabis training and education programs or to the personal cultivation or use of cannabis.

COMMERCIAL USE: A use operated for profit or compensation.

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

COMMUNITY CENTER- a place where people from a particular community can meet for social, educational, or recreational activities.

CONSUMER. A person twenty-one years of age or older who purchases, acquires, owns, possesses or uses a cannabis product for a purpose other than resale;

COUNTY. The area lying within the corporate boundaries of Chaves County and outside the boundaries of any incorporated municipality. Chaves County, New Mexico.

CULTIVATION OF CANNIBAS. Any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis;

DAIRY: An establishment that is engaged in the production, sale, and distribution of milk and milk products.

DAY CARE CENTER: A commercial child care facility, licensed by the State of New Mexico, that provides care, services, and supervision for children in a 24-hour period.

DAY CARE HOME, FAMILY: An occupied residential dwelling, licensed by the State of New Mexico, in which care, services, and supervision are provided by individuals residing in the dwelling for three (3) to six (6) children on a regular basis for less than 24 hours per day. The care giver's own children, grandchildren, nieces, or nephews shall be counted towards the permitted number of children.

DAY CARE HOME, GROUP: An occupied dwelling in which care, services, and supervision are provided by individuals residing in the dwelling for seven (7) to twelve (12) children on a regular basis for less than 24 hours per day. The care giver's own children, grandchildren, nieces, or nephews shall be counted towards the permitted number of children.

DEBRIS: The remains of something broken or destroyed.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DEPARTMENT: The Chaves County Planning and Zoning Department.

DIRECTOR: The Director of the Chaves County Department of Planning and Zoning or designee.

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

DRIVEWAY APRON: Is the section where a private driveway connects to the public roadway, usually extending from the edge of pavement of the public road to the property line.

DNL: Yearly day-night sound level used by the Federal Aviation Administration as a standard metric that accounts for the noise levels of all individual aircraft events, the number of times those events occur and the period of day/night in which they occur over a complete 24-hour period measured in decibel (dB).

DUPLEX: A single structure containing two-family dwelling units built to NM Residential Building Code standards.

DWELLING: A building or portion thereof, designed or used exclusively for residential purposes does not include hotels, motels, boarding houses, nursing homes, group care residences, workforce camps or recreational vehicles.

DWELLING, SINGLE FAMILY: A single building designated for occupancy by one family.

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

DWELLING, MULTIPLE FAMILY: A single building designed for occupancy by three or more families.

DWELLING UNIT: A single residential unit providing complete, independent living facilities for one or more persons, including permanent provisions for one family with facilities for living, sleeping, cooking, and eating that is built to NM Residential Building Code or Manufactured Home-HUD Standards.

FACILITY. A building, space or grounds licensed for the production, possession, testing, manufacturing or distribution of cannabis, cannabis extracts or cannabis products;

FAMILY: One or more persons related by blood or marriage, or a group of not more than five persons not related by blood or marriage living together in a dwelling unit.

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

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

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

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

GOVERNMENT FACILITY. A facility, agency or area used for public purposes, and owned or operated by an instrumentality or agency of federal, state or local government.

GRAZING: The commercial raising of domestic livestock on open grassland, rangeland, or fenced pasture.

GROUND COVER: Stored quantities of organic material such as enriched soil, bark chips, wood chips, manure, or sludge or inorganic material such as sized gravel, rock, broken brick, or sand material which would be customarily incidental to the growth or final landscaping of the plants. This ground cover shall be kept in

bins no wider than two (2) front end loader scoops wide of a design approved by the CEO, but not to exceed 12 feet wide. The amount of ground cover shall meet the fifteen percent (15%) control factor as defined under nursery.

GREENHOUSE: A structure used for the commercial growing of plants.

GUEST: any person occupying a room for living or sleeping purposes ~~A temporary, non-paying visitor.~~

GUEST HOUSE: An accessory structure used as a dwelling unit, ~~being less than seven not to exceed eight~~ hundred (800) square feet in size ~~and constructed to NM Residential Building Code or Manufactured Home HUD standards~~ intended for temporary occupancy of no more than two hundred (200) days in a calendar year, by a guest. Guest houses shall not be for rent, lease, or sale and. are not assigned rural addresses separate from the principle residence on the property. ~~and utilities are provided through the principle residence.~~

GUEST ROOM: Any room or rooms used or intended to be used by a guest for sleeping purposes.

HARDSHIP – UNNECESSARY: A situation where no reasonable use can otherwise be made of the land.

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

HEMP: The plant Cannabis sativa L. and any part of that plant, including seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than three-tenths percent of a dry weight basis.

