Alto Lakes
Special Zoning District

Comprehensive Zoning And Land Use Ordinance

County of Lincoln, State of New Mexico

Originally adopted on the 1st day of September 2005, effective September 30, 2005

Including the following Ordinance amendments:

Amendment 2006-0316 adopted March 16, 2006, effective April 14, 2006
Amendment 2006-0921 adopted September 21, 2006, effective October 20, 2006
Ordinance 2006-01 adopted October 19, 2006, effective November 17, 2006
Ordinance 2006-02 adopted December 7, 2006, effective January 5, 2007
Ordinance 2007-01 adopted October 4, 2007, effective November 2, 2007
Ordinance 2009-01 adopted August 21, 2008, effective September 19, 2008
Ordinance 2009-02 adopted May 7, 2009, effective June 4, 2009
Ordinance 2012-04, adopted Sep 6, 2012, effective October 3, 2012
Ordinance 2013-01, adopted May 2, 2013, effective June 28, 2013

Consult the Office of the Alto Lakes Special Zoning District for possible ordinance amendments adopted after the above date.

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Section 1 – Title

This ordinance shall be known as the "Comprehensive Zoning and Land Use Ordinance of the Alto Lakes Special Zoning District," hereinafter referred to as "ordinance" or "zoning ordinance." Within this text, "Commission," and "District Zoning Commission" mean and refer to the Alto Lakes Special Zoning District Commission.

Section 2 – Intent and Governing Laws

A. **Purpose and Scope of Ordinances**

This ordinance is intended to create orderly, harmonious, and sound development in order to promote the health, safety, and general welfare of the residents and real property owners within the boundaries of the Alto Lakes Special Zoning District.

The ordinance is necessary to:

1. Promote health and general welfare;
2. Provide adequate open spaces for light and air;
3. To avoid undue concentration of population;
4. Preserve the Zoning District's environmental and residential resources, including the quality and quantity of the Zoning District's water supply;
5. Protect the Zoning District's residents from possible hazardous effects of uncontrolled land uses;
6. To attempt to protect the public from fire, floodwaters, panic, and other dangers;
7. Accommodate quality sanitation services;
8. Help control congestion of streets and public ways;
9. Facilitate adequate provisions for community facilities such as transportation, sewers, open space, country club and golf course;
10. Encourage the location of compatible uses of land;
11. Support and improve the local economy; and
12. Protect and preserve the appearance and quality of the buildings, land, landscape and the environment.

The zoning regulations and restrictions of this ordinance are designed and intended to be in accordance with the Land Use Master Plan.

In their interpretation and application, the provisions of this ordinance are minimum requirements, adopted for the promotion of the public health, safety, and general welfare.

B. **Authority**

This ordinance is adopted pursuant to the enabling authority contained in New Mexico Statutes Annotated, 1978, and specifically Sections 3-21-15 through 3-21-26 NMSA 1978; and Sections 4-53-1 through 4-53-11 NMSA 1978. Whenever any provisions of this ordinance refers to or cites a section of the New Mexico Statutes Annotated and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

C. **Jurisdiction and Applicability**

The provisions of this ordinance shall apply to all land, buildings, structures, and uses thereof located within the Zoning District's physical limits, to the extent allowed by law.

D. **Existing Regulations and Covenants**

This ordinance augments and enhances federal and state laws, county ordinances regarding zoning and land use planning, as well as covenants adopted and in force as of the date of adoption of this ordinance. These ordinances are meant to provide enforceable provisions, remedies and penalties and whenever any of these ordinances provide for more restrictive standards, requirements or enforcement than others that apply to the Alto Lakes Golf and Country Club or Lincoln County, this ordinance will prevail.

Section 3 – Interpretation and Conflict

A. The regulations, restrictions, and requirements of this ordinance shall be held to be the minimum standards to carry out the purpose of this ordinance. This ordinance is not intended to interfere with, abrogate, or annul an easement, covenant, or other agreement between parties as of the date of adoption of this ordinance. Where this ordinance imposes a greater restriction upon the use of land or buildings, or upon the height of buildings, or requires larger open space than is imposed by other rules, regulations, easements, covenants, agreements, or ordinances, the provisions of this ordinance shall control. In the event of conflict between provisions of this ordinance, the provision imposing the greater restriction controls.

B. The provisions of this ordinance are severable, and if any provisions, sentences, clauses, sections, or parts hereof are held to be illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance or their application to the persons or circumstances.

C. It is hereby declared to be the intent of the Special Zoning District Commission that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included therein, and if the person or circumstances to which this ordinance or part thereof is inapplicable had been specifically exempted therefrom.

D. **Headings, Illustrations and Text.** In case of any difference of meaning or implication between the text of these ordinances and any heading, drawing, table, figure or illustration, the text shall control.

E. **Lists and Examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples. They are not intended to be exhaustive lists of all possibilities.

F. **Computation of Time.** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Special Zoning District Commission, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or observed holiday. References to days are calendar days unless otherwise stated.

G. **References to Other Regulations, Publications and Documents.** Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

H. **Delegation of Authority.** Whenever a provision requires an official, the head of a department or another officer or employee of the District Zoning Commission to perform an act or duty, that provision shall be construed as authorizing that official, department head, officer, or employee to delegate that responsibility to others over whom they have authority.

I. **Technical and Non-technical Terms.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

J. **Mandatory and Discretionary Terms.** The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are discretionary terms.

K. **Conjunctions.** Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows: (1) "And" indicates that all connected items, conditions, provisions or events apply; and (2) "Or" indicates that one or more of the connected items, conditions, provisions or events apply.

L. **Tenses and Plurals.** Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

M. All new/appointed Commissioners will sign & date an Ethics Policy agreement as pertains to the State of New Mexico Statutes.

