

Sandoval County Comprehensive Zoning Ordinance – Draft
02/2010

**SANDOVAL COUNTY, NEW MEXICO
ORDINANCE NO. _____**

**AMENDING THE SANDOVAL COUNTY COMPREHENSIVE ZONING
ORDINANCE**

WHEREAS, the New Mexico State Legislature has conferred police powers to counties through NMSA 1978, Section 4-37-1; and

WHEREAS, the Sandoval County Board of County Commissioners is given express and implied authority by the legislature to regulate zoning and land use within those parts of the County that are subject to its jurisdiction; and

WHEREAS, the County's Comprehensive Zoning Ordinance provides for the conservation of property values and for the development of differing regulations for different areas of the County in recognition of the County's diversity in accordance with the Sandoval County Comprehensive Plan; and

WHEREAS, portions of the Placitas area have a unique zoning history they recently came within the County's zoning jurisdiction after being under the jurisdiction of another set of zoning regulations that is now defunct and all of Placitas is included within the recently adopted Placitas Area Plan;

WHEREAS, the County must develop regulations and new zone districts to address the specific issues and problems unique to this area and to implement adopted policies of the Placitas Area Plan;

WHEREAS, the County must also make minor text amendments to the Comprehensive Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE SANDOVAL COUNTY BOARD OF COUNTY COMMISSIONERS THAT THE TOWN OF BERNALILLO/SANDOVAL COUNTY EXTRATERRITORIAL ZONING ORDINANCE IS REPEALED AS REGARDS TO THOSE AREAS TO WHICH IT APPLIED WITHIN THE PLACITAS AREA AND THAT THE FOLLOWING SECTIONS OF THE SANDOVAL COUNTY COMPREHENSIVE ZONING ORDINANCE BE AMENDED AS FOLLOWS:

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AMEND SECTION 6 (B) AS FOLLOWS:

B. Definitions. The following definitions apply to this Ordinance:

1. **“Accessory Structure”** means a structure that is incidental and subordinate to the principal use of a lot or structure. The term “accessory structure” does not include any structure that is within the definition of a “dwelling unit.”
2. **“Accessory use”** means use of a structure or lot that is incidental and subordinate to the principal use of a lot or a structure.
3. **“Acequia”** is an ancient form of irrigation and is also the community of farmers and ranchers that cooperatively maintain the irrigation system.
- ~~3.~~ 4. **“Adult Bookstore”** means an establishment:
 - a. Having a substantial portion of its stock in trade, books, magazines and other periodicals depicting, describing or relating to “specified sexual activities” or which are characterized by their emphasis on matter depicting, describing, or relating to “specified anatomical areas”; or
 - b. Having as a substantial portion of its stock in trade, books, magazines and other periodicals and which excludes all minors from the premises or a section thereof.
- ~~4.~~ 5. **“Adult Theater”** means an enclosed theater regularly used for the presenting any film or tape designed to be projected on a screen for exhibition and which regularly excludes all minors.
- ~~5.~~ 6. **“Adult Live Entertainment Establishment”** means an establishment which features dancers, go-go dancers, strippers, or other similar entertainers, any of whom perform topless and/or bottomless.
- ~~6.~~ 7. **“Agricultural Activities”** means the cultivation and harvesting of croplands, and the raising, breeding, and management of livestock, but does not include commercial feedlots, dairies, and animal slaughter houses.
- ~~7.~~ 8. **“Amendment, Legislative”** means an amendment to the Comprehensive Zoning Ordinance to establish or change a specific policy related to uses, criteria, procedure or other Ordinance provisions of substantial general applicability. A legislative amendment may apply to the Official Zone Maps or text of this Ordinance.

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- ~~8-9.~~ **“Amendment Quasi-Judicial Zone Map”** means an amendment changing any portion of an Official Zone Map from one zone designation to another. Such an amendment applies to a specific lot or lots and results in the realignment of zone district boundaries.
- 9-10. **“Boarding, Rooming, or Lodging House”** means a building other than a hotel or restaurant where lodging, with or without meals, is provided for compensation. This definition includes a "Bed and Breakfast" enterprise.
11. **“Brow”** means the point at which the natural vegetation of a slope intersects with the disturbed excavated grade for the purpose of the construction of a residential or non-residential structure.
12. **“Building”** means a structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, or property.
- ~~10-13.~~ **“Building Height”** means the vertical distance measured from the lowest natural grade adjacent to the structure (including garages) to the highest point on the building (not including chimneys and appurtenances).
- ~~11-14.~~ **“Club”** means an association of persons (whether or not incorporated), religious or otherwise, for social purpose, but not including groups, which are organized primarily to render a service carried on as a business for profit.
15. **“Cluster Housing Development”** means a form of development that permits a reduction in lot area requirements below what would ordinarily be required, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, unless otherwise permitted by a policy adopted as part of an Area Plan or Master Plan. The remaining land area, known as Common Open Space, shall be devoted in perpetuity to open space, active recreation, or preservation of environmentally sensitive areas or agriculture.
16. **“Common Open Space”** means that portion of a Cluster Housing Development that is devoted in perpetuity to open space, active recreation, or preservation of environmentally sensitive areas or agriculture, or otherwise left in an unimproved state. Unless specifically stated otherwise, Common Open Space shall not open for use by the public.
- ~~12-17.~~ 17. **“Community Residential Care Facility”** means any congregate residence, maternity shelter or building for persons, which provides and whose primary purpose is to provide the residents, within the facility, either directly or through contract services, programmatic services, room, board, assistance with the activities of daily living, in accordance with the program narrative, and/or general supervision of two or more adults who have difficulty living independently or

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managing their own affairs. Community Residential Care Facility does not include facilities for persons currently in custody of, or recently released by, correctional authorities that are designed to offer an alternative to imprisonment and/or facilitate ex-offender reintegration into community life, nor does it include facilities for persons who require such services by reason of the effects of alcohol or drug use. Community Residential Care Facility does include facilities for recovering alcohol or drug abusers.

- ~~13.~~ 18. **“Conditional Use”** means a use that may be or become a nuisance or hazard to neighboring properties if proper safeguards are not taken. Such uses require individual review and approval by the Zoning Commission.
- ~~14.~~ 19. **“County”** means Sandoval County, New Mexico.
- ~~15.~~ 20. **“County Board”** means the Board of County Commissioners of Sandoval County, New Mexico.
- ~~16.~~ 21. **“Dwelling Unit”** means a structure, part of a structure, mobile home, modular home, or manufactured home that is designed for residential occupancy by one family that contains one or more connected rooms and a single kitchen. The term dwelling unit does not include recreational vehicles. ~~A dwelling unit must meet the requirements for habitability.~~
- ~~17.~~ 22. **“Dwelling Unit, Singular”** means a dwelling unit that is not physically connected to any other dwelling unit as part of a single structure.
- ~~18.~~ 23. **“Dwelling Unit, Multiple”** means a structure containing two or more dwelling units.
- ~~19.~~ 24. **“Entertainment”** means an engaging or diverting presentation of, or participation in, including but not limited to, live singing, dancing, musical instrumentation, dramatic, prosaic, or poetic activities, but excluding adult live entertainment.
- ~~20.~~ 25. **“Family”** means one or more persons residing together in a dwelling unit, provided that unless all members are related by blood, marriage, adoption, or legal assignment, no such family shall include or contain more than five (5) unrelated persons
- ~~21.~~ 26. **“Family Child Care Home Facility”** means a private residence in which care, services and supervision is provided to a maximum of twelve (12) children for a period of less than twenty-four (24) hours of any given day. The licensee will reside in the home and be the primary caregiver.

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- ~~22.~~27. **“Family Cluster Development”** means a grouping of singular dwelling units on a single lot that, at the time of application for Conditional Use and thereafter, must meet the following criteria:
- a. All residents must be immediate family members as defined by this Ordinance;
 - b. The development must comply with all applicable requirements of the New Mexico Environment Department or its succeeding agency;
 - c. The maximum residential density of the development shall not exceed that otherwise permitted under this Ordinance; and
 - d. The development must comply with any other applicable provisions of this Ordinance
- ~~23.~~28. **“Feedlot, commercial”** means a place of full-time confinement of livestock that are corralled, penned, or otherwise caused to remain in pens or corrals where feeding is other than grazing and which is operated as a commercial enterprise as the primary use. Temporary confinement of the above referenced animals that is normally associated with a ranching operation does not make such an operation a commercial feedlot for purposes of this Ordinance.
- ~~24.~~29. **“Floor Area”** means the total area of all floors of a building.
- ~~25.~~30. **“Floor Area Ratio”** means the relationship of the floor area to the lot area, computed by dividing the floor area by the lot area.
- ~~26.~~31. **“Guest House”** means a structure which is on the same lot with and is accessory to; a primary singular dwelling unit and which is available on a complimentary basis for temporary and occasional occupancy by either family or non-family members, and shall not be rented or leased separate from the main residence.
- ~~27.~~32. **“Habitability”** means the conditions of a building, being free from defects that might harm the health and safety of the person(s) inhabiting the dwelling.
- ~~28.~~33. **“Home Occupation”** means a business activity performed on the premises of a residence by one or more resident family members where such business activity is secondary and subordinate to the residential use of the premises A Home Occupation shall have (a) no more than one non-resident employee on the premises at any given time, (b) No business traffic, vehicular or pedestrian, to the premises that exceeds traffic customary for a single family residence, (c) No business equipment and/or supplies visible from outside the lot lines of the residence, (d) no noise or other forms of trespass associated with the business that exceeds that normally associated with a residence, and (e) No more than one non-illuminated sign of not more than four (4) square feet in face area.
- ~~29.~~34. **“Hotel / Motel”** means a structure, other than a boarding house as defined herein, which contains more than five (5) guest rooms.