HOME BURIAL SITE a human burial site for a family member of the current or past property owner that is located on a lot. Said site shall be a minimum of fifty (50’) feet from a known water source, ten (10’) from any property line, and one hundred (100’) feet from any dwelling unit. The burial site shall be recorded as an addendum to the deed of the property within the Chaves County Clerk’s office.

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

HEMGROWN OR HOMEMADE. Grown or made for purposes that are not dependent or conditioned upon the provision or receipt of financial consideration.

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

HOUSEHOLD. A dwelling unit, including any place in or around the dwelling unit at which an occupant of the dwelling unit produces, manufactures, keeps or stores homegrown cannabis or homemade cannabis products.

IMMATURE CANNABIS PLANT. A cannabis plant that has no observable flowers or buds.

INOPERABLE VEHICLE: Any motor vehicle, not to include agricultural equipment, which by reason of dismantling, disrepair or other cause, is incapable of being propelled under its own power.

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

INTEGRATED CANNABIS MICROBUSINESS. A person that is authorized to conduct one or more of the following: production of cannabis at a single licensed premise; provided that the person shall not possess more than two hundred total mature cannabis plants at any one time; manufacture of cannabis products at a single licensed premise; sales and transportation of only cannabis products produced or manufactured by that person; operation of only one retail establishment; and couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

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

JUNKYARD: The use of a lot(s), or portion thereof, or any establishment or place of business maintained, used, or operated for storing, keeping, buying, or selling junk. A junkyard may include a lot or parcel of land containing three (3) or more inoperable vehicles.

KENNEL: Any property on which dogs and/or cats are being kept for the business of buying, selling, breeding, training, or boarding but does not include veterinary hospitals, humane societies, or animal shelters/pounds approved by a governmental agency.

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

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

LICENSED PREMISES. A location that includes: all enclosed public and private areas at the location that are used in the business and includes offices, kitchens, restrooms and storerooms; all areas outside of a building that are specifically included in the license for the production, manufacturing, wholesale sale or retail sale of cannabis products; and with respect to a location that is specifically licensed for the production of cannabis outside of a building, the entire unit of land that is created by subsection or partition of land that the licensee owns, leases or has a right to occupy.

LIQUOR ESTABLISHMENT. Premises which may be open to the general public, where alcoholic liquor is sold by the individual drink or package.

LIVE ADULT ENTERTAINMENT ENTERPRISE: Any building or portion of a building which contains any exhibition or dance wherein any employee or entertainer is unclothed or in such attire, costume, or clothing so as to expose to view any portion of the female breast below the areola, or male or female genitals, vulva,

anus, and/or buttocks, or any portion of the pubic hair and which exhibition or dance is for the benefit of member or members of the adult public, or advertised for the use or benefit of a member of the adult public, held, conducted, operated, or maintained for profit, direct or indirect.

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

LODGING: A place in which someone lives or stays temporarily.

LODGING HOUSE: A building where lodging is provided for compensation for three or more guests, but not to exceed more than twelve (12) ~~twenty (20)~~, ~~persons~~ guests per night.

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

LOT, CORNER: A lot located at the intersection of and having frontage on two or more streets.

LOT, DEPTH: The mean horizontal distance between the front and rear lot boundary lines.

LOT, INTERIOR: A lot other than a corner lot.

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

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

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

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

LOT, WIDTH: The horizontal distance between the side lot lines.

MANUFACTURE-CANNIBAS. To compound, blend, extract, infuse, package or otherwise prepare a cannabis product.

MANUFACTURED HOME: A structure built on a permanent chassis with a body width exceeding eight (8) feet and body length exceeding forty (40) feet designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities, plumbing, heating, cooling, and electrical systems that is constructed to HUD Manufactured Home Construction and Safety Standards.

MANUFACTURED HOME PARK: A property designated and developed for long term residential use and intended for rent or lease exclusively for manufactured homes.

MANUFACTURED HOME SUBDIVISION: A subdivision designated and developed for long term residential use and intended for sale exclusively for manufactured homes.

MARIJUANA: All parts of the plant cannabis, including any and all varieties, species, and subspecies of the genus Cannabis, whether growing or not, the seeds, thereof and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds. It does not include the mature stalks of the plant, hashish, tetrahydrocannabinols extracted or isolated from marijuana, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake, or the sterilized seed of the plant this incapable of germination; or the plant Cannabis sativa L. and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol concentration of more than three tenths percent of a dry weight basis.

MASSAGE PARLOR: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or a licensed massage practitioner operating pursuant to Chapter 61 Article 12C NMSA. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MEDICAL FACILITY. A place where sick or injured people are given care or treatment.

