

**ROSWELL-CHAVES COUNTY
EXTRATERRITORIAL ZONING AUTHORITY
CHAVES COUNTY ADMINISTRATIVE CENTER
#1 ST. MARY'S PLACE, ROSWELL, NM 88203**

PUBLIC HEARING

NOVEMBER 14, 2024 @ 11:00 AM.

A G E N D A

I. CALL TO ORDER

II. ESTABLISH A QUORUM

III. CONSIDERATION OF MINUTES: OCTOBER 17, 2024

IV. OLD BUSINESS

ARTICLE 17 (F-2 Flight Zone), **ARTICLE 18** (L-1 Arterial District), **ARTICLE 19** (S-1 Outdoor Advertising District); **ARTICLE 20** (Area and Setback Requirements); **ARTICLE 21** (Additional Height, Area and Use Regulation)

V. NEW BUSINESS

ARTICLE 22 Termination; **ARTICLE 23 to be 22** (Off-Street Parking); **ARTICLE 24 to be 23** (Non-Conforming Use), **ARTICLE 25 to be 24** (Special Use Permit); **ARTICLE 27** (Workforce Camps); **ARTICLE 28** (Recreational Vehicle Park); **ARTICLE 29** (Cannabis Establishments)

VI. ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Chaves County Planning & Zoning Department at 624-6606 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda, proposed amendments and minutes can be provided in various assessable formats. Please contact the Planning & Zoning Department at 624-6606 if a summary or other type of accessible format is needed.

ARTICLE 17

F-2 FLIGHT ZONE **OVERLAY** DISTRICT

Section 17.1 PURPOSE

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

Section 17.2 USE REGULATIONS

The DNL Flight Zone areas are determined by the latest City of Roswell's Industrial Air Center Comprehensive Master Plan. Residential use shall not be permitted in DNL Zones as per the Federal Aviation Administration recommendation.

1. **DNL Zones:** Use regulations within the "Flight Zone District"—a building or premises shall be used only for the following purposes:
 - a. **"DNL Zone 4"** is a designated area within which the noise rating is greater than includes 75 DNL. and is e designated as indicated on the official zoning maps following legal subdivision lines. The following are designated compatible uses in "DNL Zone 4":
 1. Open spaces.
 2. Agriculture, except dairy, and poultry production, and no new residences shall be built after the effective date of this Ordinance.
 3. Uses in existence at the time of the adoption of this Ordinance meeting the requirements set forth in Article 25.
 - b. **"DNL Zone 3"** is a designated area within which the noise rating includes 70 and 75 DNL and
 - c. **"DNL Zone 2"** is a designated area within which the noise rating includes 65 and 70 DNL . "DNL zones 3 and 2" are combined and designated on the official zoning maps, following legal subdivision lines. The following are designated as compatible uses in "DNL Zones 3 and 2":
 1. Any use permitted in R-S Rural Suburban Zone.
 2. All uses designated in "DNL Zone 4".
 3. C-1 Commercial permitted uses compatible with the DNL Zone.
 4. I-1 Industrial permitted uses compatible with the DNL Zone.
2. The use of land owned by an individual, partnership, corporation, or other legal entity that lies in more than one zone shall be limited to the uses authorized in the most restrictive zone except where the amount of land, lying in the less restrictive zone or zones is of sufficient size to meet the requirements of the zone in which it lies, in which case it shall meet the requirements of that zone.
3. Height Restrictions:

~~a. Maximum height for structures within seven hundred and fifty (750) feet from the airport runway shall be twenty five (25) feet.~~

b. Maximum height for all other structures shall be forty (40) feet.

~~4. Minimum lot size in the DNL zones is ten (10) acres.~~

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ARTICLE 18

L-1 ARTERIAL OVERLAY DISTRICT

Section 18.1 PURPOSE

- 1 To promote and preserve visually attractive and pleasing surroundings, reduce water erosion and runoff, and improve the **overall** development and **protect the** environment.
- 2 To provide a landscaping **and paved parking** standard for all new construction of buildings, structures, or parking lots hereinafter erected or constructed, and for all changes of use or zoning hereinafter applied for in the Arterial Overlay District.

Section 18.2 DISTRICT REGULATIONS

- 1 Minimum site landscaping and required planting areas shall be installed in accordance with the standards and requirements of this article, which shall apply to all projects including construction, **and** exterior alteration, **and site improvements** in the ~~R-3~~, O-1, C-1, ~~C-P~~, and I-1 zoning districts which fall within the Arterial Overlay District.
- 2 Requirements of the Arterial Overlay District shall apply to any **property land that lies outside the City of Roswell**, **and** within the district of the Roswell-Chaves County Extraterritorial Zone **and that is located within 250 feet of adjacent to** the right-of-way of the following roads: US 70, US 285, US 380, South Main, Sunset Ave., ~~State Road 2-~~ Yakima, or the Roswell US 285-West Relief Route.

Section 18.3 GENERAL REQUIREMENTS

1 Permitting

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

2 Size and Location

~~All parking and loading areas provided in compliance with this Ordinance shall be surfaced with a durable concrete or bituminous concrete surface and shall be maintained in a usable, dustproof condition and graded and drained to dispose of all surface water.~~

Landscaping shall be provided by buffer strips located adjacent to the street and between the street and the parking lot, structure, or use (see sketches), in accordance with the following minimum requirements:

- a. ~~The landscaped area shall be the greater of: 10 % of the required parking area, or~~ **The buffer landscaping strip shall be a minimum of** ~~which averages 5~~ **seven (7)** feet in width. ~~For purposes of this section, the parking area shall include all driveways, access ways, loading and unloading areas, and other hard surface activity areas within the sites property lines.~~
- b. Buffer strips shall be clearly visible from the adjacent streets.
- ~~c. Uses with up to 25 parking spaces shall have a buffer strip of landscaped area which is an average of 5 feet wide.~~
- ~~d. Uses with more than 25 parking spaces shall have a buffer strip of landscaped area which is an average of 10 feet wide.~~
- ~~e. Up to 1/2 of the required landscaped area may locate within the public right of way providing that plans are approved by all affected public utility companies and government agencies.~~
- c. Landscaping materials shall not be located such that, at maturity, they interfere with safe-sight distances for vehicular traffic or conflict with overhead utility lines or overhead lights.

3 Materials

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

4 Maintenance

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

(See APPENDIX B for sample plot plans)

ARTICLE 19

S-1 OUTDOOR ADVERTISING OVERLAY DISTRICT

Section 19.1 PURPOSE

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

Section 19.2 ESTABLISHMENT OF DISTRICT

Standards of the Outdoor Advertising Overlay District shall apply to land that lies outside the city limits of Roswell, within the limits of the Roswell-Chaves County Extraterritorial Zone, and within 100 feet of the right-of-way of the following roads: N. Main Street; ~~S. Main Street; U.S. 70; U.S. 285; State Road 2; U.S. 380 and Clovis Highway~~ Roswell Relief Route ~~between N. Main St and ½ mile south of Pine Lodge Road; Roswell Relief Route between W. Poe Street and 1 mile north of W. Second Street; Roswell Relief Route between SE Main Street and ½ mile west of Sunset Avenue; SE Main Street between Brasher Road and Omaha Road; W. Second Street between Brown Road and Avenida de Vista; and E. Second Street between Red Bridge Road and Bosque Road.~~ No billboards shall be constructed ~~along any other roads other than the roads within the ETZ outside the district boundary~~ described above.

Section 19.3 PERMITTING

1. All billboards along state or federal highways must be permitted by the New Mexico Department of Transportation ~~and obtain a zoning clearance from Chaves County Planning and Zoning Department.~~
2. All billboards ~~within the district boundary described above~~ shall obtain a building and electrical permit from the Chaves County Building Official. Signs shall be permitted and constructed in accordance with the latest New Mexico Commercial Building Code and New Mexico Electrical Code.

Section 19.4 LOCATION

~~A maximum of 6 billboards may be located on each side of the highway within any mile of the Outdoor Advertising Overlay District.~~ Billboards shall be located a minimum of ~~one thousand (1,000')~~ 500 feet from any other billboard on the same side of the road and a minimum of five hundred (500) feet from any intersection ~~of two roads.~~

Section 19.5 MAINTENANCE

Signs shall be built and maintained in good working order. Any sign determined to be abandoned in accordance with this Ordinance ~~shall be declared a public nuisance. The owner shall must make arrangements for be repaired or removal of the sign within thirty (30) days of notification by staff. Notice of abandonment.~~

Section 19.6 RESTRICTIONS

1. **Zoning.** Billboard signs shall be permitted on property zoned C-1 Commercial and/or I-1 Industrial districts.
2. **Height.** The maximum height of a billboard sign shall be forty-five (45) feet. Measured from the surrounding natural ground.
3. **Size-Area.** The maximum display area on a billboard sign shall be seven hundred (700) square feet. Cutouts and/or extensions shall not be permitted in excess of the display area permitted.
4. **Placement.** Billboard signs shall not be permitted to overhang any structure nor encroach into the public right-of-way.
5. **Type.** No digital or light-emitting diode (LED) signs shall be permitted.

Section 19.7 LEGAL NON-CONFORMING

Billboard signs that are not in compliance with this Article and existed prior to the date stated for Revision No.21 of this Ordinance, may be recognized as a legal non-conforming use. See Article 24.

ARTICLE 20
AREA AND SETBACK REQUIREMENTS

ZONING District	MINIMUM LOT SIZE (AREA)	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	HEIGHT
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See article 21 for additional height and area requirements

R-1 Single Family Residential	Less than 1.0 acre 1 acre to 5 acres or more	25 ft 30 ft.	30 ft. 40 ft.	5 ft 10 ft.	35 ft or 2 stories
R-2 Two Family Residential (duplex)	1 to 5 acres or more	50 25 ft	40 30 ft	10 5 ft	35 ft or 2 stories
R-3 Multi Family Residential Townhouse Type Residential	1 to 5 acres or more	50 25 ft 10 ft between buildings	40 30 ft	10. 5 ft 0 ft party walls 5 ft	35 ft or 2 stories
R-MS Residential- Manufactured Home Subdivision	1.0 acres**	25 ft	20 ft	8 ft	35 ft
R-MP Residential- Manufactured Home Park	5 acres	25 ft	20 ft	20 ft	35 ft
O-1 Office – Professional *	2 5 acres	20 ft*	20 10 ft – abutting an alley	0 ft*	35 ft
C-1 Commercial *	2 5 acres	20 ft*	20 ft*.	0 ft*	
I-1 Industrial *	2 5 acres	20 ft*	20 ft.*	0 ft*	
R-S Rural Suburban	5 acres	50 ft	50 ft	20 ft	35 ft. (Home)*
PUD Planned Unit Development	Residential or mixed-5 ac Commercial or Ind-2 ac	See Article 15	See Article 15	See Article 15	See Article 15

ARTICLE 21

ADDITIONAL HEIGHT, AREA, AND USE REGULATIONS

The following development standards shall be required, with the exception of height restrictions in the Flight Zone Overlay District, which may be found in Article 17.

Section 21.1 Height

1. Public, semi-public, or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet. ~~and Steeples or architectural features of religious institutions, amateur radio towers, chimneys, and lofts~~ ~~churches and temples~~ may be erected to a height not exceeding seventy five (75) feet if that part of the ~~structure building~~ exceeding the height limit is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.
2. ~~Unless otherwise restricted in this ordinance, or as defined in Article 3 or by other ordinances, structures associated with farming and ranching located in the "R-S" Zone are not restricted. Single family dwellings, two family dwellings, and multiple family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards respectively, are increased by not less than five (5) feet over and above the yard requirements prescribed for the zoning district in which they are located, provided, however, that any such structure shall not exceed three (3) stories in height.~~
3. ~~Chimneys, fire, stage, water, ornamental, or amateur radio towers, elevator bulkheads, monuments, stacks, scenery lofts, spires, steeples, and necessary mechanical appurtenances thereto, may be erected to a height in accordance with existing or thereafter ordinances. Unless otherwise restricted herein, or defined in Article 3, or by other ordinance, height of farm buildings in the "R-S" Zone are not restricted.~~
3. Fences and walls ~~shall may be constructed~~ not to exceed eight (8) feet in height. Corner lots located on the intersection of two (2) or more streets, shall not have walls exceeding three (3) feet in height within thirty (30) feet of the intersection, or as otherwise approved by the Commission, in order to maintain an unobstructed view for traffic.

