

# Zoning and ACC Application Handbook

What's new in 2008 .....	2
Caveat .....	2
Zoning District Requirement .....	2
Exemption from requirement: .....	2
Zoning Ordinance and Map.....	2
Architectural Control Commission (ACC) Requirement .....	2
Covenants.....	2
Contacts .....	2
Zoning Administrator.....	2
ACC Administrator .....	3
Zoning Website .....	3
Zoning Commissioners .....	3
Alto Lakes Water and Sanitation District.....	3
Lincoln County Planning & Zoning (flood plain).....	3
Lincoln County Rural Addressing Office .....	3
Lincoln County Road Department .....	3
New Mexico Environment Department (NMED) .....	3
Village of Ruidoso (building permit).....	3
Forms .....	3
Where to obtain forms.....	3
Submitting an application .....	3
When and where to submit Applications .....	3
Meetings .....	4
Meeting schedule .....	4
Attendance required .....	4
Representation.....	4
Appointments.....	4
Permits - Submittals and Attachments .....	5
Table of required submittals.....	5
Application forms, Fee submittal, and Addendums .....	6
Subdivision Plat .....	6
Survey (may be combined with Improvement Plat).....	6
Improvement Plat (may be combined with survey) .....	6
Building plans .....	7
Color Samples.....	7
Foundation survey.....	7
Current license .....	7
Rural Addresser Address Form.....	7
Lincoln County Road Permit.....	7
NMED Permit for Septic System.....	7
Variance and Conditional Use Permits .....	8
Generally.....	8
Informal discussion .....	8
Variance and Conditional Use Permit Forms (see Where to obtain forms) .....	8
Requirement for public hearing.....	8
Obtaining a hearing date with Zoning District.....	9
Form of Notice .....	9
Proof of notice.....	9
Public Hearing.....	9
How long will it take?.....	9
Frequently Asked Questions .....	10
Is Permit required to:.....	10
What improvements are allowed in my front, side and rear setbacks? .....	10
Is there anything special about a corner lot? .....	10
How do I find low water use plants recommended for use within the District?.....	10

## What's new in 2008

- The Zoning District and the Club Architectural Control Commission have agreed to combine most forms.
- The Zoning District and the Club Architectural Control Commission have agreed to meet on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month. Applicants will meet first with the Club Architectural Control Commission followed by the Zoning District.
- The requirements of both bodies must be met before approval is granted.
- Where Zoning Ordinance, Covenants, and Bylaws differ, the more restrictive shall apply.

## Caveat

This Handbook and the accompanying forms are provided for the convenience of applicants in obtaining Zoning and ACC approvals for repairs, replacements, and improvements. Every effort is made to make the information provided as factual and complete as possible. However, it is the applicant's sole responsibility to comply with all requirements of the Zoning Ordinance, Restrictive Covenants, and ALG&CC Bylaws.

## Zoning District Requirement

The ALZD Comprehensive Zoning and Land Use Ordinance divides Alto Lakes into zones: R-1 single family, R-2 multi-family (town homes and duplexes), C-N-neighborhood commercial, C-CC country club commercial, and CS-community service.

"No improvements of any kind shall be erected, constructed, placed, moved on, or maintained on any lot or portion thereof, nor shall any alterations, additions, or changes be made to any structure without filing an application for and obtaining a permit in a manner that is approved by the District Zoning Commission." *ALSZD Comprehensive Zoning and Land Use Ordinance*

### **Exemption from requirement:**

No District permit is required for interior work, minor exterior repairs, or exterior painting. See [Architectural Control Commission \(ACC\) Requirement](#).