MOBILE, PORTABLE OR TEMPORARY CANNIBAS UNIT. Any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which items are ordinarily vended, served, or offered for sale.

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

MOTOR VEHICLE: Any wheeled vehicle which is self-propelled or intended to be self-propelled.

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

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

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

MULTIGENERATIONAL HOUSING: A temporary accessory dwelling unit located on the same lot or parcel as the main dwelling unit that is used by family members who are related by blood, common ancestry, marriage, guardianship or adoption. Multigenerational housing requires a Special Use Permit and are not to be rented or leased, to non-family members and is not to be included in the sale or purchase of the property and shall not be larger than the principal structure.

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

NON-CONFORMING ADULT ENTERTAINMENT USE: A sexually oriented business or an adult entertainment enterprise which lawfully existed prior to the enactment of this chapter and is maintained after the effective date of this chapter although it does not comply with the sexually oriented business and adult entertainment enterprise land use regulations set forth in this chapter.

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

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

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

NUDE OR SEMI NUDE MODEL STUDIO: Any building or portion of a building where person(s) appear nude or semi-nude or displays specified anatomical areas, for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

NUDITY: The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areolae, or the depiction of covered male genitals in a discernibly turgid state

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

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

NURSING HOME: A home for the aged or infirm in which three or more persons, **not to exceed more than twelve (12) people**, are received, kept, or provided with shelter and/or care for compensation – does not include hospitals, clinics or similar institutions.

OBSCENE: An act or expression which:

- a. The average person, applying contemporary community standards, would find when considered as a whole, appeals to the prurient interest; and
- b. Explicitly depicts or describes patently offensive representations or descriptions of:
 - i. Ultimate sexual acts, normal or perverted, actual or simulated, or

- ii. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area, or
 - iii. Violent or destructive sexual acts including but not limited to human or animal mutilation, dismemberment, rape or torture; and
- c. When considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political or scientific value.

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

OPEN SPACE: Land area unoccupied by buildings, driveways, parking areas, roads, streets or structures. Open space includes parks, areas used for farms or forestry, and certain areas within planned development.

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

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

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

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

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

PROCESSED CANNIBAS. Having been subject to a special process or treatment

PUBLIC PLACE OR EVENT. A place to which the general public has access and includes hallways, lobbies and other parts of apartment houses and hotels that do not constitute rooms or apartments designed for actual residence; highways; streets; schools; places of amusement; parks; playgrounds; and places used in connection with public passenger transportation.

QUALIFIED PATIENT. A resident of New Mexico who holds a registry identification card pursuant to the Lynn and Erin Compassionate Use Act;

RANCH: Property used to commercially graze livestock.

RECIPROCAL CANNIBAS PARTICIPANT: A person who is not a resident of New Mexico and who holds proof of enrollment by a governmental regulatory authority to participate in the medical cannabis program of another state of the United States, the District of Columbia or a territory or commonwealth of the United States in which the person resides or a person who holds proof of enrollment by a governmental regulatory authority of a New Mexico Indian nation, tribe or pueblo to participate in its medical cannabis program.

RECREATIONAL VEHICLES: A self-contained driven or towed portable unit, being four hundred (400) square feet or less when measured at the largest horizontal projection, designed or constructed to provide temporary or readily movable living quarters for recreation, camping, travel or other uses. RVs shall also include, but not be limited to: pickup campers, chassis mounted motor homes, mini-motor homes, recreational vans, pop up tent/hardtop trailers, converted buses, camping trailers, recreational travel trailers, fifth wheel trailers, park models or any other vehicles which are constructed to include a chassis, integral wheels and a towing hitch. A recreational vehicle may be referred to anywhere in this ordinance as RV.

RECREATIONAL VEHICLES (RV) PARK: Any lot, tract, or parcel of land with three (3) or more travel trailers, whether connected to utilities or not which are occupied for lodging purposes

RELIGIOUS INSTITUTION: A place or structure that is used primarily for religious worship, which may include onsite housing, as permitted in this ordinance, for religious leaders and similar staff, and which may include accessory facilities and structures.

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

RUBBISH: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

RESIDENCE: A place where someone lives.

RUINS: The remains of a structure that is in disrepair, decayed or has been destroyed.

SEMI-NUDE: A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

SENSITIVE LAND USES: Those land uses which are particularly sensitive to the negative secondary impacts associated with sexually oriented businesses and adult entertainment enterprises, and include the following:

- a. Residences,
- b. Residentially zoned areas located either in the county or the ETZ,
- c. Public and private schools and day care institutions,
- d. Public parks and playgrounds and commercial recreational uses,
- e. Churches or other religious facilities or institutions.