Section 21.2 Area

1. ~~Detached accessory structures buildings~~ in residential districts ~~may be built or placed in the required rear yard but such accessory building shall be located not less than sixty (60) feet from the front lot line;~~ shall not be nearer than ten (10) feet to the main building; nearer than five (5) feet to any interior side or rear lot line; nearer than twenty (20) feet from any street side lot line; nor shall any such accessory ~~structure building~~(s) occupy more than thirty (30) percent of the rear yard area.
2. ~~For subdivision lots that are one-quarter (1/4) of an acre or less in size; a detached accessory structure for storage or parking purposes buildings which are to~~ may be constructed or placed on an adjacent lot that is under the same ownership as the lot(s) for which the principal use or structure is located when the lots are combined as one use in the owner's deed. Said lot(s) and accessory structure may not be sold separately from the principal use or structure associated with the accessory structure.
3. ~~Accessory buildings and uses not attached to the main building or structure in a residential district,~~
3. In a commercial or industrial district, display of products for rent or sale may occupy not more than seventy-five (75%) percent of the required front yard. Manufactured homes and Recreational Vehicles shall be ten (10) feet apart from one another.

5. Every part of the required yard shall be open except for the ordinary projections of skylights, sills, belt courses, cornices, and ornamental features which may project not more than twelve (12) inches.
6. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into the rear yard not more than five (5) feet, and the ordinary projections of chimneys and flues may be permitted by the Code Enforcement Officer.
7. An open, **attached**, unenclosed porch, **carport**, or paved terrace may project into the required front or rear yard a distance of ten (10) feet in residential districts.
8. For the purpose of the side yard regulations, a two-family or a multiple family dwelling shall be considered as one (1) building occupying one (1) lot.

9. Corner Lots

- a. Corner lots shall have a minimum side yard of twenty (20) feet on the street side of the lot in all residential districts for all structures.
- b. Corner lots in an industrial or a commercial district shall have a minimum side yard of **twenty-five (25)** feet for all structures.

10. Front Yard

- ~~a. Where the structures within a single block in a residential area have observed a variation in the front yard line, but not more than ten (10) feet, a building may not project into the front setback more than the average of forty percent (40%) of the buildings in that block.~~
- a. In a commercial, industrial, or office district where the frontage on one side of the street between two intersecting streets is located partially in a residential district, the front yard **setback** requirement shall be twenty-five (25) feet. for all structures.
- b. Residential Planned Unit Development shall **comply with** ~~not be required to have side or rear yard setbacks except those required for fire zones indicated in~~ the latest New Mexico Commercial or Residential Building Code and parking and subdivision criteria.

11. Side Yard

In a commercial or industrial district, on the side of a lot adjoining a residential district, ~~shall be a~~ **the interior** side yard ~~shall~~ **of** not **be** less than twenty (20) feet for all structures.

~~12. Rear Yard~~

~~In a commercial or industrial district there shall be a rear yard minimum of twenty (20) feet for all structures.~~

~~13. Buffer an industrial, commercial, or office district which abuts a residential district at the rear or side yard shall be required to provide a maintained and landscaped buffer setback of fifteen (15) feet and a solid fence of brick, masonry, stone, or wood.~~

Section 21.3 Use

1. The use and height of buildings hereafter erected, converted, enlarged, or structurally altered, and the use of any land shall be in compliance with the regulations established herein for the zoning district in which such land or building is located.
2. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Ordinance.
3. No part of a yard or other open space provided about any building for the purpose of complying with the provision of this Ordinance shall be included as a part of a yard or other open space required for another building.
4. Every building hereafter erected, converted, enlarged, or structurally altered shall be located on a lot of record, and in no case shall there be more than one main building on one lot, except as may be further regulated in this Ordinance.
5. When two (2) or more lots in a duly recorded subdivision, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which it is located, are contiguous and are held in one (1) ownership, they may be used as one (1) zoning lot for such permitted use.
6. Unobstructed vision clearance for traffic safety shall be maintained by the property owner or occupant on all lots regardless of the zoning district. This includes, but not limited to, any buildings, sign, fence, ornament, hedge, shrub, tree, display, or other obstruction, but not including existing buildings.

~~ARTICLE 22~~
~~PARKING AND LOADING REQUIREMENTS~~

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

* ~~See Article 23 for requirements.~~

ARTICLE 22

OFF STREET PARKING AND LOADING REQUIREMENTS

Section 22.1 Provisions for Parking Spaces

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

Section 22.2 Rules for Computing Number of Parking Spaces

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

Section 22.3 Location of Parking Spaces

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

Section 22.4 Loading Space Requirements

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

Section 22.5 Construction and Maintenance of Parking Areas

1. All open parking areas provided in compliance with this ~~Article Ordinance~~ shall be surfaced with a durable, dust-proof surface consisting of concrete, bituminous concrete, or compacted gravel or crushed stone properly sealed and surface treated as approved by the County Building Inspector, unless otherwise specified in this Ordinance. The parking areas shall be maintained in a usable dust-proof condition and graded and drained to dispose of all surface water.
2. The minimum parking space size shall be nine (9) feet wide by twenty (20) feet long. ~~Whenever lighting is provided, it shall be so hooded or shielded as to reflect the light away from abutting or neighboring property, including public rights of way.~~
3. Handicap accessible parking spaces shall be required for all developments in the Office-Professional, Commercial or Industrial District. The number of parking spaces required, and standard dimensions shall comply with the latest NM Building Code standards.

ARTICLE 23
NON-CONFORMING USES

Section 23.1 ~~DEFINITIONS~~ **GENERAL RULES**

1. Legal non-conforming structures and uses may be permitted to make standard maintenance or repairs.
2. If the alteration, restoration or repair costs exceeded fifty (50%) percent of the appraised value of the non-conforming structure, the structure shall be required to come into compliance with current Chaves County and State building codes and regulations, including this ordinance.
3. Subdivision lots or parcels of land which do not conform to this Ordinance, because of size, may be developed at any time provided such development conforms to all other provisions of this Ordinance and all County and State restrictions and regulations.
4. Legal non-conforming uses are transferable provided the property owner discloses in writing to the new proprietor that the property is a legal non-conforming use and is subject to any restrictions or conditions which may have been placed on the property.
5. Non-conforming billboard signs that are without an existing display area shall be considered abandoned.
6. A change of use to a non-conforming use shall be required to comply with the regulations and restrictions set forth in the zoning district for which the use is located in.

~~1 Non-Conforming Use A non-conforming use is the use of a structure, premises, or land which is not in conformity with the regulations or provisions of this Ordinance for the zone in which it is located.~~

~~2 Legal Non-Conforming Use A legal non-conforming use, commonly referred to as a "grandfathered use", is a use of a structure, premises or land which was in existence prior to a zoning or rezoning of the area in which the property is located, which therefore excludes or prohibits the use. Such nonconforming uses are legal subject to the provisions of this Ordinance.~~

~~3 Unlawful Non-Conforming Use An unlawful non-conforming use is a non-conforming use which does not conform to the provisions of this Ordinance required for a legal non-conforming use.~~

Section 23.2 **APPROVAL OF LEGAL NON-CONFORMING USES**

1. Administrative Approval A legal non-conforming use may be approved by the **County Planning Director** ~~department head in charge of planning and zoning~~ provided a non-conforming use is verified prior to approval. The property owner may submit appropriate and sufficient documents, such as but not limited to, business licenses, tax records, notarized statements, and other documents deemed necessary for approval by the Planning Director. ~~(1) the use is not expanded, extended, enlarged, reconstructed, or changed in use to any extent from its use as it existed at the time it became a legal non-conforming use due to a zoning change, and (2) provided it is otherwise in accordance with the provisions of this Ordinance. Any questions regarding the use or administrative approval of the use shall be referred to the Commission for determination.~~

~~2. Commission Approval Any enlargement, extension, expansion, reconstruction, or change of a legal non-conforming use requires the approval of the Commission in accordance with the provisions of this Ordinance.~~

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

Section 23.3 ENLARGEMENT, EXTENSION, OR EXPANSION ~~RECONSTRUCTION OR CHANGE IN USE~~

1. Any legal non-conforming ~~structure use~~ may be expanded, enlarged, or extended ~~reconstructed, or changed~~ in accordance with all of the following provisions:
 - a. ~~Any enlargement, extension, expansion, or reconstruction of a structure, premises, or land or change in the use thereof to any extent from its size or use as it existed at the time it became a legal non-conforming use~~ Shall first be approved by the Commission **at a public hearing**.
 - b. ~~Approval by the Commission shall not exceed~~ **The expansion, enlargement, or extension or reconstruction of a nonconforming structures or buildings shall not be** greater than **twenty-five (25%) of the structure's original size** as it existed at the time it became a legal non-conforming use.
 - c. **Any expansion, enlargement or extension of a structure shall not encroach or expand into the required setback requirements stated in this ordinance for that zoning district.** ~~Approval of any change in the use of a structure, premises, or land as existed at the time it became a legal non-conforming use shall reduce any adverse effects as it previously existed and be an improvement and beneficial to the area as determined by the Commission. The size or area of any lot, parcel, or land upon which the use is located shall not be extended, expanded, or enlarged to any extent for a legal non-conforming use, except as is otherwise permissible by the provisions of this Ordinance for a conforming use.~~
 - e. ~~Approval of extensions, enlargements, expansions, reconstruction, or changes of legal non-conforming uses by~~ the Commission may require fencing, buffering, landscaping, or other conditions to the extent deemed appropriate and necessary **for approval.** ~~by the Commission.~~
 - f. Adverse effects ~~of extensions, enlargements, expansions, or reconstruction of legal non-conforming uses~~ on surrounding **properties and** area shall be considered by the Commission in their determinations for approval.
~~A legal non-conforming structure shall not be fully or partially replaced or reconstructed without prior approval of the Commission consistent with the provisions of this section.~~
 - g. All property owners within 100 feet ~~of a requested enlargement, expansion, extension, reconstruction, or change in a legal non-conforming use~~ shall be notified of the date, time, and place **of that** the Commission's **public hearing.** ~~will consider such request, and may provide input or protest regarding the request.~~

Section 23.4 DISCONTINUED LEGAL NON-CONFORMING USE

1. If the legal non-conforming use of land, **billboard, structures building,** or premise is **abandoned or discontinued** for a period of **six months one (1) year,** ~~any use of~~ the property ~~thereafter~~ shall conform to the regulations of the zoning district in which the property is located except as provided in Section **24.5.** **below.**

2. In the event that a legal non-conforming-~~excepted~~ use is discontinued due to litigation, medical issues, unforeseen circumstances (fire, flood, mold), or administrative process (condemnation), the legal non-conforming ~~excepted~~ use may be extended ~~past the twelve month period upon the approval at the discretion~~ of the ~~Planning Director Commission~~. The extension shall not exceed a total of twelve months.

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

~~Section 24.5 LOT SIZE~~

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

~~Section 24.6 TRANSFER OF PROPERTY~~

~~Property owners shall have the right to sell or transfer property which includes an approved legal non-conforming use provided the property owner discloses in writing to the new proprietor that the property is a legal non-conforming use subject to restrictions, prohibitions, and other provisions of Article 25 of this Ordinance, and which states any restrictions or conditions thereof which may have been placed on the property.~~

~~Section 24.7 VERIFICATION AND DOCUMENTATION~~

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

Section 23.5 FEES

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

ARTICLE 24

SPECIAL USE PERMITS

Section 24.1 Granting Special Use Permits

1. A Special Use Permit shall be bound and limited to the parcel(s) of land described in the application and to the landowner/petitioner of the property stated in the application and as stated in the Certificate of Zoning. A Special Use Permit is nontransferable in location or ownership, **except when approved by the Commission at a public hearing**, including the name change of a company, LLC, corporation, trust, and/or partnership. So as not to misperceive, confuse and misapprehend prospective owners, a real estate contract shall be construed as a change in ownership and as such shall require a new Special Use Permit application and process.

It is the purpose of this article to establish criteria for those uses listed ~~as special uses~~ in Section 25.2 of this Ordinance, and similar uses, as determined by the Planning Director ~~and to specify the expiration date as appropriate for approval of such uses~~. It is recognized that these uses which, because of their unique characteristics, cannot be properly addressed without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Special uses shall require issuance of a Zoning Certificate by the ETZ Commission.

~~Each zoning district lists Special uses that, because of their special impact or unique characteristics, can have a substantial adverse impact upon or be incompatible with other uses of land. This impact often cannot be determined in advance of the use being proposed for a particular location. Such uses may be allowed to locate within given districts only through the review process of the special use permit and under the controls, limitations and regulations of such permits.~~ This Article establishes general and specific development standards for special uses and provides for a review process which will evaluate the location, scale, compatibility with rural character and development characteristics of such uses and their impact on adjacent properties and the county as a whole, to the end that such uses may be approved, modified, or disapproved fairly and objectively.

