

ORDINANCE 2009-01

Alto Lakes Special Zoning District
State of New Mexico

AN ORDINANCE
AMENDING THE COMPREHENSIVE ZONING AND LAND USE ORDINANCE OF THE
ALTO LAKES SPECIAL ZONING DISTRICT.

WHEREAS, the Zoning Commission of the Alto Lakes Special Zoning District (ALSZD) adopted a Comprehensive Zoning And Land Use Ordinance (Ordinance 2005-01) which became effective on September 30, 2005; and

WHEREAS, the Zoning Commission of the ALSZD have previously adopted Ordinance(s) amending the Comprehensive Zoning And Land Use Ordinance; and,

WHEREAS, the Zoning Commission of the ALSZD intend that this Ordinance shall amend the Comprehensive Zoning And Land Use Ordinance as previously and cumulatively amended; and

WHEREAS, this Ordinance includes the attached Table Of Amendments; and,

WHEREAS, The amended Ordinance affects all properties located within the Alto Lakes Special Zoning District boundaries and includes regulations restricting and defining the use and zoning of properties within the District; and

WHEREAS, the Zoning Commission of the ALSZD have published notice of a public hearing on adoption of this Ordinance; and

WHEREAS, the Zoning Commission of the ALSZD held a public hearing on adoption of this Ordinance on August 21, 2008 beginning at 8:30 a.m. in the Stag Room of the Alto Lakes Golf and Country Club Clubhouse located at 100 Mulligan Dr. in Alto, New Mexico; and

WHEREAS, all interested parties were given an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE ALTO LAKES SPECIAL ZONING DISTRICT:

THAT, Ordinance No. 2009-01 is hereby adopted by the Zoning Commission.

THAT, this Ordinance shall become effective on September 19, 2008.

PASSED, APPROVED and ADOPTED this 21st day of August 2008.

B. Earl Adamy, Jr., Commissioner

William T. Doyle, Jr., Commissioner

Ronald Duncan, Commissioner

Fran Haines, Commissioner

ACKNOWLEDGEMENT:

State of New Mexico)
)ss
County of Lincoln)

This instrument was acknowledged before me on this 21st day of August 2008.

(seal)

Notary public

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Reference (Section Number & Paragraph)	Changes
5	<p>Added</p> <p>“Arbor” An Arbor (or pergola) is a garden feature forming a shaded walk or passageway of pillars that support cross beams and a sturdy open lattice on top. It may also be part of a building, as protection for an open terrace. The area covered by arbors shall not exceed two-thousand (2000) square feet.</p>
5	<p>Added</p> <p>“Deck” An elevated platform constructed outdoors and connected to a building used for outdoor living and entertaining. Decks are generally constructed of supporting posts and beams (joists) covered with wood or simulated wood. Open railings are permitted on the perimeter.</p>
5	<p>Revised</p> <p>“Demolition” The tearing down of the primary structure and/or secondary structures such as decks, patios, carports, garages, and other structures for which a zoning permit is not requested at the same time. Drainage skirting adequate to retain all run-off on the property shall be erected prior to starting demolition. A roll-off container sufficient to contain all debris shall be on-site at all times.</p>
5	<p>Added</p> <p>“Enclosure” A visible barrier for space, not exceeding 100 square feet, used for the purpose of storing materials, tools, and other items. The barrier shall be constructed of solid material which shall be compatible with the material on the primary structure, shall not exceed five (5) feet in height, and shall not be covered.</p>
5	<p>Added</p> <p>“Patio” An outdoor structure generally used for dining or recreation that often adjoins a residence. Patios are generally constructed of concrete, flagstone, or pavers. Coverage density per square foot shall be a minimum of seventy-five (75) percent. Open railings are permitted on the perimeter.</p>
5	<p>Added</p> <p>“Railing, Open” A barrier used on patios and decks consisting of a top rail and supports. The support structure may consist of balusters and pickets or of balusters and horizontal cables. No more than twenty-five (25) percent of the support structure shall be closed. Railing height shall meet the requirements of the building code. Woven, knit, or knotted materials are prohibited.</p>
5	<p>Added</p> <p>“Setback ‘As built’” where used in Setback Tables shall carry the following meaning.</p> <p>A. Primary structure and carport or garage: Once platted and constructed, the primary structure and carport or garage shall not be enlarged in any way.</p> <p>B. Outdoor living area: Setback lines for the purpose of uncovered decks and patios shall be the property line on the sides and the front and rear property line. Covered structures, other than arbors, are not permitted.</p>
5	<p>Added</p> <p>“Walk” An outdoor structure, constructed on grade, used to connect other structures. Walks are generally constructed of concrete, flagstone, crushed rock, or pavers.</p>
7-E	<p>Replace Permitted Uses and Conditional Uses</p> <p>1. Permitted Uses</p> <ol style="list-style-type: none"> a. One single-family dwelling unit per lot which must include a garage for a minimum of two (2) vehicles and must be attached to the residence. Garages which are not attached to the residence are a Conditional Use and are to meet the requirements of an Accessory structure. b. Driveway and vehicle turning area intended to provide access to the dwelling and/or garage which is erected upon the lot. c. Parking incidental to use permitted in this zone. d. Installation and maintenance of underground utilities. e. Landscaping and irrigation in accordance with G below.