- f. Nightclubs, private clubs and similar business enterprises where the percentage of sales of alcohol comprise more than 50 percent of the enterprise's income revenue

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

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration specified sexual activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

SEXUAL ENCOUNTER ESTABLISHMENT: An establishment other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort to perform specified sexual activities. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

SEXUALLY ORIENTED BUSINESS: The same as an ADULT ENTERTAINMENT ENTERPRISE.

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

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

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

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

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

SIGN – ON-PREMISE, BUILDING MOUNTED: A sign which is attached parallel to or painted on and supported by an outside wall of a building and is used to advertise a function, business, or activity that is active

on the property on which the sign is located. On-premise building mounted signs shall be a maximum size of 96 square feet and shall not extend above the wall or roof of the building upon which the sign is mounted.

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

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

SLAUGHTERHOUSE: A building maintained for the purpose of slaughtering any animals to be held, exposed for sale, or offered for sale for human consumption.

SMOKE. To inhale, exhale, burn or carry any lighted or heated device or pipe or any other lighted or heated cannabis or tobacco products intended for inhalation, whether natural or synthetic, in any manner or in any form.

SOLAR ENERGY CONVERSION SYSTEM/SOLAR PANELS: A device that collects energy from the sun and converts it to produce electricity or other forms of energy

SPECIAL USE: A land use permitted in one or more districts as defined by this Ordinance, but which, because of characteristics peculiar to it, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zoning district, and to assure that such use shall not be in conflict with the public interest. Approval of Special Use Permits may contain certain conditions that assure that the use will conform to the Chaves County Comprehensive Plan and this Ordinance.

SPECIAL USE PERMIT: A permit of documented evidence of authority granted by the ETZ Commission to locate a special land use at a particular location.

SPECIFIED ANATOMICAL AREAS: Includes any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, vulva, or female breasts below a point immediately above the top of areolae; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Includes any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, vulva, or female breasts; or
- b. Sex acts, actual or simulated including sexual intercourse, oral copulation, or sodomy; or
- c. Human masturbation, actual or simulated; or
- d. Human genitals in a state of sexual stimulation, arousal, or tumescence; or

e. Excretory functions as part of or in connection with any of the activities set forth in this subsection.

STABLE: A building in which domesticated animals are sheltered or fed.

STANDALONE BUILDING. A building whose, heating, air conditioning, electrical service, plumbing and ventilation system service only that building.

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

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

STREET: That portion of a public right-of-way or private thoroughfare intended for vehicular use.

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

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

TEMPORARY USE: A specific, permitted use established for a specific period of time.

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

TRAVEL TRAILER: (see recreational vehicle)

TRAVEL TRAILER PARK: (see recreational vehicle park)

UNPROCESSED CANNIBAS. Unaltered from an original, raw or natural state.

VERTICALLY INTEGRATED CANNABIS ESTABLISHMENT. A person that is authorized to act as any of the following: a cannabis courier; a cannabis manufacturer; a cannabis producer; and a cannabis retailer.

WAREHOUSE: A building used for the temporary storage of merchandise or commodities.

WORKFORCE CAMP: Temporary housing in a barracks or dormitory style setting, where the entire facility is designed, constructed and managed by an entity, and is established for a specified period of time and subject to specific operational and other requirements.

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

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

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

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

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ARTICLE 4
GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS

Section 4.1 EFFECT OF ESTABLISHMENT OF DISTRICTS

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

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

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

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

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

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

Section 4.2 SUPPLEMENTAL REGULATIONS

4.2.1 Floodways and Flood Control Structures

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

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

4.2.3 Waste Disposal

- a. The disposal of hazardous materials **and/or waste** is strictly prohibited in all zones, except as authorized by the New Mexico Environmental Department and the Authority. **Penalty for improper or illegal disposal of hazardous material and/or waste shall be no more than five thousand dollars (\$5,000)**
- b. Solid waste **such as but not limited to trash, rubbish, and debris** shall be disposed of only in a NMED permitted landfill or County approved transfer stations Disposal of solid waste along road rights-of-way, water courses, personal landfills or other unauthorized areas is strictly prohibited. **Penalty for improper or illegal disposal of solid waste shall be no more than one thousand dollars (\$1,000)**

4.2.4 Zoning District or Land Use Areas: Proposed subdivisions in the Extraterritorial Zone shall have their zoning district or land use areas assigned by the Commission during a public hearing prior to any final

approval of the plat by the Roswell Planning and Zoning Commission and/or the Chaves County Planning and Zoning Commission. After the Commission approves the zoning, the Roswell City Council and/or the Board of Chaves County Commissioners may then take action on the final plat of the proposed subdivision.