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- ~~30.~~ 35. **“Immediate Family Members”** means husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, step grandson, granddaughter, step granddaughter, nephew and niece, related by natural birth or adoption.
- ~~31.~~ 36. **“In-Laws Quarters”** means a structure used to house family members for any length of time, and requiring kitchen facilities similar to the primary dwelling unit, may not be rented separate from primary dwelling. .
- ~~32.~~ 37. **“Liquid Waste Disposal Regulations”** means the Liquid Waste Disposal Regulations adopted by the Environmental Improvement Board of New Mexico and administered by the New Mexico Environment Department.
- ~~33.~~ 38. **“Livestock”** ~~means all domestic or domesticated animals that by custom and practice in New Mexico have been used or raised on a farm or ranch for agricultural purposes, including horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, ostriches, emus, and similar animals. “Livestock” does not include canine or feline animals, or any animals not actually used for agricultural purposes.~~
“Livestock domestic/domesticated” means any of the large, medium or small livestock, including, but not limited to horses, ponies, cattle, mules, donkeys, burros, swine, goats, sheep, pigs, bison, ostriches, emus, and any othe domestic poultry/fowl, including, but not limited to chickens, guinea hens, ducks, turkeys, geese, and similar animals. “Livestock” does not include canine or feline animals, or any animals not actually used for agricultural purposes.
- ~~34.~~ 39. **“Lot”** means a parcel or tract of land, platted and/or placed on the County Clerk's record in compliance with applicable statutes and ordinances, and with frontage or legally approved access to public right of way. Whenever a parcel or tract of land is traversed by a public right-of-way it will be considered as two lots for purposes of this Ordinance.
- ~~35.~~ 40. **“Manufactured Housing”** means a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards act of 1974 (42 U.S.C. 5401 et seq.) and the Housing and Urban Development Zone Code II or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with Manufactured Housing Act (Chapter 60, Article 14, NMSA 1978), and with the regulations made pursuant thereto relating to ground level installation and ground anchors.
- ~~36.~~ 41. **“Massage Parlor”** means an office staffed by a massage therapists licensed by the State of New Mexico for the treatment of soft tissues for therapeutic purposes,

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primarily comfort and relief of pain; it is a health care service that includes gliding, kneading, percussion, compression, vibration, friction, nerve strokes, stretching the tissue and exercising the range of motion and may include the use of oils, salt glows, hot or cold packs or hydrotherapy. Synonymous terms for massage therapy include, massage, therapeutic massage, body massage, myomassage, bodywork, body rub, or any derivation of those terms. “Massage therapy” does not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, nursing, chiropractic, physical therapy, occupational therapy, acupuncture or podiatry is required by law.

~~37.~~ 42. **“Mobile Home”** means a moveable or portable structure larger than forty (40) feet in body length, eight (8) feet in width or eleven (11) feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2, as amended to the date of the unit’s construction.

~~38.~~ 43. **“Mobile Home Park”** means any lot on which two or more mobile/manufactured homes are used for human habitation for 30 days or more, except as otherwise provided for in this Ordinance.

~~39.~~ 44. **“Model Home”** means any furnished dwelling which is primarily used as a marketing tool to show prospective homebuyers a particular plan, type of construction, accoutrements or floor plan, and which is not a residence at the same time. A sales office need not be physically located in the dwelling.

~~40.~~ 45. **“Multi-Section Manufactured Home”** means a manufactured home or modular home that is a single family dwelling with a heated area of at least thirty-six (36) by twenty-four (24) feet and at least 864 square feet, and is constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2, as amended to the date of the unit’s construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations.

~~41.~~ 46. **“Nonconformities”** are any structures or portions thereof, or uses of any land or structures, or lots, or setbacks which do not conform to the regulations of this Ordinance but that lawfully existed on and prior to the effective date of the regulations to which it does not conform. The term “nonconformities” does not include any lot, structure, or use of any structure or lot that, at the relevant time, did not conform to or was not exempt from then effective zoning regulations.

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47. “Overburden” means excess consolidated or unconsolidated materials of any nature extracted from or during the excavation and grading preparation of a building site.
- ~~42.~~48. “Overlay Zone” means a zone district placed over another zone district or districts for the purpose of imposing special requirements in addition to those of the underlying zone. Development within the overlay zone must conform to the requirements of both zone districts or to the more restrictive of the two zone districts.
- ~~43.~~49. “Permissive Use” means a use that is allowed in a particular zone district.
50. “Plane of a slope” means an imaginary parallel line, offset ten (10) feet from a slope equal to or greater than twenty percent (20%).
44. ~~51.~~ “Planned Commercial Development” means an area of non-residential uses or a mixture of residential and non-residential uses proposed for a single lot or group of lots that are contiguous to one another or that are part of a development that is known, designated, or advertised as a common unit or by a common name. This does not include agricultural activities as defined by this Ordinance.
45. ~~52.~~ “Recreational vehicle” means a motor vehicle primarily designed as temporary living quarters for recreational camping, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, including but not limited to, a travel trailer, camping trailer, truck camper, or motor home. Recreational vehicles may neither exceed a width of 8 feet or a length of 40 feet. Such vehicles are regulated by the Motor Vehicle Division of the State of New Mexico. A recreational vehicle does not qualify as a mobile/manufactured home, whether or not it is properly registered with the Motor Vehicle Division.
46. ~~53.~~ “Residential Density, Gross” means the number of dwelling units per acre, calculated by dividing the total number of dwelling units in a development by the total area of that portion of the development site devoted to residential use, including the area occupied by roadways within those residential areas.
47. ~~54.~~ “Residential Density, Net” means the number of dwelling units per acre, calculated by dividing the total number of dwelling units in a development by the total area of that portion of the development site devoted to residential use, excluding any area occupied by roadways within those residential areas.
55. “Ridge top” means the highest point in elevation that includes the prominently visible portion of a hill or mountain that sits above an area having an average slope equal to or greater than twenty percent (20%) on one or more sides.
48. ~~56.~~ “Setback” means the minimum allowable horizontal distance between a structure and every road or lot boundary line as measured perpendicularly from the edge of

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the road right-of-way or lot boundary line to the structure. Setbacks are intended to ensure that fire and rescue and other emergency personnel have full access to all sides of all buildings and structures, and to ensure that vehicles associated with the use are not parked in the road or street. The Zoning Officer shall exercise reasonable discretion in determining any setback issue, as in situations with irregularly shaped or corner lots. The Zoning Officer's decision regarding any setback issue may be appealed to the County Board.

~~49.~~ 57. **“Setback, Front”** means the minimum allowable distance between a structure and the (1) primary access road right-of-way or (2) lot boundary line that borders on the primary access to the lot.

~~50.~~ 58. **“Setback, Rear”** means the minimum allowable distance between a structure and the boundary or property line of the lot, upon which such structure is located, which is opposite and most distant from the primary access to the lot and that does not intersect with the primary access to the lot.

~~51.~~ 59. **“Setback, Side”** means the minimum allowable distance between a structure and the boundary or property line of the lot, upon which such structure is located, that intersects with a road or street.

60. **“Slope”** means the ratio of the vertical change to the horizontal change of land between two points on a line.

~~52.~~ 61. **“Special Event”** means any event (Private or Commercial) that scheduled, does not occur on a regular time interval, this includes but is not limited to: Parades, Marathons, Concerts, large parties or gatherings, Movie productions, Sporting events, Pyrotechnic Events, or events that change a traffic pattern (to include parking).

~~53.~~ 62. **“Specified Anatomical Areas”** means the areas that depict, describe or relate to: Less than completely and opaquely covered: Human genitals, pubic region; Buttock: and that portion of the female breast constituting the nipple and areola (the darkly pigmented portion of the breast encircling the nipple) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

~~54.~~ 63. **“Specified Sexual Activities”** means activities that depict, describe, or relate to:
a. Human genitals in a state of sexual stimulation or arousal.
b. Acts of human masturbation, sexual intercourse or sodomy;
c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

~~55.~~ 64. **“Structure”** means a building or anything else constructed or erected above ground, which requires location on the ground or is attached to something having

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a location on the ground. For purposes of this Ordinance, the term structure does not include a vehicle, vegetation, public utility poles, walls and fences.