~~Upon the filing of a complete application for a Special Use Permit per the requirements contained in Article 2, Section 2.5 of this Ordinance, the application shall be scheduled for a public hearing before the ETZ Commission. Public notice of the hearing shall be issued as provided for in Article 2, Section 2.5 of this Ordinance. The ETZ Commission may grant approval of special use permits, grant approval with conditions of approval, or deny an application if the characteristics of the intended use would create an incompatible or hazardous condition.~~ The ETZ Commission shall not use a Special Use Permit to alter or reduce the zoning requirements of the zone in which the proposed land use is to locate.

2. A special use permit (SUP) application shall be provided by the Planning and Zoning staff. The cost of the SUP may be found in Appendix A of this ordinance. Application procedures for a SUP may be found in Article 1, Section 2.5 and this article. A complete application shall contain the following information:
 - a. Owners. Name, mailing address, email and telephone number of: (1) the applicant; (2) all persons owning an interest in the special use including all individuals having a corporate or partnership interest in the property and/or operation of the business; (3) any aliases of any of the above persons; and

- b. **Development.** The applicant shall clearly state the use or business that will be conducted on the property, the business hours and days of operation, a site plan and whether a single-family dwelling unit will be included in the development plan: and
 - c. **Location and Related Information.** The applicant shall furnish the address and legal description of the parcel of land on which the special use is to be located, including section, township and range, parcel ID numbers, and acreage.
 - d. **Site Plan.** A clear and precise site plan showing the access driveway(s) to existing and proposed private or public roads. The site plan shall also include all existing and proposed structure(s), the location of any utilities parking area, landscaping, lighting for parking areas and any other item that the Planning Director deems necessary; and
 - e. **Notification.** A current list of all surrounding property owners within six hundred feet of the proposed special use. The information shall include a proximity map, the physical address of the property and the owner's mailing address; and
 - f. **Structures.** A preliminary design or construction plan shall be required for all modifications and/or alterations to existing structures and/or new structures.; and
 - g. **Other.** Additional documents may be required by the Director or Commission to assist in the determination of the special use permit.
- 3.** Prior to granting any Special Use Permit, the Commission shall hold a public hearing, and shall determine **if the following requirements have been met** ~~that:~~
- ~~a. The granting of the Special Use Permit will not be injurious to the public health, safety, morals, and general welfare of the community.~~
 - ~~b. The use or value of the area adjacent to the property included in the Special Use Permit will not be affected in a substantially adverse manner.~~
 - ~~c. The site for the proposed Special Use Permit is suitable for that use, and the surrounding properties are compatible with that use.~~
 - ~~d. That the grant of the Special Use Permit would be within the spirit, intent, purpose, and general plan of this Ordinance.~~
- ~~3. The ETZ Commission, upon receiving a properly filed application or petition, may permit and authorize a Special Use Permit when the following requirements have been met:~~
- a. The proposed use will not **be injurious to the public health, safety and general welfare of the community.** ~~endanger the public health, or safety;~~
 - b. The proposed use, at the proposed location, will not be unreasonably detrimental to the economic welfare of the county, and that it will not create excessive public cost for facilities and services by finding that:
 1. The proposed use will be adequately serviced by adequate existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers/septic systems, and schools; ~~or.~~
 2. The applicant shall provide such facilities; ~~or~~
 3. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.

- c. ~~The use or market value of the adjacent properties shall not be affected in a substantially adverse manner due to excessive~~ ~~The proposed use will not generate significant nuisance conditions such as~~ traffic, noise, dust, glare, vibration;
 - d. ~~The special use shall be within the spirit, intent, purpose, and general plan of this Ordinance; The proposed use meets all required conditions and standards set forth in the zoning district where it proposes to locate;~~
 - e. The location and character of the proposed use is compatible and consistent with the character of the area in which it is to be located, and will ensure compatibility with existing neighboring land uses; and
 - f. The proposed use is in conformance with the **latest** Chaves County Comprehensive Plan.
4. ~~In permitting such uses~~ The **ETZ** Commission may impose, in addition to the regulations specified herein, such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood or the county as a whole. These conditions may include, but are not limited to, the following:
- a. Increasing the required lot size, setback or yard dimensions.
 - b. Limiting the height of buildings or structures.
 - c. Controlling the number and location of vehicular access points.
 - d. Requiring the dedication of additional rights-of-way for future public roadway improvements.
 - e. Requiring the designation of public use easements.
 - f. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
 - g. Limiting the number, size, height, shape, location and lighting of signs;
 - h. Requiring or limiting view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
 - i. Designating sites for and/or the size of open space or recreational areas;
 - j. Requiring site reclamation upon discontinuance of the use and/or expiration or revocation of the Special Use Permit;
 - k. Limiting hours and size of operation;
 - l. Controlling the siting of the use and/or structures on the property;
 - m. Requiring mitigation measures to effectively reduce the potential for land use conflicts with agricultural lands and adjacent residential lands, such as: landscape buffers, special setbacks, screening, and/or site design criteria using physical features, such as rock outcrops, ravines, and roads.

~~A Special Use Permit shall become void one (1) years after approval or such other time period as established by the ETZ Commission if the use is not completely developed. Failure to begin such action within the time limit specified shall void approval of the Zoning Certificate for the special use.~~

5. A Special Use Permit may be revoked or limited by the ETZ Commission if anyone (1) of the following findings can be made:
- a. That one or more of the conditions of approval of the Special Use Permit have not been met; **or**
 - b. That the Special Use Permit was obtained by misrepresentation or fraud; **or**
 - c. That the use for which the Special Use Permit was granted has ceased or was suspended for twelve (12) or more consecutive calendar month; **or**
 - d. That the actual or permitted use is in violation of any statute, ordinance, law, or regulation; **or**
 - e. That the use permitted by the Special Use Permit is detrimental to the public health, safety or welfare, or constitutes a nuisance; **or**
 - f. Change in property ownership or site location.

~~The ETZ Commission's decision is subject to appeal in accordance with the provisions of Article 2 of this Ordinance.~~

Section 24.2 Use Regulations A special use permit **shall be required** for the following uses:

1. Airports* or landing fields **in residential districts.**
2. Cannabis Production in residential districts
3. **Cannabis Establishments in commercial district only.**
4. Cemeteries and mausoleums **in a residential district.**
5. Commercial communications transmitter antennas or towers provided they are at least 100 feet from any public way.
6. Community buildings or recreation fields **in a residential district.**
7. **Medium or Utility scale Solar Facilities in a residential district.**
8. Electric substations, **battery storage facilities**, gas regulator or pump/booster stations, and well and water pumping stations in any **residential** district, ~~provided that in any residential district or commercial district, the site shall be developed and maintained in conformance with the general character and appearance of the district. Such development shall include landscaping and suitable screening in the form of a wall, or solid fence and compact evergreen shrub.~~
9. Extraction of gravel, sand or other raw materials, provided that a satisfactory guarantee be posted with the Commission assuring that the land be left in such a condition that all faces, slopes, edges, or spoil piles have a maximum slope 2½ feet horizontal to one (1) foot vertical.
10. Hospitals, clinics*, and institutions **in a residential district.**
~~Night clubs*~~
11. Nursery schools, day nurseries, childcare centers, pre-kindergartens, and other special and similar private schools in an Industrial District as an accessory or function for employees, provided that adequate safety from loud noises and other industrial dangers are supplied and there is at least 100 square feet of open play for each child enrolled. Each play area shall be screened with a suitable wall, fence, or evergreen shrub.
12. Parking lots adjacent to, across the street from, or across the alley from the Commercial District, or a Business District.
13. Penal **or detention** institutions **in the commercial district**
14. Poultry hatcheries, poultry production, dairying and any similar activities **in a commercial district.**
~~Private clubs or lodges~~
15. Railroad tracks, yards, and similar railroad facilities

16. State licensed or state operated family or group care residences for homeless, criminal offender, or alcohol or drug abusers that function as a transition from institution to community **in a residential district.**
17. **Sexually Oriented Business in a commercial district.**
18. Substance abuse treatment facilities **in a residential district.**
19. ~~Temporary~~ commercial amusements or recreational developments
20. Multigenerational housing as a second dwelling unit in a residential district, with a yearly review by Staff **in a residential district.**
21. Day Care Home-Group in a residential district.
22. Workforce Camps **in a commercial district (Not permitted in residential districts)**

~~Section 25.3 Use Regulations~~

ARTICLE 27 WORKFORCE CAMPS

Section 27.1 GENERAL PROVISIONS

- A. The purpose of this article is to provide for the safety, health, prosperity, order, comfort, and moral of the residents of Chaves County; and to provide certain standards and regulations relating to Workforce Camps and promote conformance with standards established to ensure such facilities are suitably developed for the placement and occupancy of laborers for ~~dwelling residential, household living~~ purposes with the necessary accessory uses and amenities on properties located within the ~~Roswell-Chaves County Extraterritorial Zone~~ ETZ district.
- B. This article is intended to enable the development of unique, well-planned projects that incorporate a variety of portable, modular and prefabricated structures for permanent, transient or seasonal occupancy. It is also the intent of this article to prohibit inappropriate and incompatible land use; and regulate the future installation of Workforce Camps.
- C. The provisions of this article are held to be minimum requirements. Whenever any provisions of this article conflict with other laws, rules, regulations, covenants, or ordinances, the more restrictive shall govern. This article shall be construed broadly to promote the purposes for which it is adopted.
- D. A development plan shall be required.
- E. The Workforce Camp shall comply with the American with Disabilities Act.
- F. Developments that include both Recreation Vehicle Park spaces and Workforce Camp rooming units on the same site, and shall be considered provided complies with both requirements stated in Article 27 and Article 28.
- G. Location:
 - 1. Shall not be so close to a school as to interfere with the schoolchildren's travel to and from the school.

Section 27.2 ALLOWABLE USES

~~Allowable uses within the boundaries of workforce camps shall include and may be limited to the following:~~

~~A. Workforce Camps~~

- A. Workforce rooming units and recreational vehicles. ~~shall be in a density and configuration that meets the requirements of the approved Development Plan.~~
- B. Accessory structures or uses shall be primarily for the occupants of the camp, including but not limited to recreational facilities, cafeteria, food courts, lobbies, meeting rooms, management offices, laundry rooms, tenant storage lockers, parking areas, storage buildings, swimming pools, garbage and trash disposal facilities.
- C. Utility service structures or uses such as, but not limited to, well house, septic tank, electrical transformer, liquid propane tanks, and small cell nodes.

- D. Guest parking lots; one parking space per every **five unit, occupants**. ~~See Section 27.5.B.6 (To be calculated based on the maximum number of occupants within the camp site, including camp employees)~~

Section 27.3 SPECIFIC USE STANDARDS

Workforce camp **dwelling rooming** units and accessory structures shall be built to New Mexico Construction Industries Division (NMCID) and/or the HUD Code Manufactured Housing standards. Any other residential metal structures shall require stamped and signed plans from a licensed New Mexico Structural Engineer **or Architect**. The plans shall be prepared in accords with the New Mexico Residential Building Code. A County building permit and/or MH placement permit shall be required.

Section 27.4 DENSITY AND DIMENSIONAL REQUIREMENTS

A. Number of rooming units

The maximum number of dwelling units in a 5-acre Workforce Camp shall be ten (10). ~~The specific number of rooming units in any camp shall be subject to the approval of the Development Plan by the County Planning Staff and/or the ETZ Commission/Authority, the City of Roswell and NMED.~~

B. Site area

A detailed development plan showing the layout of the Workforce Camp shall be required. ~~Workforce Camps located in the Flight Zone Overlay District shall be located on a parcel of land being ten (10) acres or greater. All other workforce camps shall be located on a one, five (5) acre or larger, parcel of land, under the ownership of one person, partnership, LLC, or company. The parcel shall have direct access to a public road or street. A land division of a camp, resulting in a parcel of land less than five (5) acres, shall not be permitted without approval from the ETZ Commission.~~

C. Occupancy

The maximum number of occupants per dwelling unit shall be four (4). ~~Floor area is the gross floor area (GFA) of a building. GFA shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the area of each floor of the structure.~~

D. Open Space Requirements

The twenty percent (20%) open space requirement shall be located on the same parcel of land as the Workforce Camp. Land occupied by storage or office buildings, streets, driveways and parking spaces shall not be counted toward satisfying this open space requirement. Undeveloped areas and areas occupied by parks, recreational buildings and recreational areas may be counted toward the open space requirement.