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

- ~~a. Except for utility lines and appurtenances, the construction or placement of permanent structures is prohibited nearer than forty (40) feet from a line that is fifty (50) feet from the section line, on section line roads; forty (40) feet from the half-section line on half-section line roads; thirty (30) feet from the center line on other roads, even if the existing county road has a narrower right-of-way, and was acquired by deed, dedication, prescription, condemnation, declaration or other means.~~
- b. Utility companies who wish to place their lines or other facilities within existing County road right-of-way, shall first obtain a permit from the Chaves County Board of Commissioners which shall contain, among other things, a statement that if the Board finds it necessary to widen a county road, the applicant agrees to move their lines and equipment as required, at their own expense, after receiving a ninety (90) day advance notice.
- ~~c. Subdividers in the Extraterritorial Zone shall dedicate public road and utility rights-of-way in accordance with the alignments and right-of-way dimensions for arterial roads established in the Roswell Comprehensive Master Plan.~~

4.2.6 Minimum Lot Sizes: Minimum lots size shall be five (5) acres, excepting in the Flight Zone Overlay District area where the minimum lot size shall be ten (10) acres.

4.2.7 Lot Sizes in ETZ: Minimum lot sizes in the Extraterritorial Zone are five (5) acres unless at the time of adoption of this Ordinance in 1980, a parcel contained at least five and three quarters (5 3/4) but not more than ten (10) acres. These parcels may be divided, one time only, to create one five (5) acre parcel and one parcel of less than 5 acres as long as the smallest parcel will meet the minimum land area requirement set by NMED for an individual septic system.

4.2.8 Restrictions

- a. There shall be no commercial swine operations or commercial wind energy facilities within the Extraterritorial area. ~~except where otherwise provided.~~
- b. In all residential zoning districts ~~R-1, R-2, R-3, R-MS, R-MP, and R-S~~, a principal use shall be established prior to an accessory structure or use being permitted, excepting when a building permit is issued for both the principal and accessory structure, on the same application. Building permit fees shall be required for all structures listed on the application.
- c. Recreational vehicles shall not be permitted as a residential dwelling unit, except where otherwise provided in this ordinance. Violation of this restriction shall result in the property owner and/or the recreational vehicle occupant being cited.

4.2.9 Development Standards for Office-Professional, Commercial and Industrial Districts

- a. All construction shall comply with the latest New Mexico Commercial Building Code, NM Electrical Code and NM Plumbing and Mechanical Codes.

- b. All development shall comply with New Mexico Environmental Department and the Office of the State Engineer regulations.
- c. Address signs, being 4 inches or greater in size, shall be located on the building and shall be visible from the road.
- d. Driveways along State, County or City maintained roads shall require an Access Permit from said government agency. All driveways shall be constructed as required by the government agency.
- e. Setback and lot size requirements- See Article 17, 20 & 21
- f. Off-Street Parking requirements - See Article 23
- g. Landscaping requirements- See Article 18
- h. Flood Hazard requirements- See Article 16
- i. On-premise signs*. No more than two (2) signs shall be permitted for each use and may be either a free standing or a building mounted sign. Signs shall not be located so as to create or potentially create a traffic or safety hazard as determined by the Code Enforcement Officer.
- j. Six-foot screen fence enclosure shall be required for all outdoor storage of equipment, supplies or machinery.
- k. All lighting on the property shall comply the New Mexico Night Sky Act and shall be enforced as part of the electrical permit.
- l. Properties shall not be a public nuisance to the community with rubbish, debris, waste and abandoned vehicles and/or structures.

ARTICLE 5

Section 5.1 ESTABLISHMENT OF ZONING DISTRICTS

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

- R-1 SINGLE FAMILY RESIDENTIAL
- R-2 TWO FAMILY (DUPLEX) RESIDENTIAL
- R-3 MULTIPLE FAMILY RESIDENTIAL
- ~~R-MS RESIDENTIAL MANUFACTURED/HOME SUBDIVISION~~
- ~~R-MP RESIDENTIAL MANUFACTURED HOME PARKS~~
- R-S RURAL-SUBURBAN
- O-1 OFFICES-PROFESSIONAL
- C-1 COMMERCIAL
- I-1 INDUSTRIAL
- PUD PLANNED UNIT DEVELOPMENT

5.1.2 OVERLAY ZONING DISTRICTS

- F-1 FLOODPLAIN
- F-2 FLIGHT ZONE
- L-1 ARTERIAL OVERLAY (LANDSCAPING)
- S-1 OUTDOOR ADVERTISING (SIGNS)