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	<ul style="list-style-type: none">f. Courtyards, dog runs, children’s play equipment, and private barbecues.g. Decks, patios, walks, gazebos, arbors and enclosures.h. No animal or fowl of any description shall be raised, housed, or kept on any lot except that an owner may keep household pets that are of such a nature so as not to interfere with the safety and comfort of adjacent property owners. No animals shall be bred or maintained for commercial purposes. Dogs that bark uncontrollably are deemed a nuisance. All animals shall be restrained on the owner’s premises and shall be accompanied and leashed when off the owner’s premises.i. Home occupation.j. One street number identification sign that shall not exceed fifteen (15) square inches per number. One owner identification sign, not exceeding two-hundred sixteen (216) square inches which shall be placed not less than ten (10) feet back from the front property line.k. One temporary sign designating the particular general contractor, not exceeding two-hundred sixteen (216) square inches which shall be placed not less than ten (10) feet back from the front property line. There shall be no more than one such sign on each lot, and it shall not be illuminated. This sign is permitted during construction and must be removed promptly when construction is complete.l. One “FOR SALE” or “FOR RENT” sign, not exceeding two-hundred sixteen (216) square inches which shall be placed not less than ten (10) feet back from the front property line. There shall be no more than one such sign on each lot, and it shall not be illuminated. No flags, banners, balloons, or other attention getting devices are permitted.m. One “OPEN HOUSE” sign, and one off-premises “OPEN HOUSE” directional sign each of which shall not exceed two hundred sixteen (216) square inches. Such signs shall not be placed more than two (2) hours preceding an open house and shall be removed within one (1) hour following an open house.n. On-site liquid waste disposal as an interim solution until community lines are made available. <p>2. Conditional Uses. The following uses may be permitted if approved by the District Zoning Commission with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood, and the community.</p> <ul style="list-style-type: none">a. Accessory fully enclosed structure incidental to the Permitted Use which meets all of the following conditions.<ul style="list-style-type: none">(1) Accessory structure is constructed in same style and of same materials as Primary Structure.(2) Accessory structure must be connected directly to the Primary Structure<ul style="list-style-type: none">(a) Connecting structure must be in same style and of same materials as Primary Structure(b) Connecting structure must have a minimum width of five (5) feet(c) Connecting structure must have walkway finished in concrete, deck, or pavers(d) Connecting structure must have a roofb. Solid wall or fence, no portion of which shall be constructed within the required front, rear, or side yard setbacks.c. Private swimming pool or tennis courtd. Temporary storage building or yard equipment, material or activity incidental to a specific construction project not to exceed the life of the construction project or one year, whichever is less.e. Maintenance of not more than two (2) horses, including barn and corral, on properties indicated in the R-1 Single Family Zone Table of Properties as “Conditional use for Equestrian Estate”. This use may be permitted where it clearly does not interfere with
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	the health, safety, and general welfare of the immediate neighborhood.
8-E	<p>Replaces Permitted Uses and Conditional Uses</p> <p>1. Permitted Uses</p> <ul style="list-style-type: none"> a. Duplexes, condominiums, town homes, cluster housing, or apartments as set forth under “Permitted Use” in Appendix A, R-2 Multi-Family Residential Zone Table of Properties. Each dwelling unit must include a garage for a minimum of two (2) vehicles which must be attached to the structure. Garages which are not attached to the dwelling unit are a Conditional Use and are to meet the requirements of an Accessory structure. b. Public parks. c. Driveway and vehicle turning area intended to provide access to the dwelling and/or garage which is erected upon the lot. d. Parking incidental to use permitted in this zone. e. Installation and maintenance of underground utilities. f. Landscaping and irrigation in accordance with G below. g. Courtyards, dog runs, children’s play equipment, and private barbeques. h. Decks, patios, walks, gazebos, arbors, and enclosures. i. No animal or fowl of any description shall be raised, housed, or kept on any lot except that an owner may keep household pets that are of such a nature so as not to interfere with the safety and comfort of adjacent property owners. No animals shall be bred or maintained for commercial purposes. Dogs that bark uncontrollably are deemed a nuisance. All animals shall be restrained on the owner’s premises and shall be accompanied and leashed when off the owner’s premises. j. Home occupation. k. One street number identification sign that shall not exceed fifteen (15) square inches per number. One owner identification sign, not exceeding two-hundred sixteen (216) square inches which shall be placed not less than ten (10) feet back from the front property line. l. One temporary sign designating the particular general contractor, not exceeding two-hundred sixteen (216) square inches which shall be placed not less than ten (10) feet back from the front property line. There shall be no more than one such sign on each lot, and it shall not be illuminated. This sign is permitted during construction and must be removed promptly when construction is complete. m. One “FOR SALE” or “FOR RENT” sign, not exceeding two-hundred sixteen (216) square inches which shall be placed not less than ten (10) feet back from the front property line. There shall be no more than one such sign on each lot, and it shall not be illuminated. No flags, banners, balloons, or other attention getting devices are permitted. n. One “OPEN HOUSE” sign, and one off-premises “OPEN HOUSE” directional sign each of which shall not exceed two hundred sixteen (216) square inches. Such signs shall not be placed more than two (2) hours preceding an open house and shall be removed within one (1) hour following an open house. <p>1. Conditional Uses. The following uses may be permitted if approved by the District Zoning Commission with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood, and community.</p> <ul style="list-style-type: none"> a. Any Permitted Use permitted in the R-1 Residential Zone. b. Accessory fully enclosed structure incidental to the Permitted Use which meets all of