Section 27.5 SITE DEVELOPMENT STANDARDS

A. Site Suitability Policy

- 1. The following agencies shall be notified by Staff in order to determine if the Workforce Camp's Development Plan is suitable for the proposed location.** ~~The County Planning Department and/or ETZ Commission/ Authority assigned to the camp or unit may not approve development under this article if, from adequate investigations conducted by public~~

~~agencies, it has been determined that in the best interests of the public, the site or the plans for the site are not suitable for such development. Those public agencies may include any of the agencies listed below:~~

City of Roswell,

Chaves County Road Department (CCRD),

Soil and Water Conservation District (SWCD),

New Mexico Office of the State Engineer (NMOSE),

New Mexico Environment Department (NMED), and

New Mexico Department of Transportation (NMDOT).

2. Lands subject to flooding and lands deemed to be topographically unsuitable shall not be developed for any of the residential occupancies permitted by this article or for other related uses as it may increase danger to health, life, or property, or aggravate erosion or flood hazard. ~~except as specifically allowed by Chaves County's Floodplain Management Ordinance. Such lands within a proposed development site shall be set aside for such uses to not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.~~

B. General

The standards of this section shall apply equally to all Workforce Camps to the extent specified. Building permits for ~~accessory~~ structures and ~~placement permits for~~ manufactured houses ~~placement permits may~~ shall be required from the ~~County Planning~~ Department.

1. A Development Plan shall include a Site Plan showing the location of the Workforce Camp ~~dwelling rooming~~ units, ~~required open space areas and parking areas, oversize work truck parking areas,~~ roads, underground utilities, light poles, septic tanks or storage tanks, ~~and~~ drain fields, all accessory ~~recreational or common~~ structures and other improvements.
2. The Development Plan shall include a topography survey of the site and ~~shall include~~ design Finish Floor elevations for all ~~proposed new~~ structures. Storm water detention and/or retention ponds may be required to prevent any possible run-off on adjacent properties. Ponds shall be no more than three feet below natural ground and shall have a maximum slope of one to three on either side.
3. The site shall be harmoniously and effectively organized in relation to topography, the shape of the tract and the shape, size and position of structures, with consideration for usability of space, appearance and livability. Each workforce camp ~~dwelling rooming~~ unit shall be similar in general shape, space and orientation to other rooming units found on the same camp.
4. Adequate accessibility to main public roadways and services shall be established to accommodate emergency vehicles with limited turning movements, reduced visibility, and slower accelerations speeds to main roadways. Driveway apron that access onto public roads shall be paved or concreted to match the existing road and shall be maintained in good condition by the camp owners. No "potholes".
5. All ~~workforce rooming units, including all accessory~~ structures shall be a minimum of fifteen (15) feet from any side or rear property lines and a minimum of thirty (30) feet from the front property line, abutting a street or road.

6. Guest parking lots shall be construction, at a minimum, of a hard pack surface with gravel, chip-seal, concrete or pavement to provide sufficient storm water run-off. Each parking space shall be a minimum of nine (9) feet wide by twenty (20) feet long in size. ADA parking may be required.
7. A Workforce Camp shall be assigned one address. ~~with~~ Each dwelling rooming unit shall have a number or letter assigned and posted to it by the owner or manager. Each dwelling unit space shall be clearly marked and visible from the access road, ~~in consecutive order,~~ with reflective three or four inches (3" or 4") numbers/letters.
- ~~8. Workforce Camps existing at the time of adoption of this article, that do not meet the requirements shall be required to apply for a non-conforming use permit with the Chaves County Planning Department. See Section 27.9~~

C. Access, Utilities and Service

1. Water service

Any water supply not provided by City of Roswell or Berrendo Water Co-op a ~~municipality or co-op,~~ shall conform to the minimum standard required by the NMOSE. Water service, hookups and water quality testing shall conform to the minimum standards required by the ~~municipality or co-op providing the service or by~~ NMED and the latest New Mexico Plumbing Code. Failure to comply with necessary ~~NMED or NMOSE~~ requirements shall result in the denial of the Workforce Camp application or renewal.

2. Liquid Waste Disposal

Liquid waste disposal services shall conform to the minimum standards of the ~~municipality providing service or the~~ NMED and the latest New Mexico Plumbing Code.

~~b. Development or construction on parcel within three hundred (300) feet of a community liquid waste disposal system, when available for use, may be connected to that community system. The design of such connection shall be approved by the community system authority.~~

3. Solid Waste

Plastic and/or metal trash containers shall be provided throughout the site by the owner and/manager so as to prevent scattered and blowing trash, debris and waste. ~~All solid waste shall be enclosed on site within private or contracted solid waste containers such that no solid waste will be blown or scattered onto the property or roadway.~~ No burning of trash, debris or solid waste shall be permitted. ~~on the property.~~

4. Streets and Access

~~a. General~~

- a. All streets and driveway access points to workforce camps may be reviewed by the City of Roswell, CCRD and the NMDOT to ensure that emergency vehicles can ingress and egress through the Workforce Camp efficiently and appropriately.
- b. Access internal roads that provide direct access to residential units or other structures, shall be constructed of a hard-pack surface with gravel, chip-seal, concrete or pavement, at a minimum width of twenty-six ~~four~~ (26) feet and shall extend throughout the camp as necessary to provide convenient access to each Workforce Camp dwelling rooming unit and to common facilities and uses.

- c. The ~~minimum~~ ~~maximum~~ width of the entrance(s) to Workforce Camps from the public street may be sixty (60) feet.
- d. No exterior entrance may be within three hundred (300) feet of another entrance to the Workforce Camp, or an entrance to any adjacent property, unless waiver is granted by the ~~Chaves County Planning~~ Department and/or the ~~ETZ~~ Commission.
- e. Driveway aprons that access onto public roads shall be paved or concreted to match the existing road and shall be maintained in good condition by the workforce camp owner, so as not to allow “potholes”.
- f. All internal roads and driveways shall be privately maintained in a manner that shall allow safe and efficient use by all vehicles in all weather conditions.

5. Traffic Impact Studies

Traffic Impact Studies may be required by the NMDOT, CCRD and/or the City of Roswell.

6. Intersection Visibility (Safe sight Triangle)

No structure or ~~planting~~ ~~vegetation~~ (at mature height) that exceeds three (3) feet in height shall be permitted within a safe sight triangle of the entrance/driveways. Exceptions ~~may be~~ permitted for utility poles, lighting standards, County or State traffic or other County-approved signs, ~~and existing trees, if the lower canopy of the trees allows a clear line of sight between three and seven feet above the street grade.~~

7. Other Utilities and Services

~~Failure to comply with the following requirements shall result in the denial of the Workforce Camp application or renewal.~~

- a. Electrical services and utility boxes shall comply with the latest New Mexico Electrical Code. Including the New Mexico Night Sky Act.
- b. All utilities, including electrical power and telephone lines shall be installed underground.
- c. All roads, walkways, guest parking, and service areas shall be provided with lighting adequate to ensure the safety of vehicular and pedestrian traffic.
- d. Liquid Propane use shall comply with Section 7-5-1 to 7-5-23 NMSA.

D. Occupant Parking, off-street

1. Number of parking spaces

one (1) parking space for every ~~dwelling unit two (2) occupants.~~ ~~(To be calculated based on the maximum number of occupants within the camp site, including camp employees)~~

2. Location

All required parking ~~areas~~ shall be located ~~off street and,~~ on the ~~Workforce Camp~~ site.

E. Fire protection

The State Fire Marshal may review all plans for Workforce Camps, which shall include reasonable plans and steps to minimize the potential ~~for~~ spread of fire to adjacent structures. Failure to comply with SFM requirements may result in the denial of the Workforce Camp application or renewal.

~~If a workforce camp draws water from a municipal or commercial water system, fire hydrant spacing shall not exceed a distance of one thousand (1,000) feet measured along the roadway, and individual hydrants shall not be located more than five hundred (500) feet from each workforce camp rooming unit.~~

F. Erosion and Drainage Plan

The Soil and Water Conservation District may determine whether the Workforce Camp can furnish terrain management sufficient to protect against flooding, inadequate drainage and erosion, which is a requirement for issuance of a Workforce Camp.

G. Maintenance; owner or manager responsibilities

~~The owner or manager of the Camp shall have the following maintenance responsibilities set forth below: Both the owner and operator of every Workforce Camp shall~~ be responsible for maintaining the facility in good working order, including maintaining access roads and keeping the Camp clean, orderly and sanitary at all times. Liquid and/or hazardous waste shall be cleaned up immediately, and any repairs shall be addressed per NMED code.

~~**Compliance with regulations required**~~

~~Both the owner of the camp and operator of any workforce camp shall arrange for the management and supervision of the camp so as to enforce or cause compliance with all of the provisions of this article and any other applicable ordinances.~~

~~**Repair and maintenance**~~

H. Perimeter Fencing or Landscaping

The perimeter of the Workforce Camp shall be fenced **and** landscaped to provide adequate screening from adjacent properties or developments. Screen fencing shall be at a minimum height of six (6) feet. Landscaping shall be at a minimum height of six (6) feet at maturity and may include trees, shrubs, or a combination of the two. Screen fencing, and landscaping design and layout should consider safe site triangles for all driveways and roads (Section 27.5.C.6).

~~**Section 27.6 WORKFORCE CAMP PERMITTING**~~

~~**A. Applicability**~~

~~No Workforce Camp shall be constructed on any lot or site prior to obtaining a Workforce Camp permit in accordance with the requirements of this article.~~

- ~~2. No workforce camp rooming unit shall be placed in a workforce camp prior to obtaining a Workforce Camp Permit in accordance with this section.~~

~~**B. Application for a Special Use Permit**~~

~~Any property owner or such owner's duly authorized agent or representative, whose land is zoned residential, commercial, or industrial and is within the unincorporated areas of Chaves County and the ETZ jurisdiction area may apply for a Special Use Permit for a Workforce Camp Permit with the County Planning and Zoning Department.~~

~~**C. Application requirements**~~

- ~~1. An application for a Workforce Camp Permit shall include sufficient information to demonstrate compliance with the applicable standards set forth in Section 27.5. At a minimum, each application shall include the following:~~
- ~~2. No review shall commence until the County Planning Director has determined that the application is satisfactory and ready to be presented to the Commission.~~

- ~~3. The County Planning Director shall determine if the application is satisfactory with the requirements set forth in Section 27.6.C.1 a-e, within fifteen (15) days of submission. The County Planning Director shall notify the applicant of the decision by certified mail.~~
- ~~4. Upon determining that the Workforce Camp application is satisfactory, the County Planning Director may place the proposed application on the agenda for next regular scheduled Commission hearing date.~~

~~Fees~~

~~Application review and permit fees and late fees shall be established by resolution by the ETZ Authority. The amount of the fee shall be commensurate with the cost of review and administration pursuant to this article.~~

~~Annual renewal~~

~~he Workforce Camp permit shall be renewed on an annual basis on or before January 1 of each calendar year. Renewal applications received after March 30th shall be declared "late" and shall be assessed a late fee. The annual permit fee shall be established by resolution by the ETZ Authority.~~

Section 27.6 WORKFORCE CAMP RULES

- A.** Each **Workforce Camp business** approved under this article shall operate and be governed by a set of rules established by the business owner **and manager** as necessary to ensure quality of life for residents and continued compliance with County regulations and State statutes.
- B.** Rules shall be posted in the business office at all times.