- ~~56.~~ 65. **“Travel Trailer or Recreational Vehicle Park”** means an area of land used for transient commercial parking of occupied travel trailers, pick-up campers, converted buses, recreational vehicles, tents, or any other similar devices used for temporary portable housing, which are not permanently connected to utilities.
- ~~57.~~ 66. **“Variance”** means a relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary hardship. As used in this Ordinance, a variance may be authorized only for area, dimension, distance, setback, off-street parking, and off-street loading requirements. Financial gain or loss shall not be the determining factor in deciding a variance.
- ~~58.~~ 67. **“Video Arcade”** means an establishment having six (6) or more coin-operated devices for the amusement and entertainment of its patrons.
68. **“Winery”** means an agricultural processing facility operated in accordance with all Federal, State, and local regulations, used for the purpose of processing grapes or other fruit grown on the property or off-site, to produce wine. Processing includes crushing, fermenting, blending, aging, storage, bottling, and any other processes associated with winemaking. Also included are administrative functions, wholesale sales, tasting facilities, and retail sales of wine by the bottle, by the case, and by the glass. Sales of wine related items are permissible, including foods prepared off-site, wine glasses, accessories, reference books, decorative arts, and insignia clothing. Sales may take place during hours when the winery is open to the public and during events as prescribed by this Ordinance. Special events may periodically occur as regulated by Section 21 of this Ordinance.
- ~~59.~~ 69. **“Zoning Commission”** means the Sandoval County Planning and Zoning Commission.
- ~~60.~~ 70. **“Zoning Officer”** means the Planning and Zoning Director and/or his/her designee.

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AMEND SECTION 7 AS FOLLOWS:

SECTION 7. GENERAL PROVISIONS. The following general provisions apply to all zone districts:

- A. Access to Structures.** All structures shall be located on lots such that safe and convenient access is provided for servicing, fire protection, police protection, and any required off-street parking or loading.
- B. Mobile/Manufactured/Modular Housing Installation.** No mobile, manufactured or modular house shall be occupied unless it is connected to adequate utilities, ~~a potable running water supply, an approved sewage disposal system, an appropriate electrical and / or gas system, meet the requirements of section 7.F,~~ provided with skirting of a durable material, and stabilized and anchored to standards equivalent to and/or in accordance with regulations established pursuant to the Manufactured Housing Act of New Mexico, (Section 60-14-1 to Section 60-14-20 NMSA 1978].
- C. Solid Waste Disposal.** All persons owning or occupying lands within Sandoval County shall be responsible for the sanitary conditions of their premises. No person shall permit or cause the accumulation of solid waste in a manner or to an extent that may be hazardous to public health or safety, or that obstructs traffic, drainage, or access to structures. All solid waste shall be properly disposed in accordance with the Solid Waste Management Regulations of the New Mexico Environment Department.
- D. Water and Wastewater Requirements.** All development within Sandoval County shall be in compliance with applicable regulations established by the New Mexico Environment Department concerning water and wastewater systems and by the New Mexico State Engineer's Office concerning water systems.
- E. Minimum Lot Size.** To protect County residents from the effects of undue concentrations of onsite liquid waste systems and population, the minimum lot size in all zones shall be three-quarters ($\frac{3}{4}$) of an acre (32,670 square feet), unless specified otherwise. Lots that were legally created prior to the effective date of this Ordinance and in accordance with the laws in effect at the time of such creation are not affected by this provision.

A lot size of less than three-quarters ($\frac{3}{4}$) of an acre may be approved:

- 1. For a lot that is not served by a community sewer system, by (a) the grant of a permit by the New Mexico Environment Department, and (b) the subsequent grant of a variance pursuant to Section 18 of this Ordinance;

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2. For a lot that is served by a community sewer system, by approval of a variance pursuant to Section 18 of this Ordinance; or
3. As otherwise permitted by this Ordinance.

F. ~~Minimum Equipment and Facilities Requirement. Each dwelling unit must:~~

- ~~1. Be connected to a potable running water supply and to an approved sewage disposal system.~~
- ~~2. Contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.~~
- ~~3. The water closet and tub or shower shall be located in a room affording privacy to the user.~~
- ~~4. A heating facility capable of maintaining a temperature of 68 degrees Fahrenheit, at a point of three (3) feet above the floor in all rooms.~~
- ~~5. An electrical source with the ability to provide a minimum electrical current of 100 amp service.~~
- ~~6. There shall be no use of the ground for floors or wood floors resting on the ground.~~
- ~~7. Mobile Homes shall have a manufacture date after January 1, 1985, or meet the requirements defined in Section 6.B.33.~~

G. F. Building Height

1. Rural Districts. Unless otherwise specified herein, the maximum height of a building structure in any rural zoning district shall be thirty-six (36) feet.
2. Urban Single-Family Residential Districts. The maximum height of a building structure in any urban single-family residential district (R1-35, R1-15, R1-8, R1-6, and R1-5) shall be thirty-six (36) feet.

AMEND SECTION 9 (1) (B) AS FOLLOWS:

SECTION 9 (1). RRA - RURAL RESIDENTIAL/AGRICULTURAL DISTRICT.

- A. Intent.** This zone district maintains a rural character of land use with low-density residential and agricultural development, ideally on large lots that do not rely on or require connections to centralized water and sewer systems. Certain other uses are allowed, provided they are compatible with the rural residential and/or agricultural nature of the district.

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- B. Permissive Uses.** Any of the following uses are allowed in this zone district:
1. One singular dwelling unit per lot;
 2. One Guest House per lot, provided that:
 - a. A Guest House may not be rented or leased, separately from the principal dwelling unit on a lot, for any period of time.
 - b. All applicable requirements of the New Mexico Environment Department are met prior to construction of a Guest House.
 - c. All other applicable requirements of this Ordinance are met.
 3. Accessory uses and structures;
 4. Agricultural activities, including wineries as defined by this Ordinance, provided that any areas devoted to livestock shall be constructed and maintained to discourage the concentration and breeding of insects and rodents that may be detrimental to human habitation, and provided that animal excrement shall not be allowed to accumulate in excessive amounts;
 5. Home occupations; and
 6. Public parks, open space, and accessory uses customarily incidental to such uses.
 7. Exploratory water wells related to the development of water resources by governmental entities.

AMEND SECTION 9 (2.2) AS FOLLOWS:

SECTION 9 (2.2) CD-RRE RIO RANCHO ESTATES COMMUNITY DISTRICT.

- A. Intent.** This zone district shall provide for the orderly development of those areas of Rio Rancho Estates situated outside of the municipal limits of the city of Rio Rancho that are appropriate for rural residential development. This zone district shall provide further for the health, safety, and general welfare of area residents in recognition of the unique nature of Rio Rancho Estates within Sandoval County.
- B. Permissive Uses.** Any of the following uses are allowed in this zone district:
1. All uses that are permissive in the RRA zone district.
 - a. All dwelling units shall be placed on a permanent foundation. Permanent foundations for dwelling units that are not site-built shall comply with the New Mexico Manufactured Housing Division Rules and Regulations (NMAC 14.12.2) for permanent foundations.
 - b. If a dwelling unit is to be served by a shared domestic well, permitted under NMSA 1978 Section 72-12-1. The maximum number of parcels served by that well shall not exceed three (3). All parcels to be served by a single shared domestic well shall be contiguous.
 - c. ~~All dwelling units shall have an attached or detached garage holding at least two (2) cars prior to issuance of an occupancy permit. Prior to the~~

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issuance of an occupancy permit for any dwelling unit, a building permit for an attached or detached garage designed to hold at least two (2) cars shall be obtained.

~~2. The raising and management of all animals defined as “livestock” under the Comprehensive Zoning Ordinance shall be permissive, subject to the following provisions:~~

- ~~a. The drainage of livestock waste shall be contained on site.~~
- ~~b. Any parcel upon which cattle, horses, mules, donkeys or other similar large livestock are to be kept shall be a minimum of 1 acre (43,560 square feet) in area.~~
- ~~c. There shall be at least 20,000 square feet of lot area for each cow, horse, mule, donkey, or other similar large livestock.~~
- ~~d. Any parcel upon which sheep, goats, or pigs are to be kept shall be a minimum of ½ acre (21,780 square feet) in area and there shall be at least 4,000 square feet of lot area for each.~~
- ~~e. Animals under six months of age are not counted for purposes of the above provisions.~~

2. All animals defined as “livestock” under the definitions of Section 6 shall be kept in such a manner as not to constitute a nuisance, through violation of the following regulations:

- a. The minimum lot size required for large livestock is one (1) animal per (1/2) acre such as, horses, ponies, cattle, and similar large livestock.
- b. The minimum lot size required for medium livestock is five (5) animals per (1/2) half acre such as, sheep, goats, pigs, and similar medium livestock.
- c. Areas devoted to livestock and poultry/fowl, including accessory buildings or structure, shall be constructed and maintained to discourage concentration and breeding of insect pests.
- d. All animals shall be confined within owner’s property boundaries.
- e. Offensive livestock waste odor shall be effectively controlled.
- f. Animals under six months of age are not counted for purposes of the above provisions.
- g. Large livestock must be corralled in such a manner as to keep horses, ponies, cattle, and similar large livestock a minimum of ten feet away from any property line.

C. Conditional Uses. The following uses may be allowed in this zone district only upon review and approval by the Planning & Zoning Commission as provided in Section 17 of this Ordinance:

- 1. All uses that are conditional uses in the RRA zone district.

