

**ROSWELL-CHAVES COUNTY
EXTRATERRITORIAL ZONING AUTHORITY
CHAVES COUNTY ADMINISTRATIVE CENTER
COMMISSION CHAMBERS ROOM 100
#1 ST. MARY'S PLACE, ROSWELL, NM**

PUBLIC HEARING

AUGUST 27, 2020 AT 6:00 P.M.

A G E N D A

I. CALL TO ORDER

II. CONSIDERATION OF MINUTES: March 10, 2020

III. NEW BUSINESS

1. Text Amendment to the Roswell-Chaves County Extraterritorial Zoning Ordinance No.80-1:
Article 17: F-2 FLIGHT ZONE DISTRICT
Article 19: S-1 OUTDOOR ADVERTISING OVERLAY DISTRICT
Article 20: AREA AND SETBACK REQUIREMENTS
Article 21: ADDITIONAL HEIGHT, AREA, AND USE REGULATIONS
Article 25: OFF STREET PARKING AND LOADING REQUIREMENTS
2. Resolution ETZ 2020-2: To amend the Fee Schedule of the Roswell-Chaves County Extraterritorial Zoning Ordinance No.80-1

IV. OTHER BUSINESS

**UNSCHEDULED COMMUNICATIONS LIMITED TO THREE MINUTES PER VISITOR,
FIFTEEN MINUTES TOTAL, NO FORMAL ACTION TAKEN BY THE AUTHORITY**

V. ADJOURNMENT

Per CDC guidelines social distancing of six (6) feet will be enforced. Masks should be worn at all times. Space is limited in the Chamber Room; however, Staff will make all necessary accommodations to comply with the New Mexico Open Meeting Act and CDC guidelines.

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 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.

STAFF REPORT

The following is a general description of the proposed amendments to the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1.

Article 17. (pg. 43)

1. Correct the designation, remove Zone 1, clarify permitted uses, height restrictions, and lot size.

Article 19. (pg.47)

1. Remove and replace - Uniform Building Code with Latest New Mexico Commercial Building Code.
2. Clarify the requirements for a building permit with the County.

Article 20. (pg.48)

1. Increase the minimum lot size to 1.0 acre in R-1, R-2, R-3, R-MS, & R-MP Districts.
2. Increase the minimum lot size to 5.0 acres in C-1 Commercial District and I-1 Industrial District.
3. Reduce the residential setback requirements.
4. Remove repetitive statement items.

Article 21. (pg.50)

1. Clarify “radio towers” as “amateur radio tower” for height limitation in residential districts.
2. Remove and replace - Uniform Building Code with New Mexico Commercial or Residential Building Code.

Article 25. (pg.59)

1. Clarify “communications transmitter” as “commercial communications transmitter”
2. Special Use Permit Add- Multigenerational housing, Day Care Home-Group & Workforce Camps.
3. Adding a Statement clarifying that Special Use Permits are nontransferable both in ownership and location.

TEXT IN BLUE AND MARKED OUT ARE PROPOSED TO BE DELETED

TEXT IN RED ARE PROPOSED ADDITIONS.

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

- ~~1.~~ The regulations set forth in this article are "F-2" Flight Zone District Regulations. The Flight Zone is an overlay zone and shall limit the use of those areas it overlays.
1. 2. Use regulations within the "Flight Zone District" - a building or premises shall be used only for the following purposes:
 - a. "~~Ldn~~ **DNL Zone 4**" is a designated area within which the noise rating includes 75 **DNL** ~~Ldn~~ and is designated as indicated on the official zoning maps following legal subdivision lines. The following are designated compatible uses in "~~Ldn~~ **DNL Zone 4**";
 1. Open spaces,
 2. Agriculture, except dairy, mink, and poultry production, and no new residences shall be built after the effective date of this Ordinance, and
 3. Uses in existence at the time of the adoption of this Ordinance meeting the requirements set forth in Article 25.
 - b. "~~Ldn~~ **DNL Zone 3**" is a designated area within which the noise rating includes 70 and 75 **DNL** ~~Ldn~~ and "~~Ldn~~ **DNL Zone 2**" is a designated area within which the noise rating includes 65 and 70 **DNL** ~~Ldn~~. "~~Ldn~~ **DNL zones 3 and 2**" are combined and designated as indicated on the official zoning maps, following legal subdivision lines. The following are designated as compatible uses in "~~Ldn~~ **DNL Zones 3 and 2**";
 - 1 Any use permitted in R-S Rural Suburban Zone,
 - 2 All uses designated in "~~Ldn~~ **DNL Zone 4**",
 - 3 **C-1 Commercial permitted uses compatible with the DNL Zone.** ~~Playgrounds and parks including amusement parks,~~
 - 4 **I-1 Industrial permitted uses compatible with the DNL Zone.** ~~Golf courses, tennis courts, riding and hiking trails, and cemeteries,~~
 - 5 ~~Agriculture.~~
 - 6 ~~All other uses are incompatible uses in "Ldn Zones 2 and 3."~~