~~Section 27.8 ADMINISTRATIVE AND ZONING AUTHORITY APPEALS~~

- ~~A. Any person aggrieved by a decision of the Code Enforcement Officer, County Planning Director or any other employee may appeal said decision to the ETZ Authority within thirty (30) days after the date of the final decision in accordance with this section.~~
- ~~B. Any person aggrieved by a decision of the ETZ Authority may appeal the decision to District Court, pursuant to the provisions of Section 39-3-1.1 NMSA 1978.~~
- ~~C. The filing of an appeal shall stay all legal proceedings in the matter appealed from, unless the Code Enforcement Officer, County Planning Director or any other employee certifies to the ETZ Authority that by reason of facts stated a stay would cause imminent peril to life and property.~~

~~Section 27.9 NONCONFORMITIES~~

~~A. General~~

~~1. Applicability~~

~~The regulations of this section govern nonconformities, which are spaces, uses and structures that were lawfully established but because of the adoption of new or amended regulations no longer comply with one or more requirements of this article and shall supersede Article 24 of this ordinance.~~

~~—2.— **Intent**~~

~~Occasionally, spaces, uses, and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) have been made nonconforming because of changes in the regulations that apply to the subject property. The regulations of this section are intended to clarify the effect of such nonconforming status and avoid confusion with “illegal” buildings and uses (those established in violation of applicable regulations). The regulations of this section are also intended to:~~

- ~~a. Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established at the time such use and activities commenced;~~
- ~~b. Promote maintenance, reuse and rehabilitation of existing buildings;~~
- ~~c. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties; and~~
- ~~d. Encourage nonconforming workforce camps to conform to the requirements of this article.~~

~~—3.— **Determination of nonconforming status**~~

- ~~a. The County Planning Director is authorized to determine whether adequate proof of nonconforming status has been provided by the subject landowner.~~
- ~~b. The burden of proving that a nonconformity (as opposed to a violation) exists rests entirely with the subject landowner. Reliable evidence must also be provided by the applicant indicating that the nonconformity has been continuous and that it has not lost its nonconforming status. Examples of reliable evidence include: building permits; City or County billing records; utility billing records; and assessment, tax or rental records.~~
- ~~c. The County Planning Director’s decision on nonconforming status determinations may be appealed in accordance with Section 27.8.~~
- ~~d. Any workforce camp that does not meet the standards of this article at the time of adoption of this ordinance will be deemed nonconforming and shall have ninety (90) days to apply for a non-conforming use permit.~~
- ~~e. All nonconforming use permits will require annual renewal and are subject to review and approval. This renewal will be considered “late” and applicable late fees will apply if more than three hundred sixty five (365) days have elapsed since last renewal.~~
- ~~f. All nonconforming use permits will be revoked if renewal has lapsed for a period of twelve (12) months or more.~~

~~—B.— **Nonconforming Structures**~~

~~—1.— **Continuation**~~

~~The lawful, conforming use of a structure existing at the effective date of this ordinance, and its subsequent amendments, may be continued, although the structure’s size or location does not conform to the density and dimensional standards, parking standards, or other applicable provisions of this ordinance.~~

~~—2.— **Damaged or destroyed**~~

~~If a nonconforming structure is damaged by calamity, natural disaster or other cause, it may not be restored except in conformity with the provisions of this article. A nonconforming structure otherwise damaged or destroyed may only be restored if it still retains more than~~

fifty (50) percent of its pre-damage/destruction value, subject to approval by the Chaves County Building Official.

~~—3.— **Movement**~~

~~A nonconforming structure, including a manufactured or mobile home, may not be moved for any reason or for any distance, unless when so moved, it complies with the requirements of this article; Chaves County’s Manufactured Home Placement Ordinance; and other applicable regulations. The provisions of this subsection shall not apply to involuntary movements of uses as a result of condemnation actions or other litigation.~~

C. Nonconforming Uses

~~—1.— **Continuation**~~

~~The lawful nonconforming use of a structure or land at the effective date of this ordinance or its subsequent amendment may be continued so long as the then existing use continues, provided that any enlargement or expansion shall be in accordance with requirements of this article.~~

~~—2.— **Damaged or destroyed**~~

~~If a nonconforming use is damaged by calamity, natural disaster or other cause, it may not be restored except in conformity with the provisions of this article. A nonconforming use otherwise damaged or destroyed may only be restored if it still retains more than fifty (50) percent of its pre-damage/destruction value and is subject to approval of a Workforce Camp Permit by the Chaves County Building Official.~~

~~—3.— **Movement**~~

~~A nonconforming use, including a manufactured or mobile home, may not be moved for any reason or for any distance, unless when so moved, it complies with the requirements of this article; Chaves County’s Manufactured Home Placement Ordinance; and other applicable County and State requirements. The provisions of this subsection shall not apply to involuntary movements of uses as a result of condemnation actions or other litigation.~~

~~—4.— **Change in use**~~

~~Once a nonconforming use has been changed or altered so as to comply with the provisions of this article, it shall not be permitted to revert back to a nonconforming use.~~

~~—5.— **Discontinuance of nonconforming use**~~

~~Discontinuance or abandonment of a nonconforming structure or use for a period of twelve (12) months or more, shall require the use to conform to this article with exception to the following reasons; litigation, physical disability, or unforeseen circumstances beyond the control of the owner. The extension of a discontinued or abandon nonconforming use beyond twelve (12) months, shall be at the discretion of the ETZ Commission.~~

~~—6.— **Enlargements and expansions**~~

~~a.— A nonconforming workforce camp may not be enlarged or expanded, except with the approval of the County Planning Director and/or ETZ Commission and where the County Planning Director and/or ETZ Commission finds that:~~

~~1.— The existing workforce camp is in substantial compliance with the requirements of this article; and~~

~~2.— Water and liquid waste disposal services will conform with the minimum standards of N.M.E.D.; and~~

~~3.—Any enlargement or expansion of the workforce camp shall conform to all requirements of this article.~~

~~b.—In approving the expansion of a nonconforming workforce camp, the County Planning Director and/or ETZ Commission may impose conditions as necessary to reasonably address deficiencies and to achieve the purpose and intent of this article.~~

~~**D.—Change of Ownership**~~

~~The lawful nonconforming use of a structure or land at the effective date of this article or its subsequent amendment may be continued regardless of a change of ownership.~~

~~**E.—Density and Dimensional Standards**~~

- ~~1.—Development on nonconforming workforce camp shall comply with the applicable density and dimensional standards to the extent practical, as determined by the Commission.~~
- ~~2.—Nonconforming camps shall not be modified to create nonconformity or increase the degree of nonconformity. Modification that decrease the extent of nonconformity shall be permitted.~~

Section 27.8 VIOLATIONS, ENFORCEMENT AND PENALTIES

~~**A.—Violations**~~

~~**1. Violations of conditions**~~

~~violation of conditions imposed as part of a Workforce Camp Permit pursuant to Section 27.5 shall constitute a violation. of this article.~~

~~**2. Additions or Enlargements**~~

~~Addition or enlargement of a Workforce Camp, not approved by the Commission, shall constitute a violation of this article.~~

~~**3. Non-compliance**~~

~~Non-compliance with any section of this article will be considered a violation. of this article.~~

~~**4. Occupancy**~~

~~No building or site may be occupied until the improvements, construction and installations comply with this article and any conditions imposed as part of the Workforce Camp Permit.~~

~~**5. Inspection**~~

~~The County Planning Director, Chaves County Building Inspector, Code Enforcement Officer or other assigned administrator may inspect buildings, sites, improvements, construction and installations for the purpose of determining compliance with this article and any conditions imposed as part of a development approval. The administrator shall promptly investigate and take action on complaints regarding ordinance violations.~~

~~**B.—Enforcement**~~

~~**1. Notice of violation**~~

~~Where provisions of this article are being violated, the Code Enforcement Officer shall send the owner or the owner's designee, via certified mail or carrier service and posting, notice of the violation, setting forth the action is necessary to correct the violation. The notice may require discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or the taking of any action authorized by this article to ensure compliance with or to prevent violations of its provisions.~~

Citations

~~The Code Enforcement Officer shall have the authority to issue citations for the violation of this article and to seek the issuance of any and all necessary court orders on behalf of the County.~~

a. ~~Timing of citations~~

~~The Code Enforcement Officer has the authority to issue citations for violations of this article thirty (30) days after mailing the notice of violation in compliance with Section 27.9 of this article.~~

b. ~~Content of citation~~

~~The citation shall specify the code violations forming the basis for the citation.~~

C. ~~Penalties and remedies~~

1. ~~Violations of this ordinance~~

~~In addition to any penalty or other remedy provided by law, any person, corporation, entity or organization, found to have violated any provision of this ordinance, may be punished by a fine of up to three hundred (\$300) dollars and/or up to ninety (90) days imprisonment or both. Each individual day of violation shall constitute a separate violation of this ordinance.~~

2. ~~Development approvals, permits~~

~~a. No application for a Workforce Camp Permit or other development approval shall be processed for any property with an existing violation, unless the application addresses the violation.~~

~~b. The County may initiate revocation, withdrawal or suspension of any prior development approvals and permits via the same process required for such approvals and permits; and may withhold or prohibit any additional development by owner or in which owner holds an interest until such time as the violations set forth in the citation are cured; and require proof of compliance with this article prior to issuance of a Workforce Camp Permit; and such other penalties as are permitted by law.~~

3. ~~Utility connections~~

~~Any water, sewer, electric, or gas company that provides service to individual parcels before the landowner has received a Workforce Camp Permit pursuant to this article may be subject to civil injunctive relief or penalties.~~

ARTICLE 28 RECREATIONAL VEHICLE PARKS

Section 28.1 GENERAL PROVISIONS

- A. The purpose of this article is to provide for the safety, health, prosperity, order, comfort, and morals of the residents of Chaves County; and to provide certain standards and regulations relating to RV Parks and promote conformance with standards established to ensure such facilities are suitably developed for the placement and occupancy of laborers or recreational vehicles for residential, household living purposes with the necessary accessory uses and amenities on properties located within the ~~ETZ District. Roswell-Chaves County Extraterritorial Zone area.~~
- B. This article is intended to enable the development of a unique, well-planned project ~~that~~ incorporates a variety of ~~portable, modular, prefabricated and~~ vehicle-based housing for ~~permanent,~~ transient or seasonal occupancy. It is also the intent of this article to prohibit inappropriate and incompatible land use; to accommodate existing RV Parks and regulate the future installation of RV Parks.
- C. The provisions of this article are held to be minimum requirements. Whenever any provisions of this article conflict with other laws, rules, regulations, covenants, or ordinances, the more restrictive shall govern. This article shall be construed broadly to promote the purposes for which it is adopted.
- D. **A development plan shall be required.**
- E. RV parks shall comply with the American with Disabilities Act.
- F. Developments that include both RV park spaces and Workforce camp on the same site shall comply with both requirements stated in Article 27 and Article 28.

Section 28.2 ALLOWABLE USES

~~Allowable uses within the boundaries of RV Parks shall include and may be limited to the following:~~

- A. One recreational vehicle and **one** personal vehicle per ~~each~~ parking space. No tents except in designated areas that are located within direct access to the guest parking lot and bathing ~~shower~~ and toilet facilities.
- B. No manufactured homes, mobile homes, modified metal containers intended for dwelling purposes, or dwelling units of conventional construction shall be permitted for living purposes **on the RV park**, with **the** exception to a park office or manager's residence.
- C. ~~An common's~~ accessory structure or use.
 - 1. ~~An common~~ accessory structure or use shall be primarily for the ~~occupants of the park, including but not limited to recreational facilities, cafeteria, food courts, lobbies, meeting rooms, management offices, laundry rooms, tenant storage lockers, parking areas, storage buildings, swimming pools, garbage and trash disposal facilities.~~ Accessory structures shall be built to New Mexico Construction Industries Division and/or the HUD Code Manufactured Housing standards. ~~Any other metal structures shall require stamped and signed plans from a licensed New Mexico Structural Engineer. The plans shall be prepared in accords with the New Mexico Commercial Building Code.~~

2. No accessory structures may be placed or constructed on **an RV parking** space, with the exception of a single vehicle carport, secured and anchored to a concrete footing, provided by the park owner or manager. This provision shall not be interpreted as a limitation on the size of the manager's residence, management office, recreational office, restroom area, or other common park accessory use.
3. Utility service structures or uses such as, but not limited to, well houses, septic tanks, electrical transformers, power poles and small cell nodes. ~~Propane tanks greater than 120 gallons in size shall not be permitted any park space.~~ Propane tanks shall be placed in a secure storage container/ area free from weeds, debris and combustible materials ~~not necessary to the storage.~~
4. No individual above ground septic storage tanks **shall be permitted.**

~~D.—Guest parking lot. See Section 28.5.D~~

Section 28.3 SPECIFIC USE STANDARDS

Recreational vehicles ~~allowed on any RV Park space~~ shall be licensed and capable of being lawfully operated on or towed behind an appropriately licensed motor vehicle on New Mexico streets and highways.

Section 28.4 DENSITY AND DIMENSIONAL REQUIREMENTS

A. Number of recreational vehicles

The maximum number of recreational vehicles per one-acre shall be twelve (12). ~~The specific number of RVs in any park shall be subject to the approval of the Development Plan by the County Planning and Zoning Staff and/or the ETZ Commission/Authority, the City of Roswell and NMED.~~

B. Site area

A detailed development plan showing the layout of the recreational vehicle park shall be required. ~~RV parks located in the Flight Zone Overlay District shall be located on a parcel of land being ten (10) acres or greater.~~ All ~~other~~ RV parks shall be located on a parcel of land being five (5) acre or greater, under the ownership of one person, partnership, LLC, or company. The parcel shall have direct access to a public road or street. A land division of a RV park, resulting in a parcel of land less than five (5) acres, shall not be permitted without approval from the ~~ETZ~~ Commission.

C. Recreational Vehicle parking space

Each RV parking space shall be a minimum of twenty-five (25') wide by ninety (90) feet long in size.

D. Open Space Requirements

The twenty percent (20%) open space requirement shall be located on the same parcel of land as the Workforce Camp. Land occupied by storage or office buildings, streets, driveways and parking spaces shall not be counted toward satisfying this open space requirement. Undeveloped areas and areas occupied by parks, recreational buildings and recreational areas may be counted toward the open space requirement.