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	<p>the following conditions.</p> <ul style="list-style-type: none"> (1) Accessory structure is constructed in same style and of same materials as Primary Structure. (2) Accessory structure must be connected directly to the Primary Structure <ul style="list-style-type: none"> (a) Connecting structure must be in same style and of same materials as Primary Structure (b) Connecting structure must have a minimum width of five (5) feet (c) Connecting structure must have walkway finished in concrete, deck, or pavers (d) Connecting structure must have a roof c. Solid wall or fence, no portion of which shall be constructed within the required front, rear, or side yard setbacks. d. Private swimming pool or tennis court
11	<p>Replaces Section 11 – Zone CS, Community Services Zone</p> <ul style="list-style-type: none"> A. The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulations in the CS Community Services Zone. B. Purpose. The purpose of this zone is to provide for community service uses while minimizing any adverse effects on nearby residential neighborhoods. C. Permit Required. No improvements of any kind shall be erected, constructed, placed, moved on, or demolished on any lot or portion thereof, nor shall any alterations, additions, or change be made to any structure without a permit issued in accordance with the regulations set forth in Section 30 - Administration of this ordinance. No improvements of any kind shall be erected, constructed, placed, or moved on any lot or portion thereof which is not in conformity with the plans and/or specifications for which the permit was issued. Nothing in this paragraph shall be construed to require a permit for repairs, maintenance or like replacement of water, wastewater, and solid waste facilities. D. Certificate of Occupancy. No property or structure, or portion of any property or structure, shall be occupied for any purpose without a Certificate Of Occupancy issued in accordance with the regulations set forth in Error! Reference source not found. of this ordinance. E. Use Regulations. A building or premises shall be used only for the following purposes with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood, and community. <ul style="list-style-type: none"> 1. Permitted Uses . <ul style="list-style-type: none"> a. Emergency services, administrative facilities, offices and meeting rooms b. Property and easements owned by the Alto Lakes Water & Sanitation District <ul style="list-style-type: none"> (1) High Mesa Unit 1, Lot 1A <ul style="list-style-type: none"> (a) Maintenance yard, water treatment plant, and water tanks (b) Solid and green waste Convenience Station (c) Secured storage for recreational vehicles, trailer storage, and parking (2) Parcel #4 071 060 025 280 (Office) <ul style="list-style-type: none"> (a) Office and parking (3) Parcel #4 071 060 351 115 (Wastewater treatment plant) <ul style="list-style-type: none"> (a) Wastewater treatment and disposal (4) Parcel #4 071 060 250 227 (Tank site #1) <ul style="list-style-type: none"> (a) Water Storage tanks and water treatment