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2. Oil and gas exploration and production, and the structures and facilities associated with this use.
- D. District Standards.** The following standards apply to all land uses within this zone district:
 1. All building setbacks shall be as provided in the RRA zone district; except, that all lots abutting Southern Boulevard and 60th Street between Southern Boulevard and Northern Boulevard shall have:
 - (a). A minimum front building setback of seventy-five (75) feet from Southern Boulevard and the designated portion of 60th Street, and
 - ~~(b). A wall meeting the requirements of Section 12 (11).6.a.(2) along the lot line abutting Southern Boulevard and the designated portion of 60th Street.~~
 - (b). A solid masonry wall along the lot line abutting Southern Boulevard and the designated portion of 60th Street (6 foot in height for side walls and 3 foot for frontage walls).
 2. All dwelling units shall be placed on a permanent foundation. Permanent Foundations for dwelling units that are not site built shall comply with the New Mexico Manufactured Housing Division Rules and Regulations (NMAC 14.12.2) for permanent foundations.
 3. If a dwelling unit is to be served by shared domestic well, the well shall be permitted under NMSA 1978 Section 72-12-1. The maximum number of parcels served by that well shall not exceed three (3). All parcels to be served by a single domestic well shall be contiguous.
 4. All dwelling units shall have an attached or detached garage built to hold at least two (2) cars prior to the issuance of an occupancy permit.
 5. All dwelling units shall have:
 - (a). A minimum width of twenty-four (24) feet,
 - (b). A minimum length of forty-two (42) feet, and
 - (c). A minimum habitable area of one thousand- eight (1,008) square feet.
 6. All dwelling units shall meet the design requirements contained in Section 12 (11).F.2.
 7. On all dwelling units, the façade materials shall cover all vertical surfaces from the ground to the roofline, excluding any doors, windows, or design elements.
 8. All dwelling units shall meet the following roof design requirements:
 - (a). Pitched roofs shall be made of corrugated metal or tile materials.
 - (b). Flat roofs shall have a stuccoed parapet rising at least twelve (12) inches above the roof elevation or sufficient to obstruct from view and mechanical equipment located on the roof.
 9. All development on property located within one thousand (1,000) feet from the intersection of Southern Boulevard with 20th or 60th Streets shall meet the design standards contained in Section 12 (2). E.

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- E. **Nonconforming Uses.** Any occupied dwelling unit that was legally constructed or installed in this District prior to December 3, 2001 but that does not conform to the requirements of this District is designated as a legal nonconformity pursuant to Section 16 of this ordinance.

ADD THE FOLLOWING SECTIONS:

SECTION 9 (2.7) CD-WP WEST PLACITAS COMMUNITY DISTRICT.

- A. Intent. This zone district shall provide for the orderly development and protection of those residential areas of Placitas that were formerly under the jurisdiction of the Town of Bernalillo, Sandoval County, New Mexico Extra-Territorial Zoning Ordinance along with the remainder of the western portion of the Placitas area and will implement adopted policies of the Placitas Area Plan. This district shall provide further for the health, safety, and general welfare of area residents in recognition of the unique nature of these areas within Sandoval County.

- B. Permissive Uses. Any of the following uses are allowed in this zone district:

All uses that are permissive in the RRA zone district

- C. Conditional Uses. The following uses shall be allowed in this zone district only upon review and approval by the Planning & Zoning Commission as provided by Section 17 of this Ordinance:

All uses that are conditional uses in the RRA zone district.

- D. District Standards. The following standards apply to all land uses within this zone district:

1. A slope analysis shall be submitted with building plans for any new construction within this district. Such slope analysis shall be sealed by a land surveyor or professional engineer licensed to practice in the State of New Mexico. If the slope of the land is twenty percent (20%) or greater, the analysis will designate the brow of a slope, the proposed building envelope or footprint, and the plane of the slope. Retaining walls included on such plans for sites located on slopes of twenty percent (20%) or greater shall have no more than two feet exposed above the natural grade.

2. All building setbacks shall be as provided in the RRA zone district, except for the following:

On lots located on slopes twenty percent (20%) or greater, the setback shall be such that no part of a structure or associated retaining wall breaks the plane of the slope.

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3. The minimum lot size shall be one acre (43,560 square feet) except that all lots legally created prior to the adoption of this Ordinance and all lots within subdivisions that have received Preliminary Plat approval from the Board of County Commissioners prior to the adoption of this Ordinance are not affected by this provision.
4. No building shall exceed twenty-eight (28) feet in height.
5. Outdoor light fixtures shall comply with the following:
 - a. Fixtures shall be shielded such that light rays emitted by the fixture are projected at 45 degrees from a point on the fixture where light is emitted.
 - b. Where used for security purposes, or to illuminate walkways, equipment yards and parking lots, only shielded outdoor light fixtures shall be utilized.
 - c. Fixtures shall be required to have all light focused downward.
 - d. Exterior lighting shall be shielded in such a manner so that it does not shine onto any adjoining residential properties.
 - e. Outdoor light fixtures shall be limited to sixteen (16) feet in height.
 - f. All non-conforming lighting installed prior to the effective date of this Ordinance shall be altered or replaced in order to conform within two (2) years.
6. All dwelling units shall comply with the following standards:
 - a. All dwelling units shall be placed on a permanent foundation. Permanent Foundations for dwelling units that are not site-built shall comply with the New Mexico Manufactured Housing Division Rules and Regulations (NMAC 14.12.2) for permanent foundations.
 - b. Prior to the issuance of an occupancy permit for any dwelling unit, a building permit for an attached or detached garage designed to hold at least two (2) cars shall be obtained.
 - c. All dwelling units shall have:
 - (1) A minimum width of twenty-four (24) feet,
 - (2) A minimum length of forty-two (42) feet, and
 - (3) A minimum habitable (heated) area of one thousand- eight (1,008) square feet.
7. All dwelling units shall meet the following roof design requirements:

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- a. Pitched roofs shall be made of corrugated metal or tile materials.
 - b. Flat roofs shall have a stuccoed parapet rising at least twelve (12) inches above the roof elevation or sufficient to obstruct from view and mechanical equipment located on the roof.
8. The overburden from excavation of any building site shall not allowed to be disposed over any natural vegetated area.

SECTION 9 (2.8) CD-LP LAS PLACITAS COMMUNITY DISTRICT.

A. Intent. This zone district shall provide for the orderly development and protection of the rural and historic areas of Placitas and will implement adopted policies of the Placitas Area Plan. This district will help to protect the irrigated agricultural tracts and the acequia systems within this part of Placitas. This district shall provide further for the health, safety, and general welfare of area residents in recognition of the unique nature of these areas within Sandoval County.

B. Permissive Uses. Any of the following uses are allowed in this zone district:

All uses that are permissive in the RRA zone district.

C. Conditional Uses. The following uses shall be allowed in this zone district only upon review and approval by the Planning & Zoning Commission as provided by Section 17 of this Ordinance:

All uses that are conditional uses in the RRA zone district.

D. District Standards. The following standards apply to all land uses within this zone district:

- 1. All building setbacks shall be as provided in the RRA zone district.
- 2. The minimum lot size shall be as provided in the RRA zone district.
- 3. No structure shall exceed thirty-six (36) feet in height.
- 4. Outdoor light fixtures shall comply with the following:
 - a. Fixtures shall be shielded such that light rays emitted by the fixture are projected at 45 degrees from a point on the fixture where light is emitted.

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- b. Where used for security purposes, or to illuminate walkways, equipment yards and parking lots, only shielded outdoor light fixtures shall be utilized.
 - c. Fixtures shall be required to have all light focused downward.
 - d. Exterior lighting shall be shielded in such a manner so that it does not shine onto any adjoining residential properties.
 - e. Outdoor light fixtures shall be limited to sixteen (16) feet in height.
 - f. All non-conforming lighting installed prior to the effective date of this Ordinance shall be altered or replaced in order to conform within two (2) years.
5. All dwelling units shall comply with the following standards:
- a. All dwelling units shall be placed on a permanent foundation. Permanent Foundations for dwelling units that are not site-built shall comply with the New Mexico Manufactured Housing Division Rules and Regulations (NMAC 14.12.2) for permanent foundations.
 - b. Mobile homes shall have a manufacture date after January 1, 1985 regulated pursuant to NMSA 3-21A-3.
6. Prior to the transfer of real property within this District by any legally allowable means, the owner of the property or his/her agent will provide, at the time of receipt of an offer to purchase or at the time of transfer, a copy of the Right to Farm and Acequia Awareness attachment consisting of Section (6) (B) (6) and (9) (1) of this Ordinance, the text of NMSA 47-9-1 et. seq. known as the Right to Farm Act, and the Acequia Information packet as provided by Sandoval County. The person accepting the transfer or taking ownership will provide written verification of receipt of this attachment to the transferor or seller.
7. Nothing herein prohibits a property owner from placing further restrictions and covenants on the use of his/her real property. Such enforcement of any further restrictions or covenants shall be the sole responsibility of those real property owners placing such covenants and restrictions.

SECTION 9 (2.9) CD-IASF IDEAL ACRES/SAN FRANCISCO COMMUNITY DISTRICT.

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A. Intent. This zone district shall provide for the orderly development and protection of the northeastern portion of the Placitas area and will implement adopted policies of the Placitas Area Plan. This district shall provide further for the health, safety, and general welfare of area residents in recognition of the unique nature of this area within Sandoval County.

B. Permissive Uses. Any of the following uses are allowed in this zone district:

All uses that are permissive in the RRA zone district.

C. Conditional Uses. The following uses shall be allowed in this zone district only upon review and approval by the Planning & Zoning Commission as provided by Section 17 of this Ordinance:

All uses that are conditional uses in the RRA zone district.