### **Zoning Ordinance and Map**

- The Zoning Ordinance and Map are available on the District's website in Acrobat PDF format which may be read online or easily downloaded and printed for future reference.
- Wonder where to start with the Ordinance? The following sections will be an excellent starting point for owners of property in the Single-Family Residential Zone that covers most of the District. (See Zoning Map and/or Ordinance Appendix A):
  - Section 7 - Zone R-1, Single-Family Residential Zone
  - Section 13 - Landscaping and Buffer Landscaping
  - Section 14 - Restrictions on Outdoor Light Fixtures
  - Section 16 – Forest Health
  - Section 17 – Water Conservation
- A large zoning map is available for reference in the Club's ACC office.
- Printed copies of the Zoning Ordinance and Map may be ordered by sending a check for \$8.00 to ALSZD, PO Box 578, Alto, NM 88312.

## Architectural Control Commission (ACC) Requirement

The Architectural Control Commission ("ACC") consists of members selected by the Board of Directors ("Board") to enforce and carry out the architectural control provisions of the respective restrictive covenants ("Covenants") recorded with respect to each subdivision which is a part of Alto Village. Such Commission shall act on behalf of and in accordance with the directions and instructions of the Board. The Board may further establish such rules and regulations and establish such procedures and directions for the functioning of said Commission as the Board may see fit. (Article V, Bylaws of Alto Lakes Golf & Country Club Inc.)

### **Covenants**

- Printed copies of the Covenants are available in the Club's ACC office and are also posted on the Club's website at [www.altolakesgolf.com](http://www.altolakesgolf.com).

## Contacts

### **Zoning Administrator**

- Angela Cain – 575-336-8389
- Hours are 9-12 and 1-4 Tuesday and Thursday. The Zoning Administrator is not authorized to answer ACC questions.

### **ACC Administrator**

- ACC Administrator – Tina Nowell – 575-336-4231
- The ACC Office is located in the ALG&CC Clubhouse: #1 Country Club Drive, PO Box 168, Alto, NM 88312. Phone 575-336-4231.
- Office hours are 9-4 Monday through Friday. The ACC Administrator is not authorized to answer Zoning questions.

### **Zoning Website**

- “Zoning District” at [www.Altolakes.net](http://www.Altolakes.net). The Ordinance is on the Ordinance page and Forms and Instructions are on the Administration page

### **Zoning Commissioners**

Earl Adamy	336-7707	Fran Haines	336-7905
Ron Duncan	336-4877	Dale McLaughlin	336-6918

### **ALG&CC Website**

- The ALG&CC Restrictive Covenants are posted on the Club’s website at [www.altolakesgolf.com](http://www.altolakesgolf.com). Zoning/ACC Permit Applications and the Application Handbook are posted on the Zoning Districts website which may be reached by following the link on the Club’s website.

### **Alto Lakes Water and Sanitation District**

- Alto: 214 Lake Shore Drive, PO Box 750, Alto, NM 88312 Phone: 575-336-4333

### **Lincoln County Planning & Zoning (flood plain)**

- Ruidoso: Phone: 575- 258-5934

### **Lincoln County Rural Addressing Office**

- Carrizozo: 300 Central Avenue, PO Box 711 Phone: 575-648-2385, Ext 138 Fax: 575-648-2816

### **Lincoln County Road Department**

- Carrizozo: Highway 54 Phone: 575-354-2922

### **New Mexico Environment Department (NMED)**

- Ruidoso: Phone: 575-258-3272

### **Village of Ruidoso (building permit)**

- Ruidoso: 313 Cree Meadows Drive Phone: 575-258-4343 x1065

## **Forms**

### **Where to obtain forms**

- Permit and Variance application forms and instructions may be obtained from:
  - The Zoning/ACC forms rack in the Club Office
  - ALG&CC’s website – all forms are in Acrobat PDF format ... just print and complete
  - ALG&CC website and follow Zoning District link – [www.altolakesgolf.com](http://www.altolakesgolf.com).
- Conditional Use and Rezoning application forms and instructions may be obtained from:
  - ALG&CC’s website – all forms are in Acrobat PDF format ... just print and complete