- e. ~~"Ldn Zone 1" is a designated area over which the noise rating is less than 65 Ldn.~~
 - 1 ~~"Ldn Zone 1" is designated as indicated on the official zoning maps following legal subdivision lines.~~
 - 2 ~~"Ldn Zone 1" is designated Rural Suburban with a five (5) acre minimum lot size.~~
3. The use of land owned by an individual, partnership, corporation, or other legal entity that lies in more than one zone shall be limited to the uses authorized in the most restrictive zone except where the amount of land lying in the less restrictive zone or zones is of sufficient size to meet the requirements of the zone in which it lies, in which case it shall meet the requirements of that zone.
4. **Height Restrictions:** ~~Except when permitted by a variance issued by the Commission,~~
 - a. **Maximum height for structures within seven hundred and fifty (750) feet from the airport runway shall be twenty-five (25) feet.** ~~Development upon land within the designated airport area shall be regulated in accordance with schedule of land uses for flight zone.~~
 - b. **Maximum height for all other structures shall be forty (40) feet.** ~~No designation of use contained in this schedule shall be construed to abrogate or contravene the provisions of any local zoning ordinance, or local, state or federal regulations.~~
5. **Minimum lot size in the DNL zones is ten (10) acres.** ~~The allowed uses are subject to height and location restrictions set forth in Chaves County ordinances and the City of Roswell ordinances, in the designated mapped areas known as transition, horizontal, and conical zones.~~
6. ~~The allowed uses will observe location restrictions created by noise levels, so as not to interfere with the function of the RIAC and avoid incompatible uses with RIAC.~~

ARTICLE 19

S-1 OUTDOOR ADVERTISING OVERLAY DISTRICT

Section 19.1 PURPOSE

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

Section 19.2 ESTABLISHMENT OF DISTRICT

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

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

Section 19.3 PERMITTING

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

All billboards within the district boundary described above ~~shall~~ ~~must~~ 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 CONSTRUCTION~~

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

Section 19.4 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~~ ~~may~~ be located a minimum of 500 feet from any other billboard on the same side of the road, and a minimum of 500 feet from any intersection.

Section 19.5 MAINTENANCE

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

ARTICLE 20

AREA AND SETBACK REQUIREMENTS

ZONING District	MINIMUM LOT SIZE (AREA)	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	HEIGHT
R-1 Single Family Residential	1.0 acres** 6,000-sq-ft	25 ft *	30 ft *	5 ft *	35 ft * or 2 stories
R-2 Two Family Residential (duplex)	1.0 acres** 3,500-sq-ft per unit	25 ft *	30 ft *	5 ft *	35 ft * or 2 stories
R-3 Multi Family Residential Townhouse Type Residential	1.0 acres** 5,000-sq-ft (+ 1,250-sq-ft for second story) Each unit 24 ft wide; 3,000-sq-ft	25 ft * 10 ft between buildings	30 ft *	5 ft * 0 ft party walls-5 ft	35 ft * or 2 stories 35 ft * or 2 stories
R-MS Residential- Manufactured Home Subdivision	1.0 acres** 6,000-sq-ft	25 ft	20 ft	8 ft	35 ft
R-MP Residential- Manufactured Home Park	5 acres 3000-sq-ft 30 ft lot width	25 ft	20 ft	20 ft	35 ft- None
O-1 Office – Professional	5 acres None	20 0 ft *	10 ft – abutting an alley	0 ft *	35 ft *
C-1 Commercial	5 acres None	20 0 ft *	20 ft.	0 ft *	
I-1 Industrial	5 acres None	20 0 ft *	20 ft.	0 ft *	
R-S Rural Suburban	5 acres	50 ft *	50 ft *	20 ft *	
R-S (DSB) Rural Suburban in area of severe depletion of shallow water basin (unadjudicated domestic 1-acre right)	10 acres (Flight Zone)				
R-S DSB Rural Suburban in area of severe depletion of shallow water basin (adjudicated shallow or artesian water right)	5 acres	50 ft *	50 ft *	20 ft *	
R-S (I-A) Rural Suburban Flight Zone (see map)	5 acres				
PUD Planned Unit Development	Residential or mixed-5 ac Commercial or Ind-2 ac	See Article 15	See Article 15	See Article 15	See Article 15