D. District Standards. The following standards apply to all land uses within this zone district:

1. All building setbacks shall be as provided in the RRA zone district.

2. The minimum lot size shall be two acres (87,120 square feet) except that all lots legally created prior to the adoption of this Ordinance and all lots within subdivisions that have received Preliminary Plat approval from the Board of County Commissioners prior to the adoption of this Ordinance are not affected by this provision.

3. No building shall exceed thirty-six (36) feet in height.

4. Outdoor light fixtures shall comply with the following:

a. Fixtures shall be shielded such that light rays emitted by the fixture are projected at 45 degrees from a point on the fixture where light is emitted.

b. Where used for security purposes, or to illuminate walkways, equipment yards and parking lots, only shielded outdoor light fixtures shall be utilized.

c. Fixtures shall be required to have all light focused downward.

d. Exterior lighting shall be shielded in such a manner so that it does not shine onto any adjoining residential properties.

e. Outdoor light fixtures shall be limited to sixteen (16) feet in height.

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- f. All non-conforming lighting installed prior to the effective date of this Ordinance shall be altered or replaced in order to conform within two (2) years.

- 5. All dwelling units shall comply with the following standards:
 - a. All dwelling units shall be placed on a permanent foundation. Permanent Foundations for dwelling units that are not site-built shall comply with the New Mexico Manufactured Housing Division Rules and Regulations (NMAC 14.12.2) for permanent foundations.

 - b. Mobile homes shall have a manufacture date after January 1, 1985 regulated pursuant to NMSA 3-21A-3.

- 6. Prior to the transfer of real property within this District by any legally allowable means, the owner of the property or his/her agent will provide, at the time of receipt of an offer to purchase or at the time of transfer, a copy of a Right to Farm attachment consisting of Section (6) (B) (6) and (9) (1) of this Ordinance and the text of NMSA 47-9-1 et. seq. known as the Right to Farm Act. The person accepting the transfer or taking ownership will provide written verification of receipt of this attachment to the transferor or seller.

- 7. Nothing herein prohibits a property owner from placing further restrictions and covenants on the use of his/her real property. Such enforcement of any further restrictions or covenants shall be the sole responsibility of those real property owners placing such covenants and restrictions.

SECTION 9 (2.10) LAS PLACITAS DESIGN OVERLAY ZONE.

- A. The purpose of this Overlay Zone is to allow for a limited commercial area to serve the historic village area of Placitas and to preserve the semi-rural qualities of the village. This area will be a local center for community scale amenities. This Overlay Zone applies to the areas where it is mapped in addition to the provisions of the underlying zone district. Where the provisions of this Overlay Zone conflict with those of the underlying zone district, the provisions of this Overlay Zone shall apply.

- B. Design Standards for Non-Residential Development. The following design standards are considered a portion of the Comprehensive Zoning Ordinance and are enforceable as such. All new non-residential development

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within this Overlay Zone shall be subject to the following requirements, regardless of the existing zoning of the lot in question. Any expansion of an existing non-residential use or building within this Overlay Zone must also conform to the design standards. Prior to County approval of construction plans as required by Section 15(G) of the Comprehensive Zoning Ordinance, a site development plan must accompany such plans and shall be submitted to the Zoning Officer for approval. Adequate information must be provided along with the site development plan to show that the following requirements will be met:

1. No building shall exceed thirty-six (36) feet in height.
2. The maximum footprint of any building shall be 10,000 square feet, although 6000 square feet is preferred.
3. The combined floor area of all buildings on any lot shall not exceed 50% of the total area of the lot.
4. The parking requirements in Section 9(4) of this Ordinance shall apply. Parking within the right-of-way of NM 165 will be allowed only with the approval of the New Mexico Department of Transportation.
5. All non-residential buildings and structures shall be located with front, side, and rear setbacks of no less than twenty (20) feet.

SECTION 9 (2.11) I-25/BERNALILLO INTERFACE DESIGN OVERLAY ZONE.

- A. The purpose of this Overlay Zone is to promote mixed use development appropriate for an Interstate Highway corridor. In addition the Overlay Zone is created to promote transit oriented development due to its close proximity to the NM 550/Sandoval County regional transit facility. The Overlay Zone forms a transition from land uses that are appropriate adjacent to an Interstate Highway to the low density residential uses that are appropriate within the CD-WP district. This Overlay Zone applies to the areas where it is mapped in addition to the provisions of the underlying zone district. Where the provisions of this Overlay Zone conflict with those of the underlying zone district, the provisions of this Overlay Zone shall apply.
- B. Design Standards for Certain Types of Development. The following design standards are considered a portion of the Comprehensive Zoning Ordinance and are enforceable as such. Any development that includes uses that are not listed as Permissive or Conditional within the RRA Zone District and that is to be located within this Overlay Zone shall be subject to the following requirements, regardless of the existing zoning of the lot in question:

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1. Any development identified within this Section must be submitted as a Master Planned Development under the provisions of Section 11 of this Ordinance, regardless of the acreage of the parcel in question.
2. No structure shall exceed thirty-six (36) feet in height except for flagpoles, antennas, spires, or other accessory objects customarily placed above the roof level and not intended for human occupancy.
3. The combined floor area of all buildings on any lot shall not exceed 50% of the total area of the lot.
4. Any development identified within this section shall include a 200 foot buffer between the perimeter of the development and any existing residential development outside of the Overlay Zone. This buffer may either be open space or single family residential development permissible within the CD-WP zone district.

SECTION 9 (2.12) CD-DT DIAMOND TAIL MASTER PLANNED DISTRICT.

- A. Intent. This zone district shall provide for the implementation of the Diamond Tail Master Plan and will apply to that area designated as such on that Master Plan approved by the Sandoval County Board of County Commissioners on September 5, 1996 and on the Sandoval County Zoning Map.
- B. Permissive Uses. Any of the following uses are allowed in this zone district:

All uses that are permissive in the RRA zone district.
- C. Conditional Uses. The following uses shall be allowed in this zone district only upon review and approval by the Planning & Zoning Commission as provided by Section 17 of this Ordinance:

All uses that are conditional uses in the RRA zone district.
- D. District Standards. The following standards apply to all land uses within this zone district:
 1. All building setbacks shall be as provided in the RRA zone district.
 2. The minimum lot size shall be as provided in the RRA zone district, except that the total number of residential lots within the district shall not exceed that identified in the Diamond Tail Master Development Plan as filed in the Office of the Sandoval County Clerk on March 5, 1997 in Volume 3, Folio 1587-A.

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SECTION 9 (2.13) WEST PLACITAS DESIGN OVERLAY ZONE.

- A. The purpose of this Overlay Zone is to allow for the continuation of nonresidential uses in those areas where they already exist in the western portion of the Placitas area. The Overlay Zone further recognizes those uses originally approved by the former Town of Bernalillo, Sandoval County, New Mexico Extra-Territorial Zoning Authority and subsequently by County Ordinances (Insert Numbers Here) establishing Special Use districts and approved by the Board of County Commissioners on (Insert Date Here). This Overlay Zone applies to the areas where it is mapped in addition to the provisions of the underlying Special Use districts approved for the properties in question. Where the provisions of this Overlay Zone conflict with those of the Special Use districts, the more stringent of the two shall apply.
- B. Design Standards for Non-Residential Development. The following design standards are considered a portion of the Comprehensive Zoning Ordinance and are enforceable as such. All new non-residential development within this Overlay Zone shall be subject to the following requirements in addition to those of the underlying Special Use District:
1. The maximum footprint of any building shall be 25,000 square feet, though 10,000 square feet is preferred.
 2. The combined floor area of all buildings on any lot shall not exceed 50% of the total area of the lot.
 3. The parking requirements in Section 9(4) of this Ordinance shall apply.
 4. Any new non-residential buildings on the properties in question shall be as represented on a Site Development Plan approved for such by the Planning & Zoning Commission. Such a Site Development Plan will include buffering between commercial and residential uses that incorporates features such as berms, walls, and landscaping.

AMEND SECTION 10 AS FOLLOWS:

SECTION 10. SU - SPECIAL USE DISTRICT.

A. Intent. This zone district accommodates developments that require special consideration because of their magnitude, unusual nature, infrequent operations, questionable impact on surrounding property, or other similar reason. The boundaries of this district shall be determined on a case-by-case basis following amendment procedures provided in Section 19 of this Ordinance. Special conditions may be imposed by the

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County Board following recommendation by the Zoning Commission. The County Board may not grant a Zone Map Amendment for establishment of a Special Use District unless satisfactory provisions have been made:

1. To assure that compatibility of property uses shall be maintained in the general area;
2. To preserve the integrity and character of the area in which the Special Use District will be located, and the utility and value of property in the Special Use District and in adjacent zone districts; and
3. To assure that the Special Use District will not become detrimental to the public health, safety, or general welfare of the County.
4. To assure that the Special Use District will not conflict with the Sandoval County Comprehensive Plan or any other applicable land use plans adopted by the County.