## **Submitting an application**

### **When and where to submit Applications**

- Applications are due not later than 3:00 pm on the Friday prior to the Zoning/ACC meetings. This deadline is required to allow adequate time for pre-meeting review. Whenever practical, the applicant will be notified of incomplete applications prior to the meeting however it is the applicant’s responsibility to insure that applications are complete and accurate. Incomplete or inaccurate information is likely to result in the application(s) being tabled until the next regular meeting.
- Applications are to be submitted in two envelopes, one for Zoning and one for the ACC.
  - ACC envelopes shall be delivered to the ACC office in the Club house
  - Zoning envelopes shall be delivered to Zoning mail box in the Club house

# Meetings

## ***Meeting schedule***

- The Zoning District and the ACC meet on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month beginning at 9:00 am. Every effort will be made to schedule the applicant's appearance at both meetings in the shortest possible time.

## ***Attendance required***

- The property owner, or the property owner's designated representative (see **Representation**), must appear during Zoning District review of all applications. Failure to appear will result in the application being tabled until the applicant or representative is able to attend the meeting.

## ***Representation***

- A property owner may appoint a representative to act on the property owner's behalf. The Representation Authorization is required by both Zoning District and ACC. The name of the representative must be designated and the property owner must have his/her signature notarized (within USA) or guaranteed (outside USA).

## ***Appointments***

- Appointments with the Zoning District and ACC are scheduled by the ACC Administrator in the Club's Business Office. Generally, the applicant can expect to be heard first by the ACC and then by the Zoning District. The ACC Agenda is published at least 24 hours prior to the meeting and is available on the ALG&CC website.
- Please arrive at the meeting at least 15 minutes prior to your appointment.

# Permits - Submittals and Attachments

**Table of required submittals**

Type	EZ Enclosed & Covered	EZ Outdoor Improve	EZ Repair & Replace	Fee Submittal	New Construction Addendum	Landscape Addendum	Subdivision Plat	Survey	Improvement Plat	Building Plan	Color Samples	Foundation Survey	Contractor License	Rural Addresser Address Form	Lincoln County Road Permit	NMED Permit for Septic
New Structure	R			R	R		R	P	P	P	R	R	Z	R	R	R
Expand Structure	R			R	R		R	P	P	P	R	R	Z			
Accessory Structure	R			R	R		R	P <sup>(1)</sup>	P <sup>(4)</sup>	P <sup>(4)</sup>	R	R	Z			
Pool/Tennis		R					R	P <sup>(1)</sup>	P		R					
Deck/Patio		R					R	P <sup>(1)</sup>	NP <sup>(3)</sup>	NP	R					
Drive/Parking		R					R	P <sup>(1)</sup>	NP <sup>(3)</sup>							
Courtyard/Dog run		R					R	P <sup>(1)</sup>	NP <sup>(3)</sup>	NP <sup>(3)</sup>	R					
Landscape/Irrigation		R				R	R	P <sup>(1)</sup>	NP <sup>(3)</sup>	NP <sup>(3)</sup>						
Sign		R						P <sup>(1)</sup>	NP <sup>(3)</sup>	NP <sup>(3)</sup>	R					
Repairs (Exterior)			R													
Replace (Exterior)			R								R					
Paint (Exterior)			R								R					

**Notes for Table:**

R=Required,

P=Required, Professional Standards, generally by a surveyor, architect, designer, or engineer

NP=Required, Non-Professional Standards, by property owner or contractor as long as it is clear and complete

Z=Required for Zoning

(1) A property survey showing the location of all existing improvements is required. The survey need not be current; however it must accurately reflect all existing improvements. Where construction is to take place proximate to setback lines, easements, or lot lines, the Commission may require a current survey and/or a footing survey

(2) A property survey showing the location of all improvements is optional. The survey need not be current; however it must accurately reflect all existing improvements. If a property survey is not submitted with the initial application, no Zoning Certificate of Compliance will be issued upon completion of the work.

(3) Rough plats and plans must be scaled, must include all dimensions, and must be provided in a form that is satisfactory to the Commission.

(4) The Commission may, at its sole discretion, reduce or waive requirements for Accessory Structures.