* See article 21 for additional height and area requirements

** **Shall require a Variance to the five-acre requirement.** ~~Setbacks and building separation according to the Uniform Building Code~~

ARTICLE 21

ADDITIONAL HEIGHT, AREA, AND USE REGULATIONS

~~The district regulations hereinafter set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.~~ 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 churches and temples may be erected to a height not exceeding seventy five (75) feet, if that part of the building exceeding the height limit is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.
2. Single family dwellings, two family dwellings, and multiple family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards respectively, are increased by not less than five (5) feet over and above the yard requirements prescribed for the zoning district in which they are located, provided, however, that any such structure shall not exceed three (3) stories in height.
3. Chimneys, fire, stage, water, ornamental, or 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.
4. Fences and walls may be constructed not to exceed eight (8) feet in height. Corner lots located on the intersection of two (2) or more streets, shall not have walls exceeding three (3) feet in height within thirty (30) feet of the intersection, or as otherwise approved by the Commission, in order to maintain an unobstructed view for traffic.
- ~~5. No building exceeding one and one-half (1 1/2) stories or twenty-five (25) feet shall be erected within seven hundred and fifty (750) feet of any airport or landing field.~~

Section 21.2 Area

1. Accessory buildings may be built or placed in a required rear yard but such accessory building shall not be nearer than ten (10) feet to the main building, nearer than two (2) feet to any side or rear lot line, or nearer than five (5) feet to any alley abutting the rear of the lot, nor shall any such accessory building occupy more than thirty (30) percent of the rear yard. Smaller prefabricated metal storage buildings may abut the property line in the rear yard.
2. Accessory buildings which are to be used for storage purposes only may be erected upon a lot prior to the construction of the main buildings, but no accessory building

shall be used for a dwelling purpose except by domestic or farm and ranch servants employed on the premises.

3. Accessory buildings and uses not attached to the main building or structure that are uses customarily incidental to the permitted use in a residential dwelling district, but not involving the conduct of a business, shall be located not less than sixty (60) feet from the front lot line.
4. Accessory uses in a commercial district such as exterior storage for display of products for rent or sale may occupy not more than fifteen percent (15%) of the interior display area. This excludes on site outside storage of materials for manufacture or assemblage and not for display.
5. Every part of a required yard or interior court shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, and ornamental features projecting not to exceed twelve (12) inches.
6. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a rear yard not more than five (5) feet, and the ordinary projections of chimneys and flues may be permitted by the **Code Enforcement Officer**.
7. An open, unenclosed porch or paved terrace may project into a required front or rear yard for a distance of not exceeding ten (10) feet.
8. For the purpose of the side yard regulations, a two-family or a multiple family dwelling shall be considered as one (1) building occupying one (1) lot.
 - a. Where the building farthest from the street provides a front yard not more than ten (10) feet deeper than the building closest to the street, then the front yard is and remains an average of the existing front yards.
 - b. Where condition (a) is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
 - c. Where neither condition (a) or (b) is the case and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.

9. Corner Lots

- a. Corner lots shall have a minimum side yard of twenty-five (20) feet on the street side of the lot in all residential **dwelling** districts.
- b. ~~On the street side of a~~ **Corner lots** in an industrial or a commercial district ~~that adjoins a dwelling district there shall be~~ **have a minimum** side yard of ~~not less than~~ twenty-five (20) feet.

10. Front Yard

- a. Where the structures within a single block in a residential area have observed a variation in the front yard line, but not more than ten (10) feet, a building may not project into the front setback more than the average of forty percent (40%) of the buildings in that block.

- ~~b. Where lots have a double frontage, a front yard shall be required on both streets.~~
- b. In a commercial, industrial, or office district where the frontage on one side of the street between two intersecting streets is located partially in a ~~dwelling~~ residential district, the front yard requirement shall be twenty-five (25) feet. ~~of a dwelling district shall apply.~~
- c. Residential Planned Unit Development shall 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-Uniform Building Code and parking and subdivision criteria.