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	<p>(5) Other parcels</p> <p style="padding-left: 40px;">(a) Wells, lift and booster stations, and water and wastewater lines constructed in accordance with local, State and Federal law. Such facilities are to be constructed and maintained in a manner which will minimize adverse impact on neighboring property.</p> <p>(6) Generally</p> <p style="padding-left: 40px;">(a) Fencing, gates, and signage (which may be located within the setbacks) required to meet local, state, and federal security requirements.</p> <p style="padding-left: 40px;">(b) Signage which is necessary and appropriate to the identification and use of the facilities</p> <p style="padding-left: 40px;">(c) Driveways, parking, and walks appropriate to the use of the facilities</p> <p>c. Parcel #4 071 060 022 056 (ALG&CC entry sign)</p> <p style="padding-left: 40px;">(1) Entrance sign as approved by the Zoning Commission</p> <p>d. Parcel #4 070 060 464 178 (Windstream sub-station)</p> <p style="padding-left: 40px;">(1) Telecommunications sub-station</p> <p>e. Other uses granted by the District Zoning Commission.</p> <p>F. Area and Height Regulations. The varied nature and use of facilities in this zone is not generally conducive to area and height regulations appropriate in other zones. The Zoning Commission shall insure that each facility is constructed and screened in a manner to minimize impact upon adjacent properties.</p> <p>G. Landscaping. The lot shall be planted and maintained in accordance with an approved Landscaping Plan that meets the requirements of Section 13 – Landscaping and Buffer Landscaping and Section 17 – Water Conservation of this ordinance.</p> <p>H. Outdoor Lighting. See Section 14 – Restrictions on Outdoor Light Fixtures in this ordinance.</p> <p>I. Nuisance and Safety Controls. No garbage, refuse, junk, trash, noxious or obnoxious or offensive material shall be permitted to accumulate on any lot and the owner or owners of each lot shall cause the same to be disposed of by and in accordance with community regulations.</p> <p>J. Garbage and Trash Containers. Except for the ALW&SD’s High Mesa facility, all garbage and trash containers, fuel tanks, and similar facilities must be placed underground or in a shielded area.</p>
17-B-3-a-1	Revised Heat water at the point of use and
17-C-1-b-1-d	Revised Each property shall be allowed a minimum of 400 gallons per month.
17-C-1-b-2	Addition

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	<p>2. The landscaping and irrigation system design specifications for common areas in R-2 Zones shall provide for water usage calculated as follows:</p> <ul style="list-style-type: none"> a. Common area(s) are required to be platted and recorded as owned in common by specific dwelling units. Landscaping and irrigation for multiple common areas under identical ownership shall be combined for the purposes of calculating permitted irrigation. Minimum and maximum allowances below shall be multiplied by the number of dwelling units. b. 0.1 gallon per month per square foot to be landscaped not to exceed 500 gallons per month when landscaping is established. c. For a maximum of four months while landscaping is getting established, 0.3 gallon per month per square foot to be landscaped not to exceed 1,500 gallons per month. d. The area to be landscaped in each common area is defined as the area enclosed by a single line drawn around the outside boundary of all landscaping. e. A minimum of 200 gallons per month shall be allowed for each dwelling unit. f. Examples: <ul style="list-style-type: none"> (1) Minimum gallons: 10 dwelling units times 200 gallons per month equals minimum of 2,000 gallons per month. (2) Maximum gallons: 10 dwelling units times 500 gallons per month equals maximum of 5,000 gallons per month.
Appendix A	Revised Zone Tables for C-CC Country Club Commercial Zone Table of Properties
	Add: Lincoln County Assessor Parcel #4 071 060 047 140
Appendix A	Revised Zone Tables for CS Community Services Zone Table of Properties
	ALWC shall replaced with ALW&SD
	Valor Telecommunications LLC shall be replaced with Windstream Communications
	Remove: Lincoln County Assessor Parcel #4 071 060 047 140
	Change: DPM Unit 1 Lots 1-3 to DPM Unit 1 Lot 1A, change uses to See Zone CS
Appendix B	Delete: CS Zone Table of Setbacks
Appendix C	Delete: CS Zone Table of Minimum Heated Square Footage on Main Floor
Appendix D	Delete: CS Zone Table of Height Restrictions
Appendix E	C. Revised (see below for revised Fee Schedule)

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Zoning Applications and Permits	Fee
Applications	
Filing Fee – Request for a change in zoning	\$225 plus notice by applicant
Filing Fee – Variance	\$225 plus notice by applicant
Filing Fee – Conditional Use Permit	\$225 plus notice by applicant
Zoning Certificate of Compliance, upon request	\$75
Appeals	
Filing Fee – Notice of appeal of change in zoning	\$75 plus notice by applicant
Filing Fee – Appeal of Variance or Conditional Use Permit	\$75 plus notice by applicant
Zoning Permit – Enclosed Buildings and Structures	
No Zoning District Permit shall be required for interior work or for minor exterior repairs or for exterior painting.	
Zoning Permit (includes new construction, additions to existing buildings, accessory buildings, roof expansion, and enclosure of space already under roof). Fee is inclusive of all work permitted, except landscaping and irrigation, under a single site plan and issuance of Zoning Certificate of Compliance upon completion. One permit is required for each dwelling unit or commercial area intended to be occupied by a single business.	\$150 + \$0.10 square foot all square footage under roof plus \$0.05 per square foot for decks, patios, walks, arbors, gazebos, enclosures, and artificial turf
Zoning District Permit for replacement (with no change in coverage) of roof or exterior wall covering.	\$50
Zoning District Permit for demolition	\$125 Primary structure \$50 Secondary structure
Zoning Permit – Exterior structures, driveways, and landscaping	
Zoning Permit (includes decks, patios, walks, arbors, gazebos, enclosures, artificial turf, dog runs, walls, pools, tennis courts, driveway, parking, landscaping, irrigation and all other exterior improvements). Fee is inclusive of all work permitted under a single site plan and issuance of Zoning Certificate of Compliance upon completion. One permit is required for each dwelling unit or commercial area intended to be occupied by a single business.	\$50 + \$0.05 per square foot for decks, patios, walks, arbors, gazebos, enclosures, and artificial turf
Zoning Permit for replacement (with no change in coverage) of decks, patios, walks, arbors, gazebos, enclosures, artificial turf, courtyards, dog runs, driveway, and parking. Does not include landscaping. For all permits except those listed below: Paving	\$25 + \$0.05 per square foot for decks, patios, walks, arbors, gazebos, enclosures, and artificial turf \$50
Zoning Permit – Penalties	
Construction without Zoning District Permit – resolved after 1 st notice	Two times the fixed portion of the Permit Fee plus variable permit fees, minimum \$50.
Construction without Zoning District Permit – resolved after 2 nd notice	Three times fixed portion of the Permit Fee plus variable permit fees, minimum \$100.
Construction without Zoning District Permit – resolved after 3 rd (or later) notice	Six times the fixed portion of the Permit Fee plus variable permit fees, minimum \$200.