**Application forms, Fee submittal, and Addendums**

- Zoning – 6 sets
- ACC – 3 sets

**Subdivision Plat**

- (8 ½ x 11 reduction of the subdivision plat showing the road and all surrounding properties. Contact surveyor or County Clerks office for copy.)
- Zoning – 1 sets

**Survey (may be combined with Improvement Plat)**

- Zoning – 6 sets
- ACC – 3 sets

**Improvement Plat (may be combined with survey)**

- Zoning – 6 sets
- ACC – 3 sets
- Every plat shall, as a minimum, provide the following information:
  - **Front, side, and rear setbacks must be drawn on the plot plan with labels and dimensions.** These must match the setbacks shown on the Permit Application Form.
  - All easements must be drawn on the plot properly labeled and dimensioned.
  - All improvements to be constructed including driveways, off-street parking, walks, courtyards, decks, and patios.
  - Location of Flood Plain on property or statement that property is not in Flood Plain.
  - All plot plans pertaining to combined lots must be in a recorded replat, releasing utility easements.
- Every plat for construction of a structure shall conform to State requirements and shall include:
  - Distance from each property line to the nearest point on the structure(s) including overhangs, decks, courtyards, and other portions of the structure.
  - If the original grade of a lot proposed for construction of a new primary structure has a difference in elevation of twenty (20) feet or more between any front corner and any rear corner, the plat must include contours drawn at five (5) foot intervals in elevation.
- Every plat for construction of an enclosed structure shall include:
  - Original grade at each of four corners of property
  - Original grade at 30 foot intervals of driveway and corners of parking area
  - Original grade at each of four corners of structure
  - The following information must be provided in a box on the plot plan:
    - Average grade of the front or rear footings as specified under **slope-dependent requirement** of the Maximum Building Height provisions of the Zoning Ordinance. Average is calculated using the original grade at two corners of the structure e.g. 100.0 and 103.0
      - Where the front footings will be located above the road, the height shall be measured from the average of the original grade along the rear footings of the dwelling.
      - Where front footings will be located below the road, the height shall be measured from the average of the original grade along the front footings of the dwelling.
    - Grade of Finished First Floor.
    - Elevation of highest point on roof excluding chimney. Height must be supported by dimensioned elevation drawing showing distance from Finished First Floor to highest point of ridge.

Average grade at Front/Rear footings	101.5	(100.00+103.00)/2
Finished First Floor	103.00	(18" above average grade)
Roof Elevation	124.5	(21.5' above Finished First Floor)

- Every plat for landscaping shall, as a minimum, provide the following information for the entire property:
  - Outline of area to be landscaped together with square footage
  - Outline of area to be irrigated together with square footage
  - Location and species of each tree, shrub, plant, and decorative grass

**Building plans**

- Zoning – 1 sets
- ACC – 3 sets
- Every building plan filed shall, as a minimum, provide the following information:
  - First page to include: legal, street address, builder name and phone, owner name and phone; square footage of all heated area (entry floor stated separately when more than one floor); square footage of all unheated area under roof including covered decks and patios; square footage of all uncovered decks and patios and walks
  - First or second page(s): elevation showing dimensioned height of building from Finished First Floor to highest point on roof.
  - All remaining pages to follow (floor, wall section, roof, etc.)
  - Building Plans are to be submitted in folded manner.

**Color Samples**

- ACC – 1 sets

**Foundation survey**

- Zoning – 1 sets
- ACC – 1 sets
- **After the foundation footings are poured**, the builder will furnish a foundation improvement survey from a surveyor, licensed in the State of New Mexico, within ten (10) days of pour.
- Please note that the foundation survey requirement will be strictly enforced. This foundation certification must be received within ten (10) working days of foundation completion and ten (10) days of variance approval, respectively. The ACC will impose a late charge of \$50.00 and \$5.00 per day for any delinquent foundation surveys

**Current license**

- Zoning – 1 set

**Rural Addresser Address Form**

- Zoning – 1 set
- ACC – 1 set
- In compliance with 9-1-1 addressing laws, the Lincoln County Road Department has renamed a number of streets in the Alto Village area, and re-addressed a number of lots with existing structures. Vacant lots will receive an address number at the time of new construction. It is the responsibility of the property owner to receive this information and include it with the completed Construction Packet.