~~Floor area~~

~~Floor area is the gross floor area (GFA) of a building. GFA shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the area of each floor of the structure.~~

Section 28.5 SITE DEVELOPMENT STANDARDS

- A. ~~The following agencies shall be notified by Staff in order to determine if the RV Development Plan is suitable for the area.~~ **Site Suitability Policy**

~~The Chaves County Planning Department and/or ETZ Commission may not approve an RV Park permit or a special use permit for an RV Park under this article if, from adequate investigations conducted by public agencies, it has been determined that in the best interests of the public, the site or the plans for the site are not suitable for such development. Those public agencies may include any of the agencies listed below:~~

1. City of Roswell.
2. Chaves County Road Department (CCDC).
3. Soil and Water Conservation District (SWCD).
4. New Mexico Office of the State Engineer (NMOSE).
5. New Mexico Environment Department (NMED). and
6. New Mexico Department of Transportation (NMDOT).

Lands subject to flooding and lands deemed to be topographically unsuitable shall not be developed for any of the residential occupancies permitted by this article or for other related uses as it may increase danger to health, life, or property, or aggravate erosion or flood hazard, except as specifically allowed by Chaves County's Floodplain Management Ordinance. Such lands within a proposed development site shall be set aside for such uses to not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

B. General

The standards of this section shall apply equally to all new **RV parks** or enlargement of existing RV parks to the extent specified. Building permits for ~~accessory~~ structures and **placement permits for manufactured homes** shall ~~housing placement permits may~~ be required from the ~~Chaves County Planning~~ Department.

1. A Development Plan shall include a Site Plan showing the location of the RV parking spaces, **interior access** roads, **required open space and parking areas**, underground utilities, light poles, all septic or storage tanks, drain fields, ~~all accessory~~ recreational or common structures, open space areas and other improvements.
2. The Development Plan shall include a topography survey of the site and shall include design Finish Floor elevations for all parking spaces, roads and structures. Storm water detention and/or retention ponds may be required to prevent any possible run-off onto adjacent properties. Ponds shall be no more than three feet below natural ground and shall have a maximum slope of one to three on either side.
3. The site shall be harmoniously and effectively organized ~~in relation to topography, the shape of the tract and the shape, size and position of structures,~~ with consideration for usability of space, appearance and livability. Each RV parking space shall be similar in general shape, space and orientation to other parking spaces in the same park.

- ~~4. Adequate accessibility to main public roadways and services shall be established to accommodate large recreational vehicles with limited turning movements, reduced visibility, and slower accelerations speeds to main roadways. Driveways that access public roads shall be paved or concreted to match the existing road and shall be maintained in good condition by the park owners. No "potholes".~~
- ~~5. All park spaces, including all accessory structures, shall be a minimum of fifteen (15) feet from any side or rear property line and a minimum of thirty (30) feet from the front property line, abutting a street or road.~~
- ~~6. All park spaces shall be constructed of a hard pack surface space with gravel, chip seal, concrete or pavement.~~
- ~~7. All parking spaces and interior roads shall be designed to allow recreational vehicles to either back up or drive through the designated parking space.~~
4. Guest parking lot **area** shall be constructed, at a minimum, of a hard pack surface with gravel, chip-seal, concrete or pavement to provide sufficient storm water run-off. Each parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet long in size. ADA parking may be required.
5. Parking lot **areas** and **interior access** roads shall not be permitted on septic tanks or drain fields.
6. The RV Park shall be assigned one address. ~~with~~ Each parking space ~~and structure~~ shall have a number or letter assigned ~~and posted~~ to it by the owner ~~or manager~~. Each space ~~or structure~~ shall be clearly marked ~~and be visible from the interior road, in consecutive order,~~ with reflective three or four inch **long** (3" or 4") numbers/letters.
7. RV Parks existing at the time of adoption of this article that do not meet the requirements shall be required to apply for a non-conforming use permit with the Chaves County Planning Department. See Section ~~24~~ **28.9**.

C. Access, Utilities and Service

1. Water service

Water supply, not provided by **the City of Roswell** ~~a municipality~~ or **Berrendo Water** cop, shall conform to the minimum standard required by the NMOSE. Water service and hookups shall conform to the minimum standards required by ~~NMED and~~ New Mexico Plumbing Code, and may be connected to an external pressurized system, if necessary. Failure to comply with NMED or NMOSE requirements shall result in the denial of the RV Park application or renewal.

2. Liquid Waste Disposal

- ~~a.~~ Above ground, septic holding tanks on individual RV parking spaces shall not be permitted. Liquid waste disposal services and hookups shall conform to the minimum standards of NMED and the latest New Mexico Plumbing Code.
- ~~b.~~ ~~Development or construction of parcels within three hundred (300) feet of a community liquid waste disposal system, when available for use, may be connected to that community system. The design of such connection shall be approved by the community system authority.~~

3. Solid Waste

Plastic and/or metal trash containers shall be provided throughout the site by the owner and/manager so as to prevent scattered and blowing trash, debris and waste. All solid waste shall be enclosed on site within private or contracted solid waste containers such that no

~~solid waste will be blown or scattered onto the property or roadway.~~ No burning of **trash, debris** or solid waste shall be permitted.

4. Streets and Access

~~a. General~~

All **interior access road streets** and **entrance/driveway** access points to RV parks may be reviewed by the Chaves County Road Department, the City of Roswell and/or the New Mexico Department of Transportation to ensure that emergency vehicles can ingress and egress through the RV park efficiently and appropriately.

- a. Internal **access** roads that provide direct access to spaces or structures, shall be constructed of a hard-pack surface with gravel, chip-seal, concrete or pavement at a minimum width of **twenty-six (26)** feet and shall extend throughout **the** park as necessary to provide convenient access to each RV park space and to common facilities and uses.
- b. The **minimum maximum** width of the entrance/driveways ~~to RV parks from the public street~~ shall be sixty (60) feet.
- c. ~~No exterior~~ **The entrance/driveway shall not may** be within three hundred (300) feet of ~~another entrance to the RV park, or~~ an entrance to any adjacent property, unless a waiver is granted by the ~~Chaves County Planning~~ Department and/or the ETZ Commission.
- d. **The entrance/driveways aprons** that access onto public roads shall be paved or concreted to match the existing **public** road and shall be maintained in good condition by the park owner **or manager**, so as not to allow "potholes".

~~All internal roads and driveways shall be privately maintained in a manner that shall allow safe and efficient use by all vehicles in all weather conditions.~~

5. Traffic Impact Studies

A Traffic Impact Studies may be required by the New Mexico Department of Transportation, Chaves County Road Department and/or the City of Roswell.

6. Intersection Visibility (Safe sight Triangle)

No structure or **planting vegetation** (at mature height) that exceeds three (3) feet in height shall be permitted within a safe sight triangle of the entrance/driveways. Exceptions **may be** permitted for utility poles, lighting standards, County or State traffic ~~or other County~~ approved signs. ~~and existing trees, if the lower canopy of the trees allows a clear line of sight between three and seven feet above the street grade.~~

7. Other Utilities and Services

Failure to comply with the following requirements shall result in the denial of the RV Park application or renewal

- a. **Lighting fixtures**, electrical services and utility boxes shall comply with the latest New Mexico Electrical Code. Including the New Mexico Night Sky Act.
- b. All utilities, including electrical power and telephone lines shall be installed underground.
- c. **Lighting fixtures shall be provided for all entrance/driveways, access roads, walking areas, guest parking and public buildings or offices.** ~~All roads, walkways, guest parking, and service areas shall be provided with lighting adequate to ensure the safety of vehicular and pedestrian traffic.~~

d. Liquid Propane use shall comply with Section 7-5-1 to 7-5-23 NMSA.

D. Guest Parking Area, ~~off-street~~

1. Number of parking spaces One parking space per every ~~five (5)~~ **fifteen (15)** RV parking spaces.

~~2. Location~~

~~—All required parking shall be located off street and on the site.~~

E. Fire protection

The State Fire Marshal may review all development plans for RV parks, which shall include reasonable plans and steps to minimize the potential for spread of fire to adjacent spaces and structures. Failure to comply with SFM requirements may result in the denial of the RV Park application or renewal.

1. If a RV park draws water from a municipal or commercial water system, fire hydrant spacing shall not exceed a distance of one thousand (1,000) feet measured along the roadway, and individual hydrants shall not be located more than five hundred (500) feet from each RV park space.

F. Erosion and Drainage Plan

The Soil and Water Conservation District may determine whether the RV Park can furnish terrain management sufficient to protect against flooding, inadequate drainage and erosion, which is a requirement for issuance of **an** RV Park Permit.

G. Maintenance; owner or manager responsibilities

The owner of the park **and/or** manager shall have the following maintenance responsibilities set forth below:

1. Compliance with regulations required

Both the owner **and/or manager** of the ~~park and operator of any~~ RV park shall **be responsible for** ~~arrange for the management and supervision of the park so as to~~ enforce **and/or** ~~cause~~ compliance with all of the **park rules, all** provisions of this article, **any conditions imposed by the Commission upon approval,** and ~~any~~ **all-other** applicable County ordinances.

2. Repair and maintenance

- a. **The owner or manager shall be responsible for maintenance and repair of all utilities, facilities and structures.**
- b. **All interior access roads, driveways, parking spaces and parking areas shall be maintained so as to allow safe and efficient use by all vehicles in all weather conditions.**
- c. **The RV Park shall be kept clean of trash, debris, waste, weeds and potholes.**

- d. Both the owner of the park and operator of every RV Park shall be responsible for maintaining in good repair and condition all facilities, private roads. and for maintaining clean, orderly and sanitary conditions at all times. Liquid and/or hazardous waste shall be cleaned up immediately, and any repairs shall be addressed per NMED code.
- e. All easements, buffers, and public or occupant use areas shall be cared for and kept free from weeds and trash.

H. Perimeter Fencing or Landscaping

The perimeter of the RV Park shall be fenced or landscaped to provide adequate screening from adjacent properties or developments. Screen fencing shall be ~~at~~ a minimum ~~height~~ of six (6) ft ~~in height~~. Landscaping shall be at a minimum ~~height~~ of six (6) ft. ~~in height~~ at maturity and may include trees, shrubs, or a combination of the two. Screen fencing, and landscaping design and layout shall consider ~~the~~ safe site triangles ~~for all driveways and roads~~ (Section 28.5.C.6).

~~Section 28.6 RECREATIONAL VEHICLE PARK PERMITTING~~

~~A. Applicability~~

- ~~1. No RV parks shall be constructed on any lot or site prior to obtaining RV park permit in accordance with the requirements of this article.~~
- ~~2. No more than one (1) recreational vehicle, owned by the landowner, shall be placed in a proposed RV park prior to obtaining an RV Park Permit in accordance with this section.~~

~~B. Application a Special Use Permit in a Residential District~~

- ~~Any property owner within the unincorporated areas of Chaves County and within the ETZ jurisdiction area, or such owner's duly authorized agent or representative, whose land is zoned R-S Rural-Suburban, may apply for a Special Use Permit for a RV Park Permit with the County Planning and Zoning Department. The application and approval requirements for a Special Use Permit shall comply with Section 28.6.C and Article 2.5 of this ordinance.~~
- ~~1. No public hearing shall commence until the Planning and Zoning Director has determined that the application is complete. Such a decision shall be made within fifteen (15) days of submission. The County Planning Director shall notify the applicant of the decision by certified mail.~~
 - ~~2. Upon determining that the application is satisfactory, the County Planning Director may place the proposed Special Use on the agenda for the next regular scheduled ETZ Commission hearing date.~~

~~C. Application requirements~~

- ~~1. An application for an RV Park Permit shall include sufficient information to demonstrate compliance with the applicable standards as set forth in Section 28.5. At a minimum, each application shall include the following:~~
 - ~~a. The name of the applicant and landowner of the RV park, the residential address of the applicant and landowner, the physical address of the RV park, legal description for the site that is the subject of the RV Park Permit, the registered agent of the operator, if applicable; and~~
 - ~~b. A scaled and detailed Development Plan outlining the standards set forth in Section 28.5; and~~
 - ~~c. A written and signed evaluation or approval from the local, state or federal agencies that may be affected by the proposed RV park, as listed in Section 28.5.A; and~~
 - ~~d. The application fees.~~

~~D. Initiation an RV parks in Commercial or Industrial Districts.~~

~~The application and approval requirements for an RV Park shall comply with Section 28.6.C Any property owner within the unincorporated areas of Chaves County or such owner's duly~~

~~authorized agent or representative, whose property is zoned Commercial or Industrial District may apply for a RV Park Permit. The County Planning Director, with the support of local, state and government agencies, shall have forty five (45) days to either approve, approve with conditions, or deny the proposed RV Park Permit. The County Planning Director shall notify the applicant of the decision and reasoning within fifteen (15) days after the decision has been determined, by certified mail.~~

- ~~1. Changes to the RV Park Permit, including the Development Plan, in a Commercial or Industrial District may be approved by the Planning Director with support from the local and state agencies listed in Section 28.5.A.~~

~~**B. Fees**~~

~~Application review and permit fees and late fees shall be established by the ETZ Authority. The amount of the fee shall be commensurate with the cost of review and administration pursuant to this article.~~

~~**C. Annual renewal**~~

~~The RV Park Permit may be renewed by Staff on an annual basis on or before January 1 of each calendar year. Annual renewal permits received after March 30th of each calendar year, shall be declared "late" and shall be assessed a late fee. The annual permit fee shall be established by the ETZ Authority.~~

Section 28.7 RECREATIONAL VEHICLE RULES

Each **RV Park business** approved under this article shall operate and be governed by a set of rules established by the business owner **or manager** as necessary to ensure quality of life for residents and continued compliance with County regulations and State statutes. Rules shall be posted in the business office at all times.