ARTICLE 6

R-1 SINGLE FAMILY RESIDENTIAL DWELLING DISTRICT

Section 6.1 The regulations set forth in this article are "R-1" Single Family Residential District regulations. **One primary residential dwelling unit per lot, parcel or tract of land.**

Section 6.2 Permitted Uses:

A. Principal Use

1. Single family dwelling unit including a manufactured home
2. ~~Churches~~ Religious Institutions
3. Publicly owned or operated parks or playgrounds
4. Public schools, elementary and secondary, and educational institutions having a curriculum the same as ordinarily given in public schools
5. Golf courses, except commercially run miniature courses, driving ranges, and putting greens
6. Temporary real estate sales offices for use in conjunction with the development of a residential subdivision in any residential district; provided use of the sales office shall be discontinued upon completion of the development in which the office is located or upon discontinuance of the development activity for a period of one (1) year.

B. Accessory Structures or Use

1. Home occupations*
2. Day care homes, Family*
3. Accessory structures for non-commercial uses and use customarily incidental to the above uses such as: personal garages, personal storage, recreation, hobbies, personal greenhouses, or for the keeping or housing of domestic animals, but not involving the conduct of a business. Any accessory structure that is not a part of the main structure shall be in compliance with yard restrictions provided herein.
4. Accessory structure for use as a guest house or bunk house that are constructed to either NM Residential Building Code or HUD Code standards.
5. **Storage (shipping) containers with a Placement Permit. (Modifications to a container shall require stamped plans from a licensed NM Engineer- per NMCID)**
6. Temporary buildings exceeding ten (10) square feet in area which are incidental to construction work. These buildings shall be removed upon the completion or abandonment of the construction work.
7. Temporary signs* not exceeding six (6) square feet in area pertaining to the lease, hire, or sale of a building or premises provided, however, that there shall be no more than one such sign on any lot except a corner lot where two (2) such signs may be located.
8. Accessory use- Storage of RV, boat, and utility trailers. (Shall not be occupied)
9. Accessory use- Temporary occupation of no more than one RV, having a maximum stay of thirty (30) days within a calendar year.

ARTICLE 7

R-2 TWO FAMILY (DUPLEX) RESIDENTIAL DWELLING DISTRICT

Section 7.1 The regulations set forth in this article are the "R-2" Two Family Dwelling District regulations. ~~A duplex structure shall be limited to six bedrooms and shall have only one septic unit per lot, tract or parcel of land. The modification and/or attachment of two manufactured houses together shall not be permitted.~~

Section 7.2 Permitted Uses:

A. Principal Use

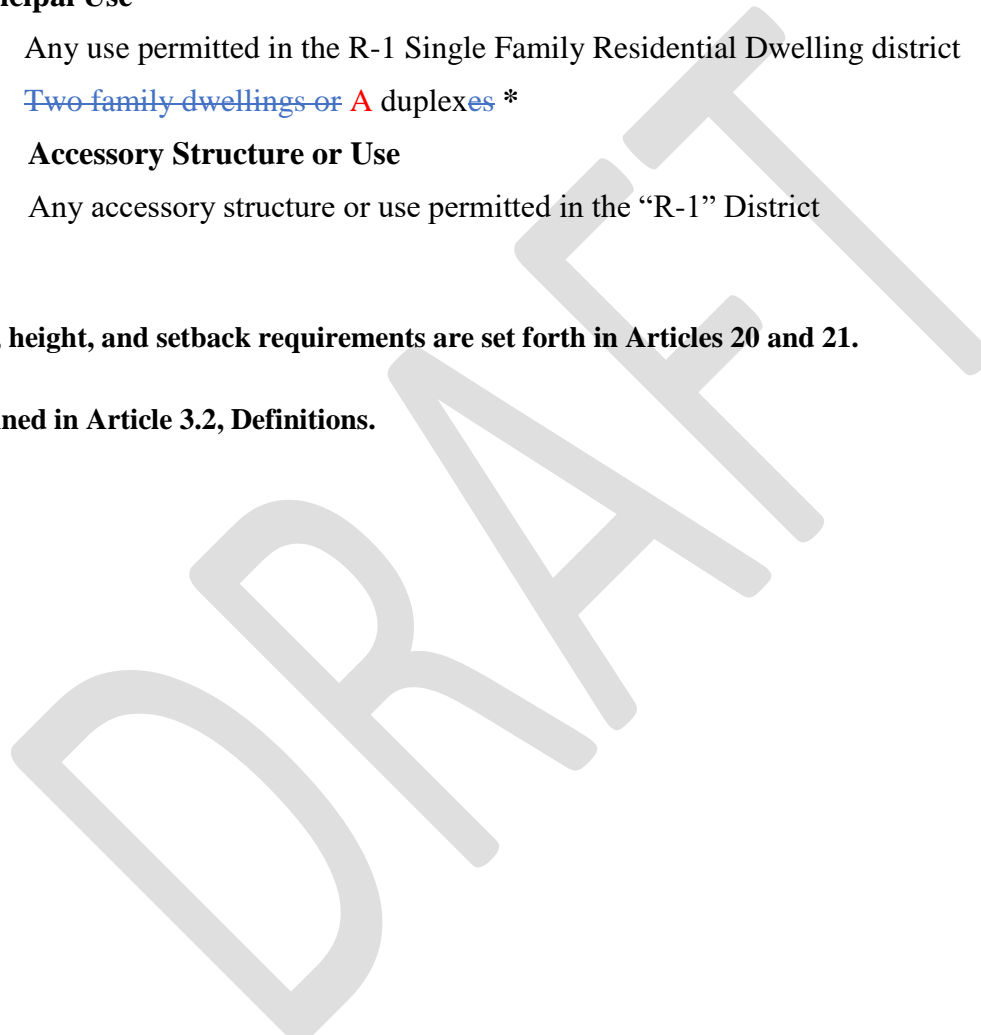
- 1. Any use permitted in the R-1 Single Family Residential Dwelling district
- 2. ~~Two family dwellings or~~ A duplexes *