**Lincoln County Road Permit**

- Zoning – 1 set
- ACC – 1 set

**NMED Permit for Septic System**

- Zoning – 1 set
- ACC – 1 set

**Table of Submittal (Check off list/form)**

- ACC – 1 set

# Variance and Conditional Use Permits

## **Generally**

- **Use of legal counsel** in the preparation of applications for Zoning Variances and Conditional Use Permits is strongly encouraged. Variance and Conditional Use Permits require that the applicant provide a legal basis upon which the ACC and Zoning District may grant approval.
- **Variances** from the terms of the Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Variances may only be granted for hardships related to the physical characteristics of land providing that:
  - a. There are specific physical circumstances that distinguish the project site from its surroundings; and
  - b. These unique circumstances would create an unnecessary hardship for the applicant if the usual zoning standards were imposed.
- Variances from the terms of the Covenants may be granted by the ACC to vary or adjust the strict application of the Covenant requirements in the case of an irregular, narrow, shallow or steep lot or other physical condition applying to a lot or building where strict application of the Covenants would result in practical difficulty or unnecessary hardship that would deprive the member of reasonable use of the property involved. Granting of construction variances shall be done in accord with the requirements and procedures established in the Covenants.
- **Certain Conditional Uses**, as defined for each Zone defined by the Ordinance, may, under certain circumstances, be acceptable. When such circumstances exist, a Conditional Use Permit may be granted. The permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person.
- **Zoning changes** may be considered when all properties within an area are subject to the same hardship.
- **Consult the ordinance and the Covenants for more detail.**

## **Informal discussion**

- Applicants are strongly encouraged to request an informal discussion with the ACC and Zoning District prior to undertaking the time and expense of submitting an application. The applicant must file a completed application and a plat for review by the ACC and Zoning District.

## **Variance and Conditional Use Permit Forms (see *Where to obtain forms*)**

- **Application for Variance:** This form is used to apply for a variance to permit an improvement to intrude into setbacks and allow for types of improvements or improvement locations that are not permitted by the Ordinance and/or Covenants.
  - Make sure that all answers to the questions on the Application are clear and responsive. The application will be included with the notice mailed to property owners.
  - A plat prepared to professional standards detailing all existing and proposed improvements is required with each Variance Application.
  - Check with each entity for the need of a Variance in all circumstances; 1 may require, 1 may not.
- **Application for Conditional Use (Zoning only):** Each zone includes specified permitted uses (which require only a Zoning Permit) and conditional uses (which require a Conditional Use Permit). This form is used to apply for a Conditional Use Permit.
  - Make sure that all answers to the questions on the Application are clear and responsive. The application will be included with the notice mailed to property owners.
  - A plat meeting the Zoning Permit requirements for the planned Conditional Use is required with each Conditional Use Application.
- **Application and Fee Submittal:** This form is used to calculate the fees that must be submitted with Variance and Conditional Use applications. This fee is not refundable.

## **Requirement for public hearing**

- Variances and Conditional Use Permit applications are handled by a public hearing process intended to provide neighbors and other interested parties an opportunity to examine and offer public comment on the application prior to the Zoning District's decision.
- Applications must comply with the "Notice of Public Hearing" provisions of Section 29 of the Zoning Ordinance. This includes written notice to property owners and publication of a hearing notice in the Ruidoso News. All notice requirements must be fully met not less than 15 days prior to the hearing date.

- It is recommended that applicant communicate informally with neighboring property owners prior to filing an Application. Applicant should be aware of concerns of property owners and have an opportunity to deal with those concerns before they become formal objections at the public hearing.