~~**Section 28.8 ADMINISTRATIVE AND ZONING AUTHORITY APPEALS**~~

- ~~A. Any person aggrieved by a decision of the Code Enforcement Officer, Planning Director or any other employee may appeal said decision to the ETZ Authority within thirty (30) days after the date of the final decision in accordance with this section.~~
- ~~B. Any person aggrieved by a decision of the ETZ Authority may appeal the decision to District Court pursuant to the provisions of Section 39-3-1.1 NMSA-1978.~~
- ~~C. The filing of an appeal shall stay all legal proceedings in the matter appealed from, unless the Code Enforcement Officer, Planning Director or any other employee certifies to the ETZ Authority that by reason of facts stated a stay would cause imminent peril to life and property.~~

~~**Section 28.9 NONCONFORMITIES**~~

~~**A. General**~~

~~**1. Applicability**~~

~~The regulations of this section govern nonconformities, which are spaces, uses and structures that were lawfully established but because of the adoption of new or amended regulations no longer comply with one or more requirements of this article and shall supersede Article 24 of this ordinance.~~

~~**2. Intent**~~

~~Occasionally, spaces, uses, and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) have been made nonconforming because of changes in the regulations that apply to the subject property. The regulations of this section are intended to clarify the effect of such nonconforming status and~~

~~avoid confusion with “illegal” buildings and uses (those established in violation of applicable regulations). The regulations of this section are also intended to:~~

- ~~a. Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established at the time such use and activities commenced;~~
- ~~b. Promote maintenance, reuse and rehabilitation of existing buildings;~~
- ~~c. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties; and~~
- ~~d. Encourage nonconforming RV parks to conform to the requirements of this article.~~

~~3. Determination of nonconforming status~~

- ~~a. The Planning Director is authorized to determine whether adequate proof of nonconforming status has been provided by the subject landowner.~~
- ~~b. The burden of proving that a nonconformity exists (as opposed to a violation) rests entirely with the subject landowner. Reliable evidence must also be provided by the applicant indicating that the nonconformity has been continuous and that it has not lost its nonconforming status. Examples of reliable evidence include: building permits; City or County billing records; utility billing records; and assessment, tax or rental records.~~
- ~~c. The Planning Director’s decision on nonconforming status determinations may be appealed in accordance with Section 28.8.~~
- ~~d. Any RV park that does not meet the standards of this article at the time of adoption of this ordinance will be deemed nonconforming and shall have ninety (90) days to apply for a nonconforming use permit.~~
- ~~e. All nonconforming use permits will require annual renewal and are subject to review and approval. This renewal will be considered “late” and applicable late fees will apply if more than 365 days have elapsed since last renewal.~~
- ~~f. All non-conforming use permits will be revoked if renewal has lapsed for a period of twelve (12) months or more.~~

~~B. Nonconforming Structures~~

~~1. Continuation~~

~~The lawful, conforming use of a structure existing at the effective date of this ordinance, and its subsequent amendments, may be continued, although the structure’s size or location does not conform to the density and dimensional standards, parking standards, or other applicable provisions of this ordinance.~~

~~2. Damaged or destroyed~~

~~If a nonconforming structure is damaged by calamity, natural disaster or other cause, it may not be restored except in conformity with the provisions of this article. A nonconforming structure otherwise damaged or destroyed may only be restored if it still retains more than fifty (50) percent of its pre-damage/destruction value, subject to approval by the Chaves County Building Official.~~

~~3. Movement~~

~~A nonconforming structure, including a manufactured or mobile home, may not be moved for any reason or for any distance, unless when so moved, it complies with the requirements of this article; Chaves County’s Manufactured Home Placement Ordinance;~~

~~and other applicable regulations. The provisions of this subsection shall not apply to involuntary movements of uses as a result of condemnation actions or other litigation.~~

~~C. Nonconforming Uses~~

~~1. Continuation~~

~~The lawful nonconforming use of a structure or land at the effective date of this ordinance or its subsequent amendment may be continued so long as the then existing use continues, provided that any enlargement or expansion shall be in accordance with requirements of this article.~~

~~2. Damaged or destroyed~~

~~If a nonconforming use is damaged by calamity, natural disaster or other cause, it may not be restored except in conformity with the provisions of this article. A nonconforming use otherwise damaged or destroyed may only be restored if it still retains more than fifty (50) percent of its pre damage/destruction value and is subject to approval of a RV Park Permit by the Chaves County Building Official.~~

~~3. Movement~~

~~A nonconforming use, including a manufactured or mobile home, may not be moved for any reason or for any distance, unless when so moved, it complies with the requirements of this article; Chaves County's Manufactured Home Placement Ordinance; and other applicable County and State requirements. The provisions of this subsection shall not apply to involuntary movements of uses as a result of condemnation actions or other litigation.~~

~~4. Change in use~~

~~Once a nonconforming use has been changed or altered so as to comply with the provisions of this article, it shall not be permitted to revert back to a nonconforming use.~~

~~5. Discontinuance of nonconforming use~~

~~Discontinuance or abandonment of a nonconforming structure or use for a period of twelve (12) months or more, shall require the use to conform to this article with exception to the following reasons; litigation, physical disability, or unforeseen circumstances beyond the control of the owner. The extension of a discontinued or abandoned nonconforming use beyond twelve (12) months, shall be at the discretion of the Commission.~~

~~6. Enlargements and expansions~~

~~a. A nonconforming RV park may not be enlarged or expanded, except with the approval of the County Planning Director and/or Commission and where the County Planning Director and/or Commission finds that:~~

- ~~1. The existing RV park is in substantial compliance with the requirements of this article; and~~
- ~~2. Water and liquid waste disposal services will conform with the minimum standards of NMED; and~~
- ~~3. Enlargement or expansion area or portion of the RV park, including new spaces, roads and services, will conform to all requirements of this article.~~

~~a. In approving the expansion of a nonconforming RV park, the County Planning Director and/or Commission may impose conditions as~~

necessary to reasonably address deficiencies and to achieve the purpose and intent of this article.

D. Change of Ownership

The lawful nonconforming use of a structure or land at the effective date of this article or its subsequent amendment may be continued regardless of a change of ownership.

E. Nonconforming Spaces

1. Description

a. A nonconforming space is a lawfully created space, shown on an approved development plan that does not comply with all applicable space area, space width, or other applicable dimensional standards.

b. All nonconforming spaces are subject to nonconformity determination provisions of Section 28.9.A.3.

2. Use of Nonconforming Space

Nonconforming spaces may be used for a RV park space until the nonconformity is eliminated. An RV Park Permit in accordance with this article and a development plan demonstrating that the space is in compliance with the requirements of this article shall be required prior to the future use of any nonconforming space.

F. Density and Dimensional Standards

1. Development on nonconforming spaces must comply with the applicable density and dimensional standards to the extent practical, as determined by the Planning Director.

2. Nonconforming spaces may not be adjusted in size or shape to create nonconformity or increase the degree of nonconformity for space area, space width, or other applicable dimensional standards. Space area or shape adjustments that decrease the extent of nonconformity are allowed.

Section 28.8 VIOLATIONS, ENFORCEMENT AND PENALTIES

A. Violations

1. Violation of conditions

Violation of conditions imposed as part of an RV Park Permit pursuant to Section 28.5 shall constitute a violation of this ordinance.

2. Additions or Enlargements

Additions or enlargements of a RV Park not approved by the County Planning Director and/or the Commission shall constitute a violation of this article.

3. Non-compliance

Non-compliance with any section of this article will be considered a violation of this article.

4. Occupancy

No building or site may be occupied until the improvements, construction and installations comply with this article and any conditions imposed as part of the RV Park Permit.

5. Inspection

The Planning Director, Chaves County Building Inspector, or other assigned administrator may inspect buildings, sites, improvements, construction and installations for the purpose of determining compliance with this article and any conditions imposed as part of a

~~development approval. The administrator shall promptly investigate and take action on complaints regarding ordinance violations.~~

~~**B. Enforcement**~~

~~**1. Notice of violation**~~

~~Where provisions of this article are being violated, the Code Enforcement Officer shall send the owner or the owner's designee, via certified mail or carrier service and posting, notice of the violation, setting forth the action necessary to correct the violation. The notice may require discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or the taking of any action authorized by this article to ensure compliance with or to prevent violations of its provisions.~~

~~**2. Citations**~~

~~The Code Enforcement Officer shall have the authority to issue citations for the violation of this article and to seek the issuance of any and all necessary court orders on behalf of the County.~~

~~**a. Timing of citations**~~

~~The Code Enforcement Officer has the authority to issue citations for violations of this article thirty (30) days after mailing the notice of violation in compliance with Section 28.9 of this article.~~

~~**b. Content of citation**~~

~~The citation shall specify the code violations forming the basis for the citation.~~

~~**C. Penalties and remedies**~~

~~**1. Violations of this ordinance**~~

~~In addition to any penalty or other remedy provided by law, any person, corporation, entity or organization, found to have violated any provision of this ordinance, may be punished by a fine of up to three hundred (300) dollars and/or up to ninety (90) days imprisonment or both. Each individual day of violation shall constitute a separate violation of this ordinance.~~

~~**1. Development approvals, permits**~~

~~**a.** No application for an RV Park Permit or other development approval shall be processed for any property with an existing violation, unless the application addresses the violation.~~

~~**b.** The County may initiate revocation, withdrawal or suspension of any prior development approvals and permits via the same process required for such approvals and permits; and may withhold or prohibit any additional development by owner or in which owner holds an interest until such time as the violations set forth in the citation are cured; and require proof of compliance with this article prior to issuance of a RV Park Permit; and such other penalties as are permitted by law.~~

~~**2. Utility connections**~~

~~Any water, sewer, electric, or gas company that provides service to individual parcels before the landowner has received a RV Park Permit pursuant to this article may be subject to civil injunctive relief or penalties.~~

**ARTICLE 29
CANNABIS ESTABLISHMENTS**

Section 29.1 APPLICABILITY

This Article shall govern Cannabis Establishments, or parts thereof located within the boundaries of the ETZ District ~~Roswell-Chaves County Extraterritorial Zoning~~ area.

Section 29.2 PURPOSE AND INTENT

The ~~Roswell-Chaves County Zoning Authority finds the~~ need to reasonably regulate the location, operational hours and density of Cannabis Establishments, **an adult content activity**, within the ~~unincorporated area of County~~ ETZ District in order to promote and protect the health, safety and welfare of all Chaves County citizens, to prevent criminal activities related to drug abuse, to prevent a negative impact on property values, to minimize any burden placed on law enforcement services, and to protect those who visit or otherwise live, work and stay within Chaves County. Also, these regulations are to preserve and protect the quality of life in residential neighborhoods, commerce in commercial and industrial districts, education in surrounding school and childcare facilities, and use in park areas through effective land use planning and reasonable zoning regulation. State law, the zoning and other regulations in this article are enacted pursuant to the County's authority in Section 12 of the Cannabis Regulation Act, Laws 2021. These regulations shall not conflict with the Cannabis Regulation Act or the Dee Johnson Clean Indoor Air Act.