11. Side Yard

- ~~a. In a commercial or industrial district, on the side of a lot adjoining a dwelling residential district, in which case there shall be a side yard of not less than twenty-five (20) feet.~~
- b. ~~The side yard on the street side of a corner lot shall not be less than twenty-five (25) feet, in a residential dwelling district.~~
- ~~c. Where a commercial or industrial district rears a residential district, there shall be a side yard of not less than fifteen (15) feet.~~

12. Rear Yard

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

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

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

Section 21.3 Use

1. The use and height of buildings hereafter erected, converted, enlarged, or structurally altered, and the use of any land shall be in compliance with the regulations established herein for the zone in which such land or building is located.
2. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the zone in which a building or premises is located.

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

ARTICLE 25
SPECIAL USE PERMITS

Section 25.1 Granting Special Use Permits

A Special Use Permit shall be bound and limited to the parcel(s) of land described in the application and to the land owner/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 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.

1. 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. Prior to granting any Special Use Permit, the Commission shall hold a public hearing and shall determine that:

- a. The granting of the Special Use Permit will not be injurious to the public health, safety, morals, and general welfare of the community.
 - b. The use or value of the area adjacent to the property included in the Special Use Permit will not be affected in a substantially adverse manner.
 - c. The site for the proposed Special Use Permit is suitable for that use, and the surrounding properties are compatible with that use.
 - d. That the grant of the Special Use Permit would be within the spirit, intent, purpose, and general plan of this Ordinance.
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 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:
 - i. 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
 - ii. The applicant shall provide such facilities; or
 - iii. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment;
 - c. The proposed use will not generate significant nuisance conditions such as noise, dust, glare, vibration;
 - d. 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 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;
- a. 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 any one (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;
 - b. That the Special Use Permit was obtained by misrepresentation or fraud;
 - c. That the use for which the Special Use Permit was granted has ceased or was suspended for twelve (12) or more consecutive calendar months;
 - 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.

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 ~~the ETZ~~ this Ordinance.

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

1. Airports* or landing fields.
2. Cemeteries and mausoleums
3. **Commercial** communications transmitter antennas or towers provided they are at least 100 feet from any public way.
4. Community buildings or recreation fields.
5. Electric substations, gas regulator or pump/booster stations, and well and water pumping stations in any district, provided that in any residential district or commercial district, the site shall be developed and maintained in conformance with the general character and appearance of the district. Such development shall include landscaping and suitable screening in the form of a wall, or solid fence and compact evergreen shrub.
6. Extraction of gravel, sand or other raw materials, provided that a satisfactory guarantee be posted with the Commission assuring that the land be left in such a condition that all faces, slopes, edges, or spoil piles have a maximum slope 2½ feet horizontal to one (1) foot vertical.
7. Hospitals, clinics*, and institutions
8. Night clubs*
9. Nursery schools, day nurseries, child care centers, pre-kindergartens, and other special and similar private schools in an Industrial District as an accessory or function for employees, provided that adequate safety from loud noises and other industrial dangers are supplied and there is at least 100 square feet of open play for each child enrolled. Each play area shall be screened with a suitable wall, fence, or evergreen shrub.
10. Parking lots adjacent to, across the street from, or across the alley from the Commercial District, or a Business District.
11. Penal institutions
12. Poultry hatcheries, poultry production, dairying and any similar activities.
13. Private clubs or lodges
14. Railroad tracks, yards, and similar railroad facilities
15. State licensed or state operated family or group care residences for homeless ~~or abused children, the mentally ill or retarded~~, the criminal offender, or alcohol or drug abusers that function as a transition from institution to community.
16. Substance abuse treatment facilities.
17. Temporary commercial amusements or recreational developments
18. **Multigenerational housing as a second dwelling unit in a residential district.**
19. **Day Care Home-Group in a residential district.**
20. **Workforce Camps**

Area, height, and setback requirements are set forth in Articles 20 and 21.
*** defined in Article 3.2, Definitions**

RESOLUTION ETZ 2020-2

**TO REMOVE AND REPLACE THE FEE SCHEDULE KNOWN AS “APPENDIX A”.
IN THE ROSWELL- CHAVES COUNTY EXTRATERRITORIAL ZONING
ORDINANCE NO. 80-1, REVISION NO. 18:**

WHEREAS, the Roswell-Chaves County Extraterritorial Zoning Authority may from time to time adopt a fee schedule that compensates for the expenditures acquired by the County for processing, reviewing and acting on zoning permit applications for parcels of land located within the Roswell-Chaves Extraterritorial Zoning jurisdiction; and