### **Obtaining a hearing date with Zoning District**

- The Zoning District will schedule a hearing for the Variance and/or Conditional Use applications once all required submittals have been received, reviewed, and approved by the Zoning District.
- Required submittals include application, plot plan, and drafts of public notices.
- Hearings will be scheduled by vote of a majority of the Zoning District upon a finding that both the application and proposed notice are complete and complies with all requirements of the Zoning District.
- The applicant may not begin the notification process until the Zoning District has assigned a hearing date.

### **Form of Notice**

- The form of notice prescribed by the Zoning District must be used for both written and published notice. The form for each notice is available on the District's website.
- Each mailed **notice must include the following**:
  - Copy of the original Variance and/or Conditional Use Permit application.
  - Copy of the plot filed with the application
  - Copy of all supporting documentation filed with the Variance and/or Conditional Use Permit application.
  - Other material as required by the Zoning District to insure the intent of the notice provisions is met.
- As a convenience, applicants may employ the Zoning District's Administrative Contractor to handle notifications. Use of the Zoning District's contractor in no way relieves the Applicant of sole responsibility for complying fully with the notice provisions of the Ordinance.

### **Proof of notice**

- The applicant must provide proof of mailing of written notices and an Affidavit of Publication to the Zoning District. Proof must be submitted not later than the Friday preceding the scheduled hearing.

### **Public Hearing**

- The Public Hearing will be held on the scheduled date.
- The Applicant may represent him/herself or elect to be represented by another party providing that Applicant has designated the representative in writing (see **Representation**).
- Parties in interest and the Public may offer opinions in person, by signed letter, or by a representative designated in writing. Statements of fact must be provided in person and are subject to cross-examination.
- Following the public hearing, the Zoning District may render its decision or continue the hearing if the Zoning District determines that additional documentation is required.
- Applicants will be notified of Zoning District decisions in writing together with the basis for the decision.
  - If a Variance or Conditional Use permit is denied by the Zoning District, the applicant may file an appeal with District Court.
  - If a variance request has been denied by the ACC, the applicant has the option to either (i) submit a written request for a re-hearing with the Commission or (ii) make a written appeal to the Board of Directors for a further review.

### **How long will it take?**

- The time required to obtain a Variance or Conditional Use ranges between 4 and 6 weeks depending on when the applicant starts relative to ACC and Zoning District's meeting dates.

## Frequently Asked Questions

### ***Is Permit required to:***

*Paint my house?* An ACC permit is required for exterior painting.

*Replace my house siding with stucco?* Zoning and ACC require a permit ... apply on the EZ Forms.

*Remodel my kitchen or bathroom?* No permit is required for interior remodeling.

*Build a house or accessory structure?* Zoning and ACC require a permit.

*Enlarge my house, garage or storage?* Zoning and ACC require a permit.

*Enclose space already under roof such as a porch?* Zoning and ACC require a permit.

*Repair my roof?* An ACC permit is required for roof repairs.

*Replace my roof?* Zoning and ACC require a permit ... apply on the EZ Forms.

*Repair a few bad boards in my deck?* No permit is required for repairs.

*Replace my decking or deck structure, or enlarge my deck?* Zoning and ACC require a permit ... apply on the EZ Forms.

*Replace a dead tree with the same species?* No

*Plant trees or shrubs or install irrigation?* Zoning and ACC require a permit.

*Repair cracks or seal my driveway?* No permit is required for repairs

*Replace my walk or resurface my driveway with asphalt?* Zoning **may** require a permit ... apply on the EZ Forms

*Construct a courtyard or dog run?* Zoning and ACC require a permit.

### ***What improvements are allowed in my front, side and rear setbacks?***

*No structure, including overhangs, decks, courtyards, dog runs, and fences, shall be erected, constructed, placed, moved on, or maintained on any lot within the designated setbacks. Parking lots and driveways may be exempted from this paragraph. No construction shall be allowed within any easement.*

### ***Is there anything special about a corner lot?***

*Yes, corner lots have front setback requirements along both streets.*

### ***How do I find low water use plants recommended for use within the District?***

*See the Recommended Plant List on the Water Conservation Page on the Club website.*