B. Application. Each application for a Zone Map Amendment for establishment of a Special Use District must follow amendment procedures as stated in Section 19 of this Ordinance, must declare the proposed use, and must be accompanied by a site development plan (except for an incremental Planned Area Development that is subject to specific provisions described elsewhere in this Section) of sufficient size and scale in order to:

1. Show boundaries and topography of the property to be developed;
2. Show the proposed size, location, use, and arrangement of all structures, signs, parking and loading areas, drainage facilities, landscaping, and traffic and pedestrian circulation routes; and compliance with Section 14 of this Ordinance; and
3. Indicate the location, type, use, and size of structures on adjacent properties within five hundred (500) feet of the proposed Special Use District boundary.

C. Removal of Zones. In the event that a use authorized as a Special Use District is permanently discontinued, the Special Use District may be cancelled and removed under the provisions for an amendment to this Ordinance. That area delineated by discontinued Special Use District shall be rezoned to the prevailing zone district as determined by the County Board following recommendation by the Zoning Commission.

D. Uses Allowed in Special Use Districts. A Special Use District may be authorized only for uses designated by the County Board, including the following:

1. Asphalt and batching plant;
2. Cemetery, mausoleum, or crematory, provided that the site shall contain at least 2 acres;
3. Cluster Housing Development, provided that the following requirements are met:

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a. Lot Area and Setback. The setback requirements and minimum lot size within a Cluster Housing development will be established by the Site Development Plan as approved by the County Board. In areas where any lot with an area of less than $\frac{3}{4}$ acre is proposed, a liquid waste disposal plan for such approved by the New Mexico Environment Department and deemed satisfactory by the Board of County Commissioners shall be required.

b. Housing Density. The total number of dwelling units per acre allowed within a Cluster Housing Development shall not exceed that which would have been allowed if the site were developed under its previous zoning designation. Special Flood Hazard Areas as mapped by the Federal Emergency Management Agency shall not be counted in determining housing density under this section.

c. Open Space Requirements

- (1) Common Open Space Areas shall have a minimum dimension of 30 feet.
- (2) Common Open Space may form one or more areas within the development, provided that at least one area is at least 60% of the total Common Open Space.
- (3) Land dedicated for roadways, driveways, parking areas, and private yards cannot be counted as Common Open Space.
- (4) Common Open Space shall not be divided by fences, walls, or buildings.

d. Site Development Plan Approval. Future development within a Cluster Housing Development shall be in conformance with the Site Development Plan as approved by the County Board. This shall include the location, extent, and purpose of all Common Open Space as well as the location of proposed lots and roadways.

e. Maintenance of Common Open Space. The maintenance of Common Open Space shall be guaranteed via a mechanism approved by the County Board. The instrument guaranteeing such maintenance shall be recorded in the Office of the County Clerk simultaneously with the final plat of the subdivision. The Common Open Space shall be set aside in perpetuity by deed restrictions. If the maintenance of the Common Open Space is abandoned to the extent that the County Board determines that a threat to public health and safety exists, the County may utilize any means at its disposal to ensure that such a threat is abated.

f. Ownership of Common Open Space. The Common Open Space in an Cluster Housing Development shall be owned in one of the following ways:

- (1) The property owners may establish a homeowner's association organized as a non-profit corporation or trust carrying covenants that run with the land and that are recorded with the Office of the County Clerk; OR

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(2) The Common Open Space may be owned by a public entity or non-profit corporation granted an exemption from Federal Income Tax as described in Section 501 (c) (3) of the United States Internal Revenue Code. Any proposal to transfer the Common Space to such an entity must be approved by the County Board.

g. Special Considerations. The following factors, where applicable, will be considered by the County Board when reviewing a proposal for a Cluster Housing Development:

(1) Inclusion of agricultural uses.

(2) Preservation of acequia irrigation systems.

(3) Preservation of wildlife habitat and wildlife corridors.

(4) Protection of the natural environment.

(5) Variation of residential lot sizes and shapes.

(6) The visibility of the Common Open Space both from within and without the Cluster Housing Development.

(7) The preservation of important views.

(8) The furtherance of the goals and policies of any adopted Area Plan for an area within which a Cluster Housing Development is proposed.

(9) Reduction of road mileage within a development.

3.4. Commercial feedlot, dairy, or animal slaughter house provided it complies with the following requirements:

a. All animal excrement is properly disposed of,

b. Associated pests are eradicated by chemical or scientific means,

c. Storm water drainage is controlled to avoid pollution of water resources,

d. Mechanical means is available for scraping and cleaning feedlot premises at all times, and

e. A review is conducted by appropriate local, State, and Federal agencies for feedlot design and location;

4.5. Landfill operation for disposal of refuse, solid waste, liquid waste, septage, chemicals, or hazardous waste;

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~~5.6.~~ Mining, excavating, removing, processing, stockpiling, or distribution of rock, sand, gravel, clay, pumice, scoria, decomposed granite, or similar materials, or batching plant, provided it ~~complies~~ such uses comply with the requirements of Section 10 (1) of this Ordinance with the following requirements for rehabilitation of the depleted land:

- ~~a. Grading or backfilling shall be made with inert, non-combustible solids,~~
- ~~b. Graded or backfilled land shall not collect or permit stagnant water to remain therein, and~~
- ~~c. The resulting topography and grade in substantial conformity to the land area immediately surrounding, and erosion caused by rainfall and runoff will be controlled;~~

~~6.7.~~ Mobile Home Park, subject to the following requirements:

- a. The maximum density of the Mobile Home Park shall be subject to the approval of the New Mexico Environment Department however, if public water and sewer systems are available, then maximum density of the Mobile Home Park shall be six (6) mobile homes per acre,
- b. Each mobile home space shall be required to maintain the following yard areas: Side to side spacing between mobile homes shall be at least twenty (20) feet, and back to back spacing shall be at least fifteen (15) feet. The distance between any mobile home and any building shall be at least twenty (20) feet,
- c. Any mobile home shall be located at least thirty (30) feet from the right-of-way line of any roadway and at least thirty (30) feet from any property line of the Mobile Home Park,
- d. All interior roadways shall be at least thirty (30) feet wide, and shall be either paved or graveled to a standard acceptable to the County,
- e. Sites shall be kept graded, drained, and free of rubbish and litter, and
- f. Mobile homes shall be skirted with materials compatible with the siding of the mobile home.

~~7.8.~~ Power plant or transformer yard of a public utility;

~~8.9.~~ Adult Bookstore, adult theater, and adult live entertainment establishments provided that none of the above listed uses may be located within one-thousand (1,000) feet of a public or private school, church or any residential district, as measured from the building containing the adult establishment to the closest point of the residential district, public or private parcel, or church parcel.

~~9.10.~~ Massage parlor, provided the establishment is not conducted on the same premises where there is a cocktail lounge, photo studio, model studio, art studio, telephone answering service, motion picture theater, or bookstore.

~~10. 11.~~ Shopping Centers, subject to the following requirements:

- a. The shopping center site shall be located with direct access to a State or Federal arterial highway, or a designated County arterial road,
- b. All buildings must be placed at least thirty (30) feet from any property line of the shopping center land,

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c. At least ten percent (10%) of the site shall be landscaped and maintained in a clean and healthy condition,

~~d. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened such that it does not shine directly or reflect into any adjoining residential properties or roadways,~~

d. Outdoor light fixtures installed after the effective date of this Ordinance shall comply with the following:

1. Fixtures shall be shielded such that light rays emitted by the fixture are projected at 45 degrees from a point on the fixture where light is emitted.
2. Where used for security purposes, or to illuminate walkways, equipment yards and parking lots, only shielded outdoor light fixtures shall be utilized.
3. Fixtures shall be required to have all light focused downward.
4. Exterior lighting shall be shielded in such a manner so that it does not shine onto any adjoining residential properties.
5. Outdoor light fixtures shall be limited to sixteen (16) feet in height.
6. Any illuminated on-premise advertising sign shall be turned off between 11:00 P.M. and sunrise except that on-premise signs may remain illuminated while a business is open to the public.

e. Loading docks and outside storage areas shall be screened from public roadways and abutting residential properties, and

f. Any shopping center proposal for an ultimate development containing more than one hundred thousand (100,000) square feet of floor area shall include a traffic impact analysis of traffic generated by the shopping center as it affects the surrounding roadway system;

~~11.12.~~ Travel trailer or Recreational Vehicle Park provided it complies with the following requirements:

- a. The park site shall be graded, drained, and free of rubbish,
- b. The park site shall have a wall, fence, or planted area, six (6) feet in height, that screens the site from adjoining areas, and
- c. The park shall contain individual campgrounds and each campground shall be at least one thousand five hundred (1,500) square feet in area with adequate parking such that no portion of any vehicle extends into a roadway within the park; and

~~12.~~ 13. Other uses not included herein, provided that:

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- a. The proposed use or combination of uses is not adequately allowed and controlled in any other zone; and
- b. The proposed use is not detrimental to the area in which it is proposed to be located; and
- c. The proposed use is in conformance with the Sandoval County Comprehensive Plan and other applicable land use plans adopted by the County.

AMEND SECTION 11 AS FOLLOWS:

SECTION 11. MP - MASTER PLANNED DISTRICT.