Section 4 – General Provisions

Except as otherwise provided herein:

A. The use and height of buildings hereafter erected, converted, enlarged or structurally altered, and the use of any land shall be in compliance with the regulations established herein for the zone in which such land or building is located.

B. No lot area shall be replatted so that the setbacks and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the zone in which a building or premises is located.

C. No part of a yard or other open space surrounding any building on that lot for the purpose of complying with the provisions of this ordinance shall be included or used as a part of a yard or other open space for enjoyment by an adjoining lot. (Example: easement)

D. Every building hereafter erected, converted, enlarged, or structurally altered shall be located on a lot, and in no case shall there be more than one main building on one lot except in the R-2, C-N, C-CC, and CS zones.

E. **Parking requirements.** Off-street parking for all uses must be provided in accordance with the regulations set forth in the sections for the respective zones and the Supplementary Parking (Section 8 I), Loading, and Unloading Regulations (Section 12 D) of this ordinance.

F. **Transitional Rules.**

1. Existing Violations:

   Any violation of the covenants of the Alto Lakes Golf and Country Club restrictive covenants in force and effect at the time of adoption of this ordinance shall continue to be a violation under this ordinance and shall be subject to the Enforcement and Penalties Section of this ordinance.

2. Approved Projects:

   a. Projects which have been permitted and approved under all applicable laws, regulations, and covenants in force at the time of adoption of this ordinance may be carried out under those permits and approvals providing that:

      (1) All permits and approvals are valid and have not lapsed.

      (2) Evidence of all required permits and approvals is presented to the District Zoning Commission for review and approval prior to commencement of any construction.

   b. The District Zoning Commission may renew or extend, for a period not to exceed six months, the time of a previous approval if the required findings or criteria applicable to the original approval remain valid. Any such renewal or extension shall require application and a public hearing.

3. Uses and Structures Rendered Nonconforming:

   a. When a lot is used for a purpose that was a lawful use before the effective date of this zoning ordinance, and this ordinance no longer classifies such use as either a permitted use, conditional use, or special use in the zone in which it is located, such use shall be considered a nonconforming use and shall be controlled by the provisions of this ordinance.

b. Where any building, structure, or lot that existed on the effective date of this ordinance does not meet all standards set forth in this ordinance, such building, structure, or lot shall be considered a nonconforming use and shall be controlled by the provisions of this ordinance.

G. The property owner of each lot shall maintain unobstructed vision clearance for both vehicular and pedestrian traffic safety.

H. The use and occupancy of any premises shall be in conformance to generally accepted standards of health, safety, and welfare.

I. No building or structure may be constructed, altered, or occupied; no materials or equipment may be stored; and no excavation, or land filling may be performed except upon issuance of a Zoning District Permit by the District Zoning Commission.

J. All property shall be evaluated for drainage whether located within the boundary of a flood plain or not, and is subject to the following:

1. Procedures:

a. An application for a Zoning District Permit must include a contour map at two foot intervals prepared to professional standards which indicates the extent and elevations of all proposed construction, alterations, excavation, and land filling.

b. An application must contain other studies, as may be required, to determine the effect of flooding on the proposed structure or activity and the effect of the proposed structure or activity on the arroyo or flood drainage channel.

c. Prior to the issuance of a Zoning District Permit, the District Zoning Commission must examine the plans and land of the applicant. The applicant must demonstrate that the building, structure, or activity will not constitute a hazard to persons or property, will not divert water from or obstruct the natural flow of water in the flood drainage channel, will not cause flooding of land outside the natural drainage course, and will not reduce or endanger the water-carrying capacity of the flood drainage channel.

d. The applicant may be required to erect structures or improvements necessary to protect the public as a condition to the issuance of a Zoning District Permit.

e. The issuance of a Zoning District Permit will not constitute a representation, guarantee, or warranty of any kind or nature by the District Zoning Commission, any Commissioner, or employee of said Commission, of the practicability or safety of any structure or activity, and will create no liability upon or cause of action against any public body, officer, or employee for damage that may thereby result.

K. Maximum occupancy of any dwelling unit shall be no more than two persons per bedroom.

L. Manufactured Homes will be permitted in all zones only in accordance with the restrictive covenants of the Alto Lakes Golf and Country Club.

M. This ordinance shall not be construed to require the removal or other change or alteration of any permitted structure not conforming to this ordinance as of the effective date of this ordinance or otherwise interfere with the continuance of any nonconforming use.

N. Nothing in this ordinance shall require any change in the construction, alteration or intended use of any permitted structure on which actual construction has begun prior to the effective date of this ordinance and which is diligently being pursued.

O. The repeal or amendment of any portion of this ordinance shall not affect any penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed or amended.

P. Drilling, operation, installation, removal, and maintenance of water wells and waterlines by Alto Lake Water & Sanitation District and is permitted in all zones. Private wells are prohibited in all zones except Country Club Commercial.

Q. Prohibitions.

1. No billboards will be permitted in any zone.
2. No camps will be permitted in any zone.
3. No group homes will be permitted in any zones.
4. Accessory buildings may not be rented separately from the main building.
5. No Mobile Homes or Mobile Home Parks will be permitted in any zone.
6. No Nursing homes will be permitted in any zones.
7. No service stations will be permitted in any zones.
8. No stands will be permitted in any zones.
9. Under a home occupation use, there shall be no exterior display, no exterior storage of materials, no nuisances emitted from the premises, and no other exterior indication of the home occupation or variation from the residential character of the property.
10. No commercial construction shall take place except between the hours of 7 am and 7 pm Monday through Saturday.
11. Contractors shall remove from the construction site, all forest materials and vegetation cleared for construction within 15 days.

R. Notwithstanding anything herein to the contrary, no Certificate of Occupancy shall be required of any person to occupy any improvement to premises as such improvement existed on the effective date of this ordinance.