WHEREAS, the Roswell-Chaves County Extraterritorial Zoning Planning and Zoning Commission has considered and recommended approval of the fee schedule at a public meeting held on December 17th, 2019; and

WHEREAS, the Roswell-Chaves County Extraterritorial Zoning Authority has considered, evaluated and approved the new fee schedule for zoning permit applications at a public hearing held on August 27th, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Roswell-Chaves County Extraterritorial Zoning Authority that the following fee schedule be approved and enacted starting October 01, 2020 for the following zoning permit applications and be included in the Roswell-Chaves County Extraterritorial Zoning Ordinance No.80-1, Revision 18 to be known as Appendix A- FEE SCHEDULE:

**APPENDIX "A"
FEE SCHEDULE**

Change of Zoning:

Zone Change	FEE
New	\$350

Special Use Permit:

Type of Permit	FEE
New	\$300
Administrative Review	\$50

Adult Entertainment Land Use:

Type of Adult Land Use	Type of Permit	FEE
Bookstore, Video Store, and similar, without on-premise display of adult material	Original	\$500.00
	Transfer	\$375.00
	Renewal	\$250.00
Bookstore, Video Store, and similar, with on-premise displays, not including live displays	Original	\$1,000.00
	Transfer	\$750.00
	Renewal	\$500.00
On-premise display, live displays of adult materials and models	Original	\$1,000.00
	Transfer	\$750.00
	Renewal	\$500.00
Combination of any of the above adult land uses	Original	\$1,500.00
	Transfer	\$1,000.00
	Renewal	\$750.00

Miscellaneous Fees:

Variance	\$300
Land Use Permit/ Zoning Verification Letter	\$20
Appeals	\$100
Late Penalty Fee on Public Hearing Items	\$20

Workforce Camp and RV Park Fees:

New	\$300
Yearly Renewal	\$100
Late Renewal Penalty Fee	\$100

All fees collected are non-refundable

PASSED, APPROVED, ADOPTED AND SIGNED this 27th day of August 2020.

ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING AUTHORITY

Commissioner Robert Corn, Chairman

Councilor Jeanine Best-Corn- Member

ATTEST:

**Louis Jaramillo-Chaves County
Planning and Zoning Director**

Proposed increase in fees to cover the costs of preparing a case.

Special Use Permit fee is \$150

Costs for Case ETZ 2019-9:

6 Certified / Return Receipt Letters were mailed : \$6.80 each = \$40.80

Roswell Daily Record Legal Ad: \$77.32

Meeting Packets to Commissioners, mailed: \$1.75 each = \$12.25 total postage

Applicant Letter, mailed: \$0.65 postage

Meeting Packets copies= 27 pages @ \$0.20 each page = \$5.40

*Staff's participation (8 hours @ \$25 per hour) = \$200.00

Grand Total: \$336.42

- * Includes meeting with the applicants.
- Site Visit.
- Certified mail to surrounding owners.
- Advertise Agenda.
- Research of the area and previous cases.
- Second meeting with the applicant.
- Preparing Staff Reports and supporting documents.
- Editing of Reports.
- Preparing packets and mailing packet.
- Meeting.
- Minutes.

ETZ Commission Meeting of August 20th, 2019.

APPENDIX A
FEE SCHEDULE

Change of Zoning:

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

Special Use Permit:

Type of Permit	FEE
New	\$150.00 \$300
Renewal	\$100.00
Administrative Review	\$50.00

Adult Entertainment Land Use:

Type of Adult Land Use	Type of Permit	FEE
Bookstore, Video Store, and similar, without on-premise display of adult material	Original	\$500.00
	Transfer	\$375.00
	Renewal	\$250.00
Bookstore, Video Store, and similar, with on-premise displays, not including live displays	Original	\$1,000.00
	Transfer	\$750.00
	Renewal	\$500.00
On-premise display, live displays of adult materials and models	Original	\$1,000.00
	Transfer	\$750.00
	Renewal	\$500.00
Combination of any of the above adult land uses	Original	\$1,500.00
	Transfer	\$1,000.00
	Renewal	\$750.00

Miscellaneous Fees:

Variance	\$150.00 \$300
Land Use Permit/ Zoning Verification Letter	\$20
Appeals	\$100
Late Penalty Fee on Public Hearing Items	\$20

Workforce Camp and RV Park Permit fees:

New	\$300
Yearly Renewal	\$100
Late Renewal Penalty Fee	\$100

All fees collected are non-refundable