Section 29.3 CANNABIS RESTRICTIONS

- A. ~~All~~ Cannabis Establishments **may be permitted in the** ~~shall require a Special Use Permit I-1 Industrial District as a specific use approval by the Roswell-Chaves County Extraterritorial Commission and/or the Roswell-Chaves County Extraterritorial Zoning Authority per Article 1 Section 2.5; Article 2, Section 2.8; Article 25; and the following restrictions and requirements stated in this Article 29 including sufficient agriculture water rights as determined by the NM Office of the State Engineer and the Department.~~
- B. Cannabis Establishments conducted from mobile, portable, or temporary units and/or drive-through locations shall not be permitted.
- C. ~~Cannabis Establishments located in zoning districts R-1, R-2, R-3, R-MS, R-MP, R-S, O-1 or PUD shall not be permitted, with the exception of Cannabis producers and cannabis producer microbusiness which may be permitted in the R-S District with a Special Use Permit provided sufficient agriculture water rights are in ownership by the applicant as determined by the NM Office of the State Engineer and the Planning and Zoning Department. Cannabis producers and eannabis producer microbusiness shall be required to comply with Section 29.6 (A and B) and 29.8 of this Article.~~
- D. Cannabis establishments shall not be permitted within Recreational Vehicle Parks or Workforce Camps.
- E. Access to or possession of cannabis, in any manner, shall be restricted to persons twenty-one (21) years of age or older.

- F. The smoking, vaping or ingesting of cannabis products shall not be permitted outdoors in public places or events.
- G Residential growth and cultivation of cannabis shall be limited to a maximum of six mature and six immature plants per residential household.

Section 29.4 GENERAL COMMERCIAL (ZONE C TYPE 1) OR INDUSTRIAL (ZONE D) REQUIREMENT

~~A. Cannabis Establishments within the extraterritorial areas of the Chaves County shall be restricted to parcels zoned Commercial C-1 (Article 13), or Industrial I-1 (Article 14) with a Special Use Permit, with the exception of cannabis producers and cannabis producer microbusiness as stated in Section 29.C, above. A change in zoning district and Special Use Permit may be requested per Article 1, Section 2.5; Article 2 Section 2.8; Article 25, and the following restrictions and requirements stated in this Article 29.~~

~~The Zoning Authority has determined that cannabis establishments may be allowed in those Zoning Districts where similar uses are permitted, such similarity determined by the Zoning Authority in an exercise of legislative discretion based upon, among other factors, off site impacts, compatibility and the need for service. The following cannabis establishments shall be located in the following Zoning Districts, at a minimum:~~

Cannabis Establishment Facilities	Zoning District
Producer or producer microbusiness	Industrial District or Rural Suburban District- Special Use Permit
Consumption areas, couriers, research laboratories, growth and educational stores, retailers, and testing laboratories.	I-1 Industrial District
Extraction/processing, manufacturers, and integrated product areas.	I-1 Industrial District

Section 29.5 LOCATION REQUIREMENT

~~Applications for a Special Use Permit for a Cannabis Establishments shall be required to meet the following conditions:~~

- A. Reasonable Place. Cannabis Establishments shall not be permitted within three hundred (300) feet of any school (private or public) or childcare facility; measured from property line of the lot on which the Cannabis Establishment is to be located, to the nearest point on any property line of the school or childcare facility is located; and
- B. Reasonable Place. Cannabis Establishments shall not be permitted within one thousand (1,000) feet of any religious institution, community center, government facility, adult care facility, medical facility, **sexually oriented business**, or public parks established prior to the Cannabis Establishment permit; measured from property line of the lot on which the Cannabis Establishment is to be located, to the nearest point on any property line of the lot for which the religious instructions, community center, government facility, adult care facility, medical facility, or public parks is located; and

- C. Reasonable Density. A licensed Cannabis retailers and consumption areas shall not be permitted within a half a mile (1/2) or (2,640 ft.) of any other licensed cannabis retailers, cannabis consumption area and liquor establishment, including those ~~outside the ETZ District within the unincorporated area of Chaves County~~ and within the City of Roswell, NM; measured from property line of the lot on which the licensed cannabis retailers, cannabis consumption area and liquor establishment is located, to the nearest point on any property line of the cannabis retailer or consumption area is to be located; and
- D. Reasonable Manner. The smoking, vaping or ingesting of cannabis products shall not be permitted outdoors but rather shall be permitted within a licensed cannabis consumption area that occupies a standalone building from which smoke and vapor fumes do not infiltrate other indoor workplaces or other indoor public places where smoking is otherwise prohibited pursuant to the Dee Johnson Clean Indoor Air Act. A Cannabis Establishment shall be properly ventilated to filter the odor from cannabis so that the odor cannot be detected by a person with a normal sense of smell at the exterior of the cannabis or at any adjoining use or property.
- E. Reasonable Time. Cannabis retailers and cannabis consumption area shall be permitted to operate from 7:00 a.m. to midnight Monday through Saturday and from noon to midnight on Sundays; and
- ~~F. Reasonable Place. Cannabis Establishments may be permitted in Commercial and Industrial Zone Districts with a SUP, located along the following roads or highways as recommended in the latest Chaves County Comprehensive Master Plan Commercial and Industrial Corridors: US Highway 70, US Highway 82, US Highway 285, US Highway 380, State Road 2, South Main Street (Brasher Road to Hobson Road), and Roswell Relief Route.~~

Section 29.6 SPECIAL USE PERMIT APPLICATION FORM – INFORMATION REQUIRED

~~Application forms for obtaining a Special Use Permit (SUP) for a Cannabis Establishment shall be provided by the Planning and Zoning Staff. The cost of the SUP may be found in Appendix A of this ordinance. Application procedures for a SUP may be found in Article 1, Section 2.5 and Article 25 of this ordinance. A complete application shall contain the following information:~~

- A. Owners. Name, address, and telephone number of: (1) the applicant; (2) all persons owning an interest in the Cannabis Establishments including all individuals having a corporate or partnership interest in the property and/or operation of the business; (3) if it is a business entity, the officers and directors, managers, trustees and (4) any aliases of any of the above persons; and
- B. Type of Establishment. The applicant shall identify the type or types of uses to be operated within the Cannabis Establishments by the prospective licensee. The applicant shall specify whether the land use will include a single-family dwelling unit on the same lot or parcel of land as the Cannabis Establishments; and
- C. Location and Related Information. The applicant shall furnish the address and legal description of the parcel of land on which the land use is to be located, including section, township and range, parcel ID numbers, and acreage, together with the identification of the estate which the owner or operator holds in the land, and shall furnish the planned hours of operation during which the establishment will conduct any business; and

- D. A clear and precise **development site** plan showing the ingress and egress of the Cannabis Establishments to existing and proposed private or public roads. The **site development** plan shall also include all existing and proposed building(s), the location of any greenhouses, utilities, the location of parking areas and the number of parking spaces, landscaping, lighting plans for parking areas and security fences; and
- E. A current list **of property owners**, ~~which includes the property the Cannabis Establishment property is seeking for the Permit (the "Subject Property"), all surrounding property owner's information, including mailing address, land use, and zoning located~~ within one thousand (1,000) feet of the proposed cannabis establishment; and
- F. **Building Construction** plans ~~approved by the local Certified Building Inspector~~ shall be required for all modifications, alterations or new buildings. The plans shall be drawn to scale and shall also include the applicable requirements contained in the latest approved commercial building, fire, electric, HVAC and plumbing code; and
- G. Documentation of other businesses that are located within and/or operating in the same building, structure, or portion thereof of the building for which the Cannabis Establishment is attempting to locate. (Strip Malls or Shopping Centers)

~~Section 29.7 CANNABIS ESTABLISHMENT PERMIT AND RENEWAL~~

- ~~A. A Cannabis Establishment Permit fee shall be five hundred (\$500.00) dollars for the initial permit, and two hundred and fifty (\$250.00) dollars for annual renewal of the permit.~~
- ~~A. Prior to issuance of a new Cannabis Establishment Permit, the cannabis establishment shall be required to receive a Certificate of Occupancy from the Chaves County Building Inspector.~~
- ~~B. A temporary Cannabis Establishment Permit may be issued for state licensing purposes pending completion of the fire, electrical, and building inspections, and upon satisfactory evidence that all other conditions have been met for a permit. A final permit shall be issued upon completion of the inspections and an issuance of a Certificate of Occupancy by the Chaves County Building Inspector.~~
- ~~C. Prior to issuing an annual renewal for a Cannabis Establishment Permit, the cannabis establishment shall require an inspection by the Chaves County Building Inspector for possible code violations.~~
- ~~D. The annual renewal for a Cannabis Establishment Permit shall coincide with the Special Use Permit. Any violation discovered during the annual renewal inspection shall be corrected within thirty (30) days of being notified by the Chaves County Building Inspector.~~

Section 29.7 PERFORMANCE STANDARDS AND REQUIREMENTS

- A. Permit Standards. After the effective date of the ordinance codified in this article, any building, structure, or tract of land developed, constructed, or used for Cannabis Establishments purposes as defined in this article shall comply with the following performance standards. However, these standards are the minimum standards, and stricter standards may be required by other regulations, including building, electrical, plumbing, HVAC and fire codes.

1. Building Facade. A Cannabis Establishments building facades, exteriors, and exits shall generally resemble surrounding buildings. All window areas shall be covered or made opaque so as not to allow visibility from the outside.
2. Building Codes. A Cannabis Establishments being constructed and/or upgraded to comply with the latest building, electrical, plumbing, HVAC and fire codes, along with the latest New Mexico Environmental Department and State Engineer's Office regulations shall have to apply for necessary State and County permits.
3. Cannabis Control Division. All Cannabis Establishments shall comply with all Cannabis Control Division regulations and requirements set forth by this Article and in the Cannabis Control Division regulations.
4. Signs. All Cannabis Establishments signage shall be located on the same property or parcel of land as the establishment and shall require a building permit issued by the **Department Chaves County Building Inspector**.
5. Parking and Lighting Regulations. ~~On site parking is required and regulated in accordance with Article XVI. In addition, All parking areas and the building shall be illuminated from dusk until dawn with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface and walkways.~~ An on-premises exterior lighting plan shall be submitted to the **Planning and Zoning Department that is in compliance with the Night Sky Act** ~~with the site plan.~~
6. Fencing. Secure fencing surrounding the establishment, measuring at least six (6) feet in height and constructed of sturdy material, shall be required in order to protect the facility and public.

~~Section 29.9 ADMINISTRATION AND ENFORCEMENT~~

- ~~A. Administration. All applications for permit approval under this article shall be made to the Planning and Zoning Department. It shall be the duty of the Planning and Zoning Director or his or her designee to process any application pursuant to this article, and to administer the provisions of this article. The Planning and Zoning Director shall prepare any forms necessary to administer the provisions of this article.~~
- ~~B. Planning and Zoning Staff shall have reasonable time to review all applications, site plans, construction plans, and any other documents necessary to approve the cannabis establishment permit. If denial of an application for a new or renewal permit is deemed necessary by the Planning and Zoning Director, written notice of the decision shall be provided to the applicant.~~
- ~~C. In the event a Cannabis Establishment is legally established in accordance with the requirements of this article and (1) an incompatible land use locates within the required separation distance or (2) boundaries for residential zones in the county are modified, a pre-existing legally established Cannabis Establishments shall be considered conforming, but notwithstanding the provisions of Section 29.6(C) no further Cannabis Establishments shall be located in the area. If the Cannabis Establishments ceases to be operational for a period exceeding sixty (60) days, then the use shall be considered non conforming. Decisions as to the conformity of the Cannabis Establishment shall be rendered by the Planning and Zoning Director and may be appealed in accordance with the provisions contained in Article 1, Section 2.3.5 of this ordinance.~~

~~D. Enforcement. It shall be the duty of the Chaves County Sherriff's Department, Chaves County Planning and Zoning Staff and Chaves County attorney to see that this article is enforced through the proper legal channels. The Chaves County Building Inspector shall issue no permits for the construction, alteration, or repair of any building or part thereof, unless such plans and intended use of such building conforms in all respects with the provisions of this article and the required application fees have been paid.~~

~~Section 29.10 SEVERABILITY~~

~~If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this article or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this article or any part thereof. The Zoning Authority hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.~~

~~The penalty for violating this article may include a maximum of three hundred (\$300.00) dollars and/or ninety (90) days in jail. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this article.~~

~~Section 29.12 EMERGENCY CLAUSE AND EFFECTIVE DATE~~

~~Because of the urgent need for regulation pursuant to this Article, the Roswell Chaves County Extraterritorial Zoning Authority declare that it is necessary for the public health, safety and wellness that this Article take effect immediately after passage when it is recorded as part of the Roswell Chaves County Extraterritorial Zoning Ordinance No. 80-1, Revision No.20 in the Chaves County Clerk's office. In the event a court of competent jurisdiction finds that the passage of this Article did not constitute an emergency, then the effective date of this Article shall be thirty (30) days after the recording of Chaves County Extraterritorial Zoning Ordinance No. 80-1, Revision 20 in the Chaves County Clerk's office.~~