B. Accessory Structure or Use

- 1. Any accessory structure or use permitted in the "R-1" District

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

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



ARTICLE 8

R-3 MULTIPLE FAMILY RESIDENTIAL DWELLING DISTRICT

Section 8.1 The regulations set forth in this article are the "R-3" Multiple Family Residential Dwelling District regulations. **A multi-family dwelling structure shall be limited to six bedrooms and shall have only one septic unit per lot, tract or parcel of land. The modification and/or attachment of two or more manufactured houses together shall not be permitted.**

Section 8.2 Permitted Uses:

A. Principal Use

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

B. Accessory Structure or Use

1. Any accessory structure or use permitted in the "R-2" District
2. Day Care; Group

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

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

ARTICLE 9
RESERVED

~~**R-MS RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT**~~

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

~~**Section 9.2** Permitted Uses:~~

~~**A. Principal Use**~~

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

~~**B. Accessory Structures or Use**~~

- ~~1. Any accessory structure or use permitted in "R-1" District~~

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

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

ARTICLE 10**RESERVED****~~R-MP RESIDENTIAL MANUFACTURED HOME PARK DISTRICT~~**

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

~~Section 10.2~~ Permitted Uses:

~~A. Principal Use~~

- ~~1. Manufactured home parks*~~

~~B. Accessory Structures or Use~~

- ~~1. Accessory structures or uses related to a manufactured home park, such as be not limited to, an office, maintenance sheds, swimming pool, recreational or commons facility.~~

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

~~* defined in Article 3.2, Definitions~~

ARTICLE 11

R-S RURAL SUBURBAN DISTRICT

Section 11.1 The regulations set forth in this article are the "R-S" Rural Suburban District regulations. The R-S Rural Suburban District or Land Use is intended to accommodate single family dwellings and is designed to protect and maintain a character of development with lots having a minimum area of five acres, and with no more than one dwelling unit and permitted accessory buildings on one lot.

Section 11.2 Permitted Uses:

A. Principal Use

1. Single family dwelling, including manufactured homes
2. ~~Structures or facilities related to~~ Farming and ranching
3. Parks, playgrounds, golf courses, and recreational uses, except miniature golf courses or commercial practice driving tees
4. Religious Institutions.
5. Public elementary and high schools, or private schools with curriculum the same as ordinarily given in public elementary and high schools
6. State-licensed or state-operated community residences for the mentally ill or developmentally disabled serving ten (10) or fewer persons. (3-21-1.C. NMSA)

B. Accessory Structure or Use

1. Home occupations*
2. Accessory buildings or structures for use for personal garage or storage, recreation, or for farming and ranching. ~~livestock, poultry, and other incidental uses.~~
3. Adult Day Care Home
4. ~~Accessory structure for use as~~ A guest house or bunk house ~~that are constructed to either NM Residential Building Code or HUD Code standards.~~
5. Day care homes, Family*
6. Directional signs* and temporary signs* Temporary signs are limited to 32 square feet in size. No more than one (1) sign is permitted for every one-quarter mile of roadway frontage. Signs shall not be located so as to create or potentially create a traffic or safety hazard.
7. Temporary occupation of no more than one RV, having a maximum stay of thirty (30) days within a single calendar year.
8. Nurseries*, truck gardening, greenhouses*
9. Storage (shipping) containers with a Placement Permit. (Modifications to a container shall require stamped plans signed by a NM engineer-per NMCID)