Section 5 – Definitions

Access	A way of approaching or entering a property primarily devoted to vehicular or pedestrian use from a public street, highway or to a private street or alley. Access includes ingress and egress.
Abutting	Touching
Accessory Building or Use	A subordinate building or use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
Animal Clinic	An establishment where animals are admitted for examination and treatment and may be kept overnight.
Apartment Building or House	One or more structures each containing two or more dwelling units arranged in suites of connecting rooms designed for independent housekeeping, but with certain mechanical conveniences, such as heat, in common to all families occupying the building.
Arbor	An arbor is a structure forming a shaded walk or passageway typically consisting of vines or branches, or of latticework covered with climbing shrubs or vines. The area covered by an arbor shall not exceed two hundred (200) square feet.
Arroyo	A water course which conducts intermittent or ephemeral flow, providing primary drainage for an area of flow from 40 acres or larger.
Bathroom	A room containing a washbasin, toilet, and bathtub or shower. Rooms referred to locally as one-half or three quarter baths are one bath for the purpose of this ordinance.
Bed & Breakfast House	A dwelling unit containing at least one but not more than two guest rooms where lodging is provided, with or without meals, for compensation.
Billboard	Sign, off-premises. A sign that advertises a product, place, activity, person, institution or business not located on the site where the sign is located.
Buildable Area	The area of the lot left to be built upon after all setbacks and open space requirements have been met.
Building	Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, vehicles or property of any kind. When any portion of a building is completely separated from any other portion thereof by a division wall without openings or by a firewall then each such portion shall be deemed to be a separate building.
Building (Height of)	The vertical distance from the top of the footing closest to the street to the highest point of the structure, excluding chimneys.
Building (Main)	The building occupied by the principal use of the property.
Building or Use Permit	The written consent, issued by the District Zoning Commission, to alter the use of property or to construct or alter a building.
Business	Use or activity engaged in for gain or livelihood.

Camp, recreational or educational	A facility intended for temporary recreational or educational use by non-residents that is operated by a for-profit or non-profit entity.
Child Day Care Home or Center	An occupied dwelling in which a person provides care, services, and supervision for compensation for not more than four children under the age of fourteen for a period less than sixteen hours of any day. The resident providers children shall not be counted for this definition.
Cluster Housing	Development design that places attached dwellings in close proximity to each other, with nearby open spaces set out for common use of the dwelling owners.
Commission	The Alto Lakes Special Zoning District Commission.
Commerce	The exchange of goods, productions, or property of any kind.
Commercial	Activity connected with trade or commerce
Commercial Center	A multi-use commercial development under a single ownership, control, or interest.
Conditional Use	A use, not otherwise permitted in a zone, which is permitted by approval of the Zoning District Commission, with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood, and the community. A Conditional Use permit grants the property owner conditional or special use of his land, not otherwise permitted under this ordinance.
Condominium	Real estate, portions of which are designed for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. The undivided interests in the common elements are vested in the unit owners.
Contiguous	Adjacent to or touching, separated by not more than an easement.
Contractor	A business which contracts to perform work on real property, primarily for the purposes of building, remodeling, repairing, landscaping, or maintaining property.
Contractor's Yard	Premises where equipment, vehicles, materials, or supplies are stored, kept, and/or maintained in support of a contracting operation taking place on separate premises.
Country Club	Property, buildings, and facilities owned or operated by a membership association, for example, the Alto Lakes Golf and Country Club.
Courtyard	Surface. A fully enclosed outdoor space, not exceeding 2,000 square feet, with at least 50% of the surface of the enclosed area finished in concrete, pavers, or other approved non-growing material. Enclosure Wall. The courtyard enclosure shall be attached to a building on both ends, shall be solid, and shall be finished in the same material as the finish material and color of the building. The Commission may approve the use of plain vertical wrought iron inserts between pillars where each insert shall not exceed eight (8) feet in length, shall not exceed sixty (60) percent of the vertical height, the remainder of which shall be solid, and the total area of such inserts shall not exceed thirty (30) percent of the area (length times width) of courtyard wall. Courtyard walls shall not be less than three (3) feet high and not more than five (5) feet high.

Curb	A concrete border or row of joined stones running along the edge of a drive, not to exceed 18" in height.
Deck	An elevated platform constructed outdoors and connected to a building used for outdoor living and entertaining. Decks are generally constructed of supporting posts and beams (joists) covered with wood or simulated wood. Open railings may be required around the perimeter. Decks and railings must comply with building code.
Demolition	The tearing down of the primary structure and/or secondary structures such as decks, patios, carports, garages, and other structures. • Drainage skirting adequate to retain all run-off on the property shall be erected prior to starting demolition. • A roll-off container sufficient to contain all debris shall be on-site at all times.
Density	The buildable area of the respective zone or lot in acres divided by the number of dwelling units or commercial buildings.
District	The Alto Lakes Special Zoning District, which consists of all plots located within Alto Lakes Golf & Country Club, and that are recorded with the Lincoln County Assessor's office.
Dog run	Dog runs shall comply with the requirements for a Courtyard with exception that a) no inserts shall be allowed, b) dog runs shall not exceed 500 square feet, and c) there is no paving requirement.
Drainage Plan	A detailed plan prepared to professional hydrology standards that addresses how drainage will be handled on a specific site.
Driveway	A vehicular access between a public access right-of-way and a residential or commercial structure. A driveway shall be not less than fourteen (14) feet in width and shall consist of material such as asphalt, concrete, pavers, or crushed stone with fines adequate to bind material. The height of the curb on either side of a driveway shall not exceed eighteen (18) inches.
Duplex	A dwelling unit that has two single-family living areas that are attached by a common wall.
Dwelling Unit	A room or suite of rooms with kitchen, sleeping facilities, and bath facilities designed as a unit for occupancy by one family.
Easement	A right, liberty, privilege or advantage of use over the property of another.
Easement of Conveyance	Conveyance of surface property by easement, noted by metes and bounds description.
Easement – Express grant	"Express grant" easements are created by virtue of some instrument of conveyance or a mortgage. The conveyance may involve an actual deed or grant of easement or the easement may be created by reservation.
Emergency	Events of a nature to possibly cause the loss of life, limb, egregious property damage.

Enclosure	A visible barrier for space, not exceeding 100 square feet, used for the purpose of storing materials, tools, and other items. The barrier shall be constructed of solid material that shall be compatible with the material on the primary structure, shall not exceed five (5) feet in height, and shall not be covered.
Family	An individual or group of persons related by blood, marriage or adoption, or a group of unrelated persons living together as a single, non-transient, housekeeping unit.
Fence	A barrier enclosing or bordering a field, yard, etc., within the allowed setbacks.
Footing	The part of a foundation bearing directly upon the earth, and usually constructed of concrete (2500psf) and rebar steel.
Frontage	The distance along a street right-of-way line measured from one property line, intersecting street or street terminus (dead end) to another. Where block returns and other property line radii occur at intersecting streets, the frontage shall be measured to the hypothetical intersection of the rights-of-way (Point-of-Intersection, or P.I.).
Garage or Carport (Private)	A detached accessory building or portion of a main building housing the vehicles of the occupants of the premises.
Gazebo	A freestanding roofed structure usually open on the sides
Grade-Original	The average of the original ground level at the center of all proposed footings of a building.
Grade-Finished	The average of the finished ground level at the center of all footings of a building.
Gross Floor area ratio	The total amount of heated floor area on a lot divided by the gross area of the site.
Gross Coverage Ratio	The total lot area which is covered by structures, driveways, turnarounds, and paved walkways divided by the gross site area of the lot.
Gross Site Area	The total land area, in acres, of the property included within all property lines.
Group Home	A residence providing full or part time supervision and training in daily living activities to one or more residents other than family. Group Homes do not include Child Day Care Homes.
Home Occupation or Home Dwelling	A shelter or abode (as a house) in which people live. A house is a building that serves as living quarters for one or a few families. Any occupation or activity clearly incidental and secondary to use of the premises for a dwelling is non conforming to ordinance use. Only members of the residing family may occupy the dwelling.
Hotel	A building in which lodging, or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all times.
Housekeeping Unit	A group of persons living together as a family, who share the entire house, live and cook together, share expenses for food, rent or mortgage, utilities and other household expenses, and is permanent and stable (non-transient).

Improvement	A valuable addition made to property (usually real estate) amounting to more than mere repairs or replacement, intended to enhance its value, beauty or utility or to adapt it for further purposes. May include structures, walkways, streets, sewers, utilities etc.
Incidental Use	A use that is appropriate, subordinate, and customarily incidental to the main use of the property.
Injunctive Relief (mandamus)	A. Injunction relief to prohibit replat applicant from selling, leasing or otherwise conveying any interest in the subdivided land until compliance has been made with the ALSZD Ordinance B. Injunctive relief to compel compliance by any person with the provisions of the ALSZD Ordinance
Irrigation System	A system which replaces or supplements rainfall with water from another source in order to grow ground covers, plants, shrubs, and trees. The system generally consists of a control unit that controls one or more zones, together with lines to carry water and heads to apply water. All new and replacement irrigation systems must be equipped with a shut-off on the outside of the house and a rain sensor.
Irrigation System, Backflow Valve	A valve that prevents contents of the irrigation line from flowing backward into the potable water system when a pressure drop occurs in the potable water system.
Irrigation System, Drip	A sub-surface irrigation system which delivers water at or near the root zone, drop by drop, eliminating water loss due to evaporation and run-off.
Irrigation System, Rain Sensor	An irrigation shutoff device that prevents an automatic irrigation or sprinkler system from turning on during and after a rainstorm. When the collected rainwater has evaporated from the device, scheduled irrigations resume.
Irrigation System, Shutoff	A device equipped with a ball valve that disconnects the irrigation system from the potable water supply.
Inoperative Vehicle	A vehicle which is not fully functional for a period of 7 days or longer and which is not fully enclosed within a building.
Land Use Master Plan	A plan, which may consist of maps, texts, examples, charts or tables, which expresses the intent of anticipated construction, including uses, districts, zones, densities, intensities, and restrictions.
Landscaping	The planting and maintenance of live plants, including trees, shrubs, ground cover, vegetables, flowers, or other low-growing plants native or adaptable to the climatic conditions of Lincoln County. May include inorganic and manufactured materials such as rocks, fountains, reflecting pools, works of art, benches and other types of casual furniture.
Landscaping Buffer	A strip of landscaped land to separate two types of incompatible land use.
Landscaping Plan	An accurate plan, drawn to scale, which outlines all proposed areas to be covered with impervious materials, proposed planting beds and vegetative ground cover area, and specifies the location, size and species of all proposed trees and shrubs.
Lease	A period of occupancy, by the same person or persons, of 30 consecutive days or more.

Living Quarters, Accessory	Living quarters with a bathroom, within an attached accessory building that may contain kitchen facilities.
Local Contact Person	An owner, representative of the owner, or local property manager who lives within 20 miles of the ALSZD such that he/she is available to respond within an hour or less to tenant and neighborhood questions or concerns, and who is authorized to respond to any violation of this ordinance and take remedial action.
Lot	A division, piece, portion, tract or parcel of land platted and placed on the County Clerk's record in accordance with laws and ordinances.
Lot, Corner	A lot abutting two or more streets at their intersection.
Lot, Depth	The mean horizontal distance between the front and rear lot lines
Lot, Double Frontage	Any lot with frontage on two parallel or approximately parallel streets.
Lot, Front Line of	The boundary of a lot bordering on a street. For the purpose of determining yard requirements on a corner lot, the narrower side bordering on a street is the front yard except that if the lot is square or nearly so (dimensions with a ratio of between 3:2 and 3:3), the owner may choose which of the two is to be considered the front yard.
Lot, Rear Line of	That boundary which is opposite and more or less parallel to the front lot line. In the case of a lot which comes to a point at the rear, the rear lot line shall be that imaginary line parallel to the front lot line, not less than 10 feet long, lying wholly within the lot farthest from the front lot line.
Lot split	Lot split or replat of a previously approved subdivision plot which increases the number of lots, plots, or parcels – and thus decreases the size of one or more of the plots - shall not be allowed per Lincoln County Subdivision Act 2008-01.
Lot, Width	The width of a lot at the front lot line.
Main Floor	Floor of a structure that contains the largest square footage of heated area.
Managing agency or agent	A person, firm, or agency representing the owner of the residential unit, or a person, firm, or agency owning the residential unit, which is designated in writing.
Manufactured Home (also Modular Home)	A single family dwelling with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet and 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 or the Uniform Building Code as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act (Article 14 NMSA 1978 as amended) and with the regulations made pursuant thereto relating to permanent foundations.
Medical Office	An establishment where patients are admitted for medical examination and treatment on an outpatient basis.

Mobile Home	A movable or portable housing structure larger than forty feet in body length, eight feet in width and eleven 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 or the Uniform Building Code as amended to the date of the unit's construction, or built to the standards of any municipal building code.
Mobile Home Park	Any lot or collection of lots on which mobile homes are used for human habitation.
Motel	Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance directly from the outside of the building with a garage or parking space located on the lot, and designed, used, or intended wholly or in part for the accommodation of transients.
Multi-Family Dwelling	A structure containing two or more dwelling units.
Multi-Family Residential	That allowable intensity of residential development as regulated under the Multi-Family Residential Section of this ordinance.
Net Site Area	The total land area, in acres, of the property excluding setbacks and easements.
Nonconforming use or improvement	Any building or structure or portion thereof, or use of a building or land which does not conform to the zoning regulations.
Nursing Home	A home for the aged or infirm in which persons not of the immediate family are received, kept or provided with food and shelter or care, for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
Occupy, Occupancy	To take or enter upon possession of, to hold or keep for use; to possess, to do business in, or actual use.
Office	Premises in which is located consulting, record keeping, the work of a professional person such as a physician or lawyer or a headquarters of an enterprise or organization, with incidental sales of goods or services.
Open Storage	Storage of any material, equipment, or item outside an enclosed building.
Owner	The word "owner" shall, when applied to a building or land, include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.
Patio	An outdoor area generally used for dining or recreation that often adjoins a residence. Patios are generally constructed at ground level of concrete, flagstone, or pavers. Concrete, flagstone, pavers, or other approved non-growing material shall cover a minimum of seventy-five (75) percent of the patio surface. Open railings may be permitted on the perimeter of the patio.

Pergola	A pergola is a structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. It may be attached to a building, as protection for an open patio. The area covered by a pergola shall not exceed two-hundred (200) square feet.
Permitted Use	A use of land, structure, building, or facility as permitted in this ordinance.
Person	Any individual, firm, co-partnership, joint venture association, social club, country club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, political subdivision, or other group or combination, acting as a unit.
Pipe Chase	A pipe chase is an area of space where only pipe and sometimes electrical conduit are run.
Plat	A certified plan or map of a plot or plots of land.
Plot	A measured piece or parcel of land, such as an individual lot within a subdivision
Porte Cochere	A roofed structure extending from the entrance of a building over an adjacent driveway for sheltering those getting in or out of vehicles.
Premises	A lot or area, together with all improvements, buildings, and structures thereon.
Private well	A well that is not owned and operated by the Alto Lakes Water & Sanitation District.
Profession or Professional	A vocation or occupation requiring special, usually advanced, education and skill. For example a physician or an attorney.
Property Boundary Adjustment	Usually involves movement of a very small amount of land (i.e., boundary line moves a few feet) to correct a non-conforming issue (e.g. construction of home, improvement, or driveway). Adjusts the property line around the non-conforming issue.
Railing, Open	A barrier used on patios or decks consisting of a top rail and supports. Railing height shall meet the requirements of the building code. Woven, knit, knotted materials or wire are prohibited.
Recreational Vehicle	A vehicular unit primarily designed as a temporary living quarters for recreational, camping, or travel use. It may have its own motive power or is designed to be mounted on or drawn by an automotive vehicle. For example recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, three- or four-wheeler.
Remuneration	Compensation, money, rent, or other consideration given in return for occupancy, possession, or use of real property.
Rent	The consideration charged, whether or not received, for the occupancy of space in a residential rental, valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and services of any kind o nature, without any deductions therefrom whatsoever.
Repair	An action that is required to retain an item in or restore it to, a state in which it can perform the required function.
Replacement	An action that exchanges one material with like material. Examples include exchanging composition shingles with composition shingles, wood siding with wood siding, wood decking with wood decking, and a gravel driveway with gravel.

Replat	A change in the map of an approved or recorded subdivision plat, if such changes affect any street layout or frontage, or any lot line, or it affects any plan legally recorded prior to the adoption of any regulation controlling subdivision.
Roadway	That portion of a street, improved, designed, platted, or dedicated for vehicular traffic.
School	A facility operated by a for-profit or non-profit entity to educate, cultivate, or advance a person mentally or culturally. For example: private or public school, academies, universities, day care centers, instructions in crafts, fine art, dance, music, or martial arts academies.
Service Station	Premises used for the dispensing of motor vehicle fuels, oil or accessories, servicing or lubricating motor vehicles, installing or repairing parts and accessories, repairing or replacing of motors, bodies, or fenders of motor vehicles, or painting motor vehicles.
Setback	The area of a plot bordering the property lines, which may include an easement, and which may not be built upon.
Setback 'As built'	Where used, Setback Tables shall carry the following meaning. Once platted and constructed, primary structures, carports, garages, or outdoor living areas may not be enlarged into the setback in any way.
Short-term residential rental	One or more dwelling units, including either a single-family detached or multiple-family attached unit, rented for the purpose of overnight lodging for a period of not less than 1 night nor more than twenty-nine consecutive days to the same person or persons.
Short-term occupancy	Use of a dwelling unit by any person or group of persons who occupies or is entitled to occupy a dwelling unit for remuneration or exchange of value for a period of less than thirty calendar days, counting portions of days as full days. "Remuneration" means compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property. This definition is interpreted to include owner/corporations that offer use of residential property as "remuneration" for outstanding performance, bonus, tenure or other subjective forms of acknowledgement of performance.
Sidewalk	Any portion of the street between the curb or the lateral line of the roadway and the adjacent property line intended for the use of pedestrians.
Sign	An identification, description, illustration, or device which is affixed directly or indirectly upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. A back-to-back sign or V-shaped sign or a billboard constitutes one sign if it employs a common set of supports and if the signs are at some point within ten feet of each other. All signage is subject to conditional usage and regulation.
Single Family Dwelling	R-1 single-family residential unit; a dwelling unit occupied as a house (see Home occupation).

Site Development Plan	A map or maps with text that shows proposed building configurations, heights, colorations, elevations and other structural elements, together with proposed walls, landscaping, berms, parking, grading, drainage, access, paving, schedule of development, and site elements on and adjacent to the lot(s) proposed for development. Requirements for all elements of the site plan shall be as determined by the District Zoning Commission. Site Development Plans (Site Plans) may become the basis for building permits issued in conformance with approved drawings.
Site Intensity	The amount of allowable (or constructed) building mass and impact, expressed as floor/area ratios within the zone as allowed or constructed on each site. See also Density.
Special Use Permit	A certificate issued by the Special Zoning District as the authorization of a particular land use that is permitted in a zone subject to specific requirements that are imposed to assure that the proposed use is in harmony with the immediate neighborhood and will not adversely affect surrounding properties.
Square Footage	The heated area under the roof plus the interior area of any garage, carport, or storage area. This may also be determined by an outside measurement of the structure and may include non-heated area in a non-heated building.
Stand	A structure for sale of products with no space for customers within the structure itself.
Story	That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between such floor and the ceiling next above it.
Street	That portion of a public right-of-way or private way or thoroughfare which is primarily devoted to vehicular use. Such right-of-way or thoroughfare normally shall provide access to abutting property.
Structural Alterations	Any changes, including those required by law or ordinance, which would affect the supporting members of a building or structure, such as bearing walls, columns, beams, girders, or footings, must comply with building codes.
Structure	Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, a building, fence or wall, advertising signs, billboards, backstops for tennis courts, and pergolas, but not including tents or vehicles.
Subdivision (uppercase)	"Subdivision" means an area of land within New Mexico, including land within a previously approved Subdivision, the surface of which has been divided into two or more parcels for the purpose of sale or lease, or other conveyance: or for building development whether immediate or future.
subdivision (lowercase)	The division of land resulting in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased.
Substitute	An action that substitutes one material for another. Examples include replacing composition shingles with steel, wood siding with stucco, wood decking with composite decking, and a gravel driveway with asphalt.

Surveyor	A person who is engaged in the practice of surveying and is qualified to so practice as attested by legal registration as a professional surveyor in the State of New Mexico.
Townhome or Townhouse	A dwelling unit usually connected to a similar structure by a common wall and commonly sharing and owning in common the surrounding grounds. Ownership includes the building.
Trailer	A wheeled vehicle drawn by an automobile, truck, or tractor, used especially to haul material or livestock.
Transient	Occupancy of less than 30 consecutive days. 1. Staying only a short time: *the transient guests at a hotel.* 2. A person or thing that is transient, especially a temporary guest, boarder, laborer, or the like.
Travel trailer	See Recreational Vehicle
Variance	Permission granted by the District Zoning Commission to depart from the literal requirements of this zoning ordinance in cases in which strict enforcement of the zoning ordinance would cause undue hardship.
Vision Clearance	A triangular space at the street comer of a corner lot, which is bounded by the street right-of-way lines and a line connecting points located twenty-five feet distant from the intersection, or projected intersection, of the street right-of-way lines, within which no obstruction to view between ground level and eight feet above the street level shall be placed or maintained.
Walk	An outdoor structure, constructed on grade, used to connect other structures. Walks are generally constructed of concrete, flagstone, crushed rock, or pavers.
Wall, Solid	A permanent structure that is physically solid.
Yard	An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.
Zoning Certificate	The certificate issued as provided for in the Administration Section of this ordinance.
Zoning District	The Alto Lakes Special Zoning District consists of all plots located within Alto Lakes Golf & Country Club, and that are recorded with the Lincoln County Assessor's office.
Zoning District Commission	The Alto Lakes Special Zoning District Commission, consisting of a group of elected officials not associated with the ALG&CC, responsible for the administration of the Comprehensive Zoning and Land Use Ordinance.
Zone Map	A map delineating the zone boundaries.

Section 6 – Zones

All property is governed according to the zone in which it is designated. Any use not designated as permitted or conditional use in a zone is prohibited.

A. In order to carry out the provisions of this ordinance, the Alto Lakes Special Zoning District recognizes five (5) zoning classifications, which shall be known as:

R-1	Single-Family Residential
R-2	Multi-Family Residential Zone
C-N	Neighborhood Commercial Zone
C-CC	Country Club Commercial Zone
CS	Community Services Zone

See Appendix A: Zone Tables for list of properties in each zone.

B. The zones and boundaries of zones are shown on the maps attached hereto and made a part of this ordinance. The maps shall be designated as the "Zone Maps." All notations and references shown on the "Zone Maps" are made a part of this ordinance as though fully set forth herein. Where the zone boundaries are not otherwise indicated and where the property has been divided into blocks and lots, the zone boundaries shall be construed to be lot lines and where the designations on the "Zone Maps" are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of the zone. In case of any uncertainty, the matter shall be referred to the Zoning District Commission.

C. All territory which may hereafter become a part of the Alto Lakes Special Zoning District, or which for other reasons may fall within the jurisdiction of the Zoning District, shall automatically be classified in the R-1 Zone until appropriately reclassified.

D. In the event the Zone Maps do not show the zoning of any area within the Special Zoning District, such area automatically shall be classified in the R-1 Zone.

Section 7 – Zone R-1, Single-Family Residential Zone

A. The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulations for the R-1 Residential Zone. The R-1 Zone includes all properties not designated as being in Zones R-2, C-N, C-CC, or CS.

B. **Purpose.** The purpose of this zone is to provide for the development of single-family homes and to provide for the health, safety and welfare of the residents. No building or any other structure or part thereof shall be erected, altered, added to or enlarged, nor shall any land, building, structure, or premises be used, designated, or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted or conditional uses in the district in which such building, land or premises are located.

C. **Permit Required.** No improvements of any kind shall be erected, constructed, placed, moved on, maintained or demolished on any lot or portion thereof, nor shall any alterations, additions, or change be made to any structure without a permit issued in accordance with the regulations set forth in Section 30 – Administration of this ordinance. No improvements of any kind shall be erected, constructed, placed, moved on, or maintained on any lot or portion thereof that is not in conformity with the plans and/or specifications for which the permit was issued. Drainage skirting adequate to retain all run-off on the property shall be erected prior to starting construction or demolition. A roll-off container sufficient to contain all debris shall be on-site at all times.

D. **Certificate of Occupancy.** No property or structure, or portion of any property or structure, shall be occupied for any purpose without a Certificate Of Occupancy issued in accordance with the regulations set forth in Section 30 – Administration of this ordinance.

E. **Use Regulations.** All uses customarily incidental to the building or premises shall be maintained on site. A building or premises shall be used only for the following purposes:

1. **Permitted Uses.**

   a. One single-family dwelling unit per lot that includes a garage for a minimum of two (2) vehicles and must be attached to the residence. Garages which are not attached to the residence are a Conditional Use and are to meet the requirements of an Accessory structure (Sec 7 E 2 a).

   b. Driveway and vehicle turning area intended to provide access to the dwelling and/or garage that is erected upon the lot.

   c. Parking incidental to use permitted in this zone.

   d. Installation and maintenance of underground utilities.

   e. Landscaping and irrigation in accordance with G below.

   f. Courtyards, dog runs, children's play equipment, and private barbecues.

   g. Decks, patios, walks, gazebos, arbors, and enclosures.

   h. No animal or fowl of any description shall be raised, housed, or kept on any lot except that an owner may keep household pets that are of such a nature so as not to interfere with the safety and comfort of adjacent property owners. No animals shall be bred or maintained for commercial purposes. Dogs must be secured, and those that bark uncontrollably are deemed a nuisance. All animals shall be restrained on the owner's premises and shall be accompanied and leashed when off the owner's premises. Pet waste shall be removed.

i. Home occupation. One family unit per home.

j. One street number identification sign that shall not exceed fifteen (15) square inches per number. One owner identification sign, not exceeding two-hundred sixteen (216) square inches which shall be placed not less than ten (10) feet back from the front property line.

k. One temporary sign designating the particular general contractor, not exceeding two-hundred sixteen (216) square inches which shall be placed not less than ten (10) feet back from the front property line. There shall be no more than one such sign on each lot, and it shall not be illuminated. This sign is permitted during active construction and must be removed promptly when construction is complete.

l. One "FOR SALE" or "FOR LEASE" sign, not exceeding two-hundred sixteen (216) square inches which shall be placed not less than ten (10) feet back from the front property line. There shall be no more than one such sign on each lot, and it shall not be illuminated. No flags, banners, balloons, or other attention getting devices are permitted. Lease will state occupancy of 30 consecutive days or more.

m. One "OPEN HOUSE" sign, and one off-premises "OPEN HOUSE" directional sign each of which shall not exceed two hundred sixteen (216) square inches. Such signs shall not be placed more than two (2) hours preceding an open house and shall be removed within one (1) hour following an open house.

n. On-site liquid waste disposal system (septic system) as an interim solution until community sewer lines are made available.

2. **Conditional Uses.** The following uses may be permitted if approved by the District Zoning Commission with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood, and the community.

   a. Accessory building incidental to the Permitted Use.

      (1) Accessory structure is constructed in same style and of same materials as Primary Structure.

      (2) Accessory structure must be connected directly to the Primary Structure

         (a) Connecting structure must be in same style and of same materials as Primary Structure
         (b) Connecting structure must have a minimum width of five (5) feet
         (c) Connecting structure must have walkway finished in concrete, deck, or pavers
         (d) Connecting structure must have a roof

   b. Solid walls or fences are allowed, however no portion of which shall be constructed within the required front, rear, or side yard setbacks.

   c. Private swimming pool or tennis court

   d. Temporary storage building or yard equipment, material or activity incidental to a specific construction project not to exceed the life of the construction project or one year, whichever is less.

   e. Maintenance of not more than two (2) horses, including barn and corral, on properties indicated in the R-1 Single Family Zone Table of Properties as "Conditional use for Equestrian Estate." This use may be permitted where it clearly does not interfere with the health, safety, and general welfare of the immediate neighborhood.

F. **Area and Height Regulations.**

1. **Setbacks.** See Appendix B: Setback Tables for minimum setbacks.
   a. No structure, including overhangs, decks, courtyards, dog runs, and fences, shall be erected, constructed, placed or maintained on any lot into designated setbacks. No construction shall be allowed within any easement. Parking lots and driveways may be exempted from this paragraph.
   b. Front Yard.
      (1) There shall be a front yard setback as provided in the Setback Tables.
      (2) Where a lot has double frontage, the required front yard setback shall be provided on both streets.
      (3) Where a lot lies between adjacent lots upon which dwelling units have been previously constructed or permitted, the Commission may grant a variance to reduce the front yard setback to an average of the front setbacks of each adjacent dwelling unit.
   c. Side Yard.
      (1) There shall be a side yard setback on both sides of the dwelling as provided in the Setback Tables.
      (2) Where lots have double frontage, the setback shall apply to the side of the building that is furthest from the street.
   d. Rear Yard.
      (1) There shall be a rear yard setback as provided in the Setback Tables.
      (2) Where a lot lies between adjacent lots upon which dwelling units have been previously constructed or permitted, the Commission may grant a variance to reduce the rear yard setback to an average of the rear setbacks of each adjacent dwelling unit.
2. **Minimum Heated Square Footage** on Main Floor as set forth in Appendix C: Minimum Square Footage Tables. All dwellings, exclusive of garage, carport, patios, terraces, and porches, shall be constructed and maintained with a heated main floor living area not less than the requirement.
3. **Maximum Building Height** as set forth in Appendix D: Height Restriction Tables. All buildings shall be constructed in accordance with height restrictions set forth in the tables.
   a. Where the front footings will be located above the road, the height shall be measured from the average of the original grade along the rear footings of the dwelling.
   b. Where front footings will be located below the road, the height shall be measured from the average of the original grade along the front footings of the dwelling.

G. **Landscaping.** The lot shall be planted and maintained in accordance with an approved Landscaping Plan that meets the requirements of Section 13 – Landscaping and Buffer Landscaping and Section 17 – Water Conservation of this ordinance.

H. **Public water requirements.** All dwellings shall be connected to the community water system.

I. **Off-Street Parking Requirements.**

1. Off street parking space for not less than three full-size passenger vehicles must be provided for each dwelling.

2. Vehicles, trailers, campers, tents, and boats (recreational, work, or otherwise)
    a. No vehicle, trailer, camper, tent, or boat may be occupied or lived in while parked on a lot.
    b. No recreational vehicle, trailer, camper, tent, or boat may be parked on a lot for more than twenty-four (24) hours unless housed in a fully enclosed structure that is a part of and attached to the main dwelling.

J. **Access Requirement.** Each lot upon which a structure is to be constructed is required to connect the driveway to either a public street or to a recorded right-of-way that has been dedicated for use as access to the lot. (See Driveway definition in Section 5).

K. **Outdoor Lighting.** See Section 14 – Restrictions on Outdoor Light Fixtures in this ordinance.

L. **Nuisance and Safety Controls.**

1. No garbage, refuse, junk, trash (noxious or obnoxious), or offensive material shall be permitted to accumulate on any lot and the owner or owners of each lot shall cause the same to be disposed of by and in accordance with community regulations.
2. All garbage and trash containers, fuel tanks, and similar items shall be placed in a totally enclosed area.
3. Dogs must be secured, and those that bark uncontrollably are deemed a nuisance. All animals shall be restrained on the owner's premises and shall be accompanied and leashed when off the owner's premises. Pet waste shall be removed.
4. Home occupants must observe quiet hours between 10:00pm and 8:00am.

Section 8 – Zone R-2, Multi-Family Residential

A. The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulations for the R-2 Residential Zone.

B. **Purpose**. The purpose of this zone is to provide for the development of multi-family homes and to provide for the health, safety and welfare of the residents. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure, or premises be used, designated, or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted or conditional uses in the zone in which such building, land or premises are located.

C. **Permit Required**. No improvements of any kind shall be erected, constructed, placed, moved on, maintained, or demolished on any lot or portion thereof, nor shall any alterations, additions, or change be made to any structure without a permit issued in accordance with the regulations set forth in Section 30 – Administration of this ordinance. No improvements of any kind shall be erected, constructed, placed, moved on, or maintained on any lot or portion thereof that is not in conformity with the plans and/or specifications for which the permit was issued. Drainage skirting adequate to retain all run-off on the property shall be erected prior to starting construction or demolition. A roll-off container sufficient to contain all debris shall be on-site at all times.

D. **Certificate of Occupancy.** No property or structure, or portion of any property or structure, shall be occupied for any purpose without a Certificate Of Occupancy issued in accordance with the regulations set forth in Section 30 – Administration of this ordinance.

E. **Use Regulations**. A building or premises shall be used only for the following purposes with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood, and the community:

1. **Permitted Uses.**
   a. Duplexes, condominiums, town homes, cluster housing, or apartments as set forth under "Permitted Use" in Appendix A, R-2 Multi-Family Residential Zone Table of Properties.
   b. Public parks.
2. **Conditional Uses**. The following uses may be permitted if approved by the District Zoning Commission with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood, and community.
   a. Any Permitted Use permitted in the R-1 Residential Zone.
   b. Accessory fully enclosed structure incidental to the Permitted Use which meets all of the following uses:
      (1) Accessory structure is constructed in same style and of same materials as Primary Structure.
      (2) Accessory structure must be connected directly to the Primary Structure
         (a) Connecting structure must be in same style and of same materials as Primary Structure
         (b) Connecting structure must have a minimum width of five (5) feet
         (c) Connecting structure must have walkway finished in concrete, deck, or pavers
         (d) Connecting structure must have a roof

F. **Area and Height Regulations**.

1. **Setbacks.** See Appendix B: Setback Tables for minimum setbacks.

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

   b. Front Yard.

      (1) There shall be a front yard setback as provided in the Setback Tables.

      (2) Where a lot has double frontage, the required front yard setback shall be provided on both streets.

   c. Side Yard.

      (1) There shall be a side yard setback on both sides of a structure as provided in the Setback Tables.

      (