- A. Intent.** The purpose of this zone district is to permit and encourage the unified planning of large areas or mixed use developments in order to achieve the mixture and variety of land uses that such large scale planning makes possible. The boundaries of this zoning district shall be determined on a case-by-case basis following amendment procedures provided in this Section, provided that a Zone Map Amendment to this District must be sought for any development that will result in ~~five hundred (500)~~ one hundred (100) or more dwelling units at full build out and that meet the other requirements of this Section:
- ~~1. Result in the development of any parcel of land that is larger than fifty (50) acres as of the effective date of this Section.~~
 - ~~2. 1.~~ Result in a development with land uses that are not allowed as permissive uses in a residential zoning district.
 - ~~3. 2.~~ That meets other requirements of this Section.
 3. All tracts of land within the I-25-Bernalillo Interface Overlay Zone when multiple family residential or nonresidential uses are proposed, regardless of the size of the property.
- B. Application.** Each application for a zone change to establish a Master Planned District must be accompanied by the following information:
1. A conceptual development plan that includes:
 - a. a vicinity map showing the boundaries and acreage of the proposed Master Planned District and the adjacent properties indicating existing uses,
 - b. a delineation of any sub-areas intended for phased development or for distinctive uses, indicating the number of acres and nature of each sub-area,

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- c. a statement of the distribution, type, and intensity of land uses within the proposed Master Planned District, and
 - d. a statement of the proposed traffic or transportation circulation system and its public features.
 2. A development plan for all or each portion of the Master Planned District (if phased development is proposed) that contains the following:
 - a. the boundaries and topography of the site,
 - b. a legal description of the site,
 - c. the location and acreage of various land uses, including the number of dwelling units in residential areas, provided that specific land uses are designated for the entire Master Planned District, and
 - d. specification of the proposed public dedications and easements; and
 3. A supportive data document containing statements and information concerning:
 - a. the purpose and intent of the Master Planned District,
 - b. the development phasing schedule (if applicable) showing dates for anticipated initiation and completion of each phase of the Master Planned District,
 - c. a descriptive and/or graphic representation of any perimeter treatment and/or buffer areas proposed for the Master Planned District with respect to the surrounding land uses,
 - d. the principal effect of the Master Planned District on the surrounding community with respect to traffic and transportation sources for water supply, disposal of solid and liquid waste, schools, fire protection, police protection, and population growth, and
 - e. The consistency of the proposal with the Sandoval County Comprehensive Plan and other applicable land use plans adopted by the County.
- C. District Standards.** The following standards apply to all land uses within this zone district:
1. The proposed Master Planned District shall contain no less than 100 acres except as otherwise provided in Section 11(A) (3) of this Ordinance;
 - ~~2. The minimum lot size for a lot in the Master Planned District shall be based upon water availability. Water availability information must be provided by the developer via the procedure outlined in Section 4 of Appendix (A) to Land Subdivision Regulations as adopted by the County (hereinafter “Appendix A”). The actual minimum lot size will be determined by the Office of the State Engineer (OSE) following review of the water availability information provided by the developer to the OSE through the County. The OSE shall determine the minimum lot size utilizing the formula contained in Section 4 of Appendix A. Any lot that is~~

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- ~~proposed to contain a net acreage — (i.e. the total acreage exclusive of any road right-of-way) less than 3/4 acre (32,670 square feet) must be served by a community water and sewer system.~~
- ~~3.~~ 2. ~~Regardless of the minimum lot size determined under Section 11 (C) (2) of this Ordinance,~~ The gross residential density in a Master Planned District shall not exceed that which would have been allowed if the site were developed under its previous zoning designation, 1.33 dwelling units per acre except as otherwise provided in Section 11 (D) of this Ordinance.
 - ~~4.~~ 3. A minimum of two percent (2%) of the acreage of the Master Planned District shall be designated as open-space common area for recreational use, provided that there shall be a statement of (a) ownership of the common areas (b) appropriate covenants forbidding partition for future sale and/or non-recreational development; (c) maintenance responsibility; and (d) funding of such maintenance of the common area.
 - ~~5.~~ 4. The County Board may impose (a) building height restrictions; (b) setback requirements; (c) minimum lot sizes; and (d) other conditions and restrictions that reasonably relate to and advance the purposes of this Ordinance, the Sandoval County Comprehensive Plan, and/or other applicable land use plans adopted by the County.
 - ~~6.~~ 5. The County Board may require that commercial, service, and employment center uses be provided in appropriate locations within the Master Planned District in conformance to the Sandoval County Comprehensive Plan and other applicable land use plans adopted by the County.
 - ~~7.~~ 6. Any recreational facilities provided within open space areas shall be fully improved by the developer and shall be maintained in perpetuity by a homeowner's association or similar entity as approved by the County Board.
 - ~~7.~~ Any proposed Master Planned development within the I-25/Bernalillo Interface Overlay Zone shall demonstrate connectivity of internal pedestrian trails and networks as well as connectivity to trail networks associated with the 550-Sandoval Rail Runner Station. Such Master Planned developments shall promote the overall goals of Transit Oriented Development as adopted by the Placitas Area Plan.

D. Gross Residential Density Bonus. The County Board may allow a gross residential density of up to 3.0 dwelling units per acre for a Master Planned District upon recommendation of the Zoning Commission where, in addition to satisfying other applicable requirements, it is established that the proposed Master Plan District development:

1. Substantially furthers the goals and policies of the Sandoval County Comprehensive Plan and other applicable land use plans adopted by the County.
2. Includes innovative development design criteria and features that enable the development to conform to the natural character of the area.

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3. Protects the natural environment through considerations designed to minimize environmental impacts to the greatest degree possible consistent with the proposed uses.
 4. Provides for a variety of residential lot sizes and shapes, and structure heights and designs.
 5. Demonstrates efficient utilization of existing roadways and limitation of traffic generation to the greatest degree possible consistent with the proposed uses.
 6. Demonstrates exceptional architectural control, enforced via a provision approved by the County Board, that allows new development to blend into and enhance the natural character of the area.
 7. Makes adequate provision for necessary law enforcement facilities to serve the present and anticipated future needs of the development;
 8. Makes adequate provision by the applicant for necessary fire protection and emergency services facilities to serve the present and anticipated future needs of the development.
 9. Makes adequate provision for necessary educational facilities to serve the development;
 10. Designates a minimum of five percent (5%) of the acreage of the Master Planned District as Common Open space for recreational purposes. All areas set aside as open space must meet the following criteria:
 - a. No area shall have a minimum dimension of less than thirty (30) feet;
 - b. Land used for roadways, driveways, parking areas, and private yards shall not be calculated as open space.
 - c. Fences, walls, or buildings shall not divide open space.
 - d. Land included as open space shall not be land that otherwise cannot be developed due to physical limitations.
 - e. The Open Space shall be owned in one of the following ways:
 1. The property owners within the development may have an undivided interest in the open space; or
 2. The property owners may establish a homeowner's association organized as a non-profit corporation or trust carrying covenants that run with the land and that are legally recorded with the Sandoval County Clerk's Office; or
- (3) The Common Open Space may be owned by a public entity or non-profit corporation granted an exemption from Federal Income Tax as described in Section 501 (c) (3) of the United States Internal Revenue Code. Any proposal to transfer the Common Space to such an entity must be approved by the County Board.

AMEND SECTION 15 (F) AS FOLLOWS:

F. Violation: Complaints and Notification. The Zoning Officer may institute any appropriate actions or proceedings whenever there is probable cause to believe there is a

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violation of this Ordinance. Any person aggrieved by an apparent violation of this Ordinance shall file a written complaint with the Zoning Officer who shall immediately document in writing the nature of the complaint and investigate such complaint to determine if a violation of this Ordinance is found to exist. Whenever the Zoning Officer finds probable cause to believe a violation of this Ordinance exists, whether acting on independent initiative or in response to an investigated complaint, the Zoning Officer shall notify the person responsible for the alleged violation in writing. Such notification shall order the necessary correction to be made within thirty (30) days following the date of notification. Any person who fails to comply with the notification order shall be subject to penalties as stated in Section 24 of this Ordinance.

If a landowner fails, refuses, or is unable to remedy the violation within 30 days of a Court order affirming the violation, the County may take such action as is necessary to remediate the violation. The County may remediate the violation itself or may employ an independent contractor to correct the violation in the County's sole discretion. The County has the right to place a lien upon the property for the cost of the remediation, pursuant to state law (NMSA 1978 Section 3-36-1 et. seq., and Section 4-37-1).

AMEND SECTION 15 (G) AS FOLLOWS:

G. **Building Permits.** Building permits, applications for building permits, and certificates of occupancy within the County's zoning jurisdiction shall be considered by the Zoning Officer upon submission of appropriate construction plans, accompanying materials as specified in Section 15 (G) (1) of this Ordinance, and the required fee. Approval shall be granted only if same are found to be in compliance with the provisions of this Ordinance.

(1) **PLAN SUBMISSION REQUIREMENTS:** All construction ~~of buildings/ structures larger than 200 square feet in the County will require a building permit.~~ requiring a building permit under the terms of the relevant Building Code(s) adopted by the State of New Mexico shall require the submission of construction plans to the Zoning Officer. ~~As stated above, these permits require review by the Planning and Zoning Office, and applicants shall submit plans for construction to the Zoning Officer.~~ Any applications that are missing required material shall be deemed incomplete and will not be accepted by the ~~Planning and Zoning Office~~ Zoning Officer. Proof of connection to an approved community sewer system may replace the requirement for an onsite liquid waste disposal permit. All construction on new or existing structures will require a proper solid waste disposal container. On new-construction, an approved liquid waste disposal unit must be provided onsite unless the contractor has other access to restroom facilities. Submissions for approval of construction by the Zoning Officer under this section must include, at a

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minimum, the materials listed below. The Zoning Officer may, at his/her discretion require additional information should the circumstances warrant.

AMEND SECTION 20 AS FOLLOWS:

SECTION 20. TEMPORARY USE PERMITS

In certain situations where unique circumstances warrant, the Zoning Commission may authorize by Temporary Use permit the location of uses in any zone in which they would otherwise not be permitted. In no case shall any use authorized by this section be permitted to exist for a period in excess of twenty-four (24) months and no renewal of a permit for the same use shall be allowed under this section.

A. Application. Any request for a Temporary Use permit shall be submitted with the applicable filing fee to the Zoning Officer on a prescribed application form obtainable from the Zoning Officer. The Zoning Officer shall transmit the application and any supplementary information to the Zoning Commission for their review and consideration. The Zoning Commission shall hold a public hearing in which to make a decision on the application. Notice of the hearing shall be provided as per Section 17(C) of this Ordinance. At their hearing, the Zoning Commission may impose such conditions and limitations as it deems necessary:

1. To assure that the proper performance standards and conditions are, whenever necessary, imposed upon uses that are, or that reasonably may be expected to become obnoxious, dangerous, offensive, or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
2. To preserve the utility, integrity, and character of the zone in which the use will be located, without adversely impacting adjacent zones; and
3. To assure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

B. Financial Assurance. The Zoning Commission may require that the applicant post a suitable financial guarantee to assure timely compliance with conditions and limitations, including the time limitation on the proposed use.

C. Denial. The Zoning Commission may deny any such application if it finds that the conditions specified in this Section will not be met and/or the proposed application would more appropriately be processed under Sections 17 or 19 of this Ordinance.

D. Alternate Administrative Procedure. In cases where the proposed use is located on a lot or lots with a total land area of one acre or smaller and the proposed use will not extend beyond thirty (30) days, an alternative administrative procedure is hereby established. Following the submittal of an application and the appropriate filing fee, the Zoning Officer shall review the application for compliance with the conditions specified

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in this section. Within fifteen (15) days of receipt of a complete application, the Zoning Officer shall approve the application, deny the application, or refer the application to the Zoning Commission for review pursuant to this Section.

E. Violation. Any noncompliance with any condition of approval of a Temporary Use permit, including the time limitation imposed on the proposed use shall be deemed a violation of this Ordinance as per Section 24 herein.

F. Sand and Gravel Mining. Any approvals of applications under this Section for sand and gravel mining uses shall be made subject to all applicable conditions of Section 10 (1) of this Ordinance.

SECTION 23. FILING FEES.

A. Applications. Any applications required by this Ordinance shall be filed with the required filing fee on prescribed forms obtainable from the Zoning Officer. Such fees shall not be required where the County or any official thereof is the moving party.

B. Fees.

Fees will be established by Resolution of the County Board and will be subject to periodic review and update.

~~Filing fees will be charged as follows:~~

- ~~1. *Conditional Use Review:* \$40 for Family Cluster, \$60 for all other Conditional Use applications (except Wireless Communications facilities as regulated by County Ordinance #03-10-16.11A);~~
- ~~2. *Variance:* \$60;~~
- ~~3. *Zone Map Amendments:*~~
 - ~~(a) *Less than one acre:* \$150~~
 - ~~(b) *One acre but less than five (5) acres:* \$200 for the first acre plus \$25 for each additional acre or portion thereof;~~
 - ~~(c) *Five (5) acres but less than twenty (20) acres:* \$300 for the first five (5) acres plus \$15 for each additional acre or portion thereof;~~
 - ~~(d) *Twenty (20) acres but less than sixty (60) acres:* \$525 for the first twenty (20) acres plus \$10 for each additional acre or portion thereof;~~
 - ~~(e) *Sixty acres or more:* \$925 plus .25 for each additional acre or portion thereof.~~
- ~~4. *Petition for Legislative Text Amendment:* \$100~~
- ~~5. *Appeal:* \$250 for Beneficial Use Determinations, \$100 for all other Appeals;~~

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- ~~6. — *Engineering Fees:* To cover engineering expenses related to processing applications under this Ordinance, an engineering fee equal to 105% of the actual costs to the County for engineering review shall be charged.~~
- ~~7. — *Temporary Use Permit:* ½ of the applicable fee for Zone Map Amendments.~~
- ~~8. — *Building Plan Review:* \$75 Residential, \$0.25 per square foot for Non-Residential Construction~~
- ~~9. — *Special Event Permit:* \$200.00 plus 105 % of related County expenses.~~

C. **Refunds.** If an application is withdrawn before required public notification is published, the filing fee shall be refunded to the person making the application. If an application is withdrawn after such notification is published, the filing fee shall not be refunded.

OFFICIAL ZONING MAP ADOPTED

The Board of County Commissioners hereby adopts an Official Zoning Map showing the district designations and boundaries of the territory to be zoned in the Placitas area

EFFECTIVE DATE

This Ordinance shall become effective on the ____ day of _____, 2010 following publication by title and general summary.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SANDOVAL COUNTY

Sally Padilla, County Clerk

Orlando Lucero, Chairman

Darryl Madalena, Vice Chairman

APPROVED AS TO FORM:

Glenn Walters, Member

County Attorney

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David Bency, Member

Don Leonard, Member

**SANDOVAL COUNTY, NEW MEXICO
RESOLUTION NO. _____**

ESTABLISHING FEES FOR ZONING APPLICATIONS

WHEREAS, Sandoval County has in the past established fees for zoning applications;
and

WHEREAS, the Sandoval County Board of County Commissioners recognizes that the fees no longer represent the governmental costs associated with processing such applications; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, the Governing Body of Sandoval County, New Mexico that the following fees are established for the zoning applications:

1. *Conditional Use Review*: \$65 for Family Cluster, \$85 for all other Conditional Use applications (except Wireless Communications facilities as regulated by County Ordinance #03-10-16.11A);
2. *Variance*: \$85;
3. *Zone Map Amendments*:
 - (a) Less than one acre: \$150
 - (b) One acre but less than five (5) acres: \$200 for the first acre plus \$25 for each additional acre or portion thereof;
 - (c) Five (5) acres but less than twenty (20) acres: \$300 for the first five (5) acres plus \$15 for each additional acre or portion thereof;

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- (d) Twenty (20) acres but less than sixty (60) acres: \$525 for the first twenty (20) acres plus \$10 for each additional acre or portion thereof;
- (e) Sixty acres or more: \$925 plus .25 for each additional acre or portion thereof.
- 4. *Petition for Legislative Text Amendment:* \$100
- 5. *Appeal:* \$250 for Beneficial Use Determinations, \$100 for all other Appeals;
- 6. *Engineering Fees:* To cover engineering expenses related to processing applications under this Ordinance, an engineering fee equal to 105% of the actual costs to the County for engineering review shall be charged.
- 7. *Temporary Use Permit:* ½ of the applicable fee for Zone Map Amendments.
- 8. *Building Plan Review:* \$80 Residential, \$0.25 per square foot for Non- Residential Construction
- 9. *Special Event Permit:* \$200.00 plus 105 % of related County expenses.

PASSED AND APPROVED THIS _____ DAY OF _____, 20____,

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SANDOVAL COUNTY

Sally Padilla, County Clerk

Orlando Lucero, Chairman

Darryl Madalena, Vice Chairman

APPROVED AS TO FORM:

Glenn Walters, Member

County Attorney

David Bency, Member

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Don Leonard, Member

Acequia Information *(To be distributed to purchasers along with Right-to-Farm Act and agricultural sections of Zoning Ordinance)*

While Sandoval County does not have the legal authority to enforce water rights or the rights of the users of acequias, ditches, community water associations, or other water user groups or associations, the County recognizes such uses are an extremely significant historic and cultural resource of Sandoval County and the State of New Mexico. The County further recognizes such uses continue to be a significant agricultural necessity to the daily lives of many County residents. The County supports such uses and actively encourages their preservation. Property owners in rural Sandoval County should recognize their land may be subject to water rights, acequia rights, private or community ditch rights or other water resources rights of neighboring properties.

Purchasers of real property are specifically advised that the traditions of acequias and community ditches pre-date the European settlement of New Mexico. Acequias not only support agriculture, they also create aquifer recharge, provide wildlife corridors, and preserve local ownership of water rights in the community. In the early 1900's, New Mexico incorporated acequia water customs into the State's water laws. Acequia and ditch easements through private and public property are protected by law.

New Mexico law provides that land owners who have a community ditch or acequia on their property may not obstruct water flow through the ditches and landowners must grant access for maintenance and repair (NMSA 72-2-5, 73-2-7, and 73-2-64). Maintenance and repair includes, but is not limited to, clearing the ditches before each irrigation season. Further, land owners may not use the water in the ditch or acequia unless the owner has been authorized to do so (NMSA 73-2-7). If a landowner has questions or concerns about acequia or ditch rights, these concerns should be brought to the attention of the acequia or ditch association or its mayordomo (lead administrator). Acequia and ditch associations are recognized as limited local governments under New Mexico law and Sandoval County has no authority to intervene, interfere or enforce the rights of either the landowner or the acequia or ditch association.

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