ARTICLE 12
O-1 OFFICES-PROFESSIONAL DISTRICT

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

Section 12.2 Permitted Uses:

1. Accounting
 - a. accountants, auditors, tax experts
 - b. credit services
2. Engineering
 - a. geologists, geophysicists, architects, engineers, surveyors
3. Insurance offices
4. Lawyers
5. Medical Clinics
 - a. doctors, nurses, dentists, optometrists, chiropractors, oculists
 - b. laboratory technicians and laboratories but excluding outdoor living facilities for animals
6. ~~Animal Grooming; No overnight boarding of animals. Messenger or telegraph services~~
7. Music and art
 - a. musicians, dancing studios, dramatic studios
 - b. artists, authors, poets
8. Photography studios
9. Public typists, ~~stenographers~~, consulting services, ~~answering services~~, clergymen
10. Real estate offices
 - a. salesman, appraisers, brokers
 - b. ~~escrow and/or title company office~~

~~On premise signs* with the following restrictions: no more than two (2) signs are permitted for each use, free standing or building mounted, with a maximum combined size of no more than 96 square feet. Individual offices within an office complex may have one additional sign, free standing or building mounted, not to exceed 6 square feet. Signs must be permitted and constructed in accordance with latest New Mexico Commercial Building Code. Signs shall not be located so as to create or potentially create a traffic or safety hazard. Abandoned signs must be repaired or removed by the property owner.~~

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

* defined in Article 3.2, Definitions

ARTICLE 13

C-1 COMMERCIAL DISTRICT

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

Section 13.2 Permitted Uses:

1. Any use permitted in "O-1" Offices - Professional District
2. Automobile sales and service and filling stations
3. Bakeries, **Catering, Restaurants, - retail**
4. Banks **and financial institutions**
5. Barber and beauty shops
6. **Billboards- only in the S-1 Outdoor Advertising Overlay District**
7. Business and commercial schools **Catering**
8. Clothing repair, tailors, shoe repair, millinery, cleaners
9. Cold storage lockers, meat processing being incidental thereto
10. Commercial parking lots and garages*
11. Commercial recreation facilities; pool, bowling, theaters, games, miniature golf
12. **Commercial service companies; plumbing, electrical, HVAC, septic, trucking**
13. **Commercial mobile food vendors**
14. Day care centers*
15. Florists
16. Hotels*, motels*
17. **Hospitals**
18. Kennels* veterinary hospitals, and animal clinics
19. Mortuaries and crematories
20. Paint and decorator stores
21. Photography and artists supply stores
22. Plumbing shops
23. **Recreational Vehicle parks*** **Restaurants**
24. Retail sales
25. Small appliance repair shops
26. Sign shops, excluding construction and storage of billboards
27. Sheet metal shops
28. **Tattoo parlors, piercing shops, massage parlors (adult content activity, licensed by the State of NM with limited operational times of 9:00 am to 9:00 pm.)**
29. Adult Day Care Center
30. Accessory living quarters for only one family may be allowed on each lot and may not be for sale or lease separated from the principle use or for use involving the conduct of a business
31. On-premise signs*. No more than two (2) signs are permitted for each use, free standing or building mounted. ~~Signs must be permitted and constructed in accordance with the latest New Mexico Commercial Building Code.~~ Signs shall not be located so as to create or potentially create a traffic or safety hazard. Abandoned signs must be repaired or removed by the property owner.
32. Similar type uses as indicated above as approved by the Commission.

Section 13.3 Shops for custom work manufacture to be sold at retail only on the premises, provided that in such manufacture the total mechanical power shall not exceed ten (10) horsepower for the operation in any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed

fifty percent (50%) of the total floor area thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, or dust as to be a nuisance or unsanitary.

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ARTICLE 14

I-1 INDUSTRIAL DISTRICT

Section 14.1 The regulations set forth in this article are the "I-1" Industrial District regulations. A building or premises shall only be used for the following purposes as approved by the Commission and is subject to such conditions and restrictions as the Commission may impose. The Planning Director may administratively approve and amend an approved change of use, including conditions of approval, upon determining a proposed change of use is of equal or lesser impact. Uses determined to not meet said criteria shall be subject to a Change of Use application and review and approval by the Commission.

Section 14.2 Permitted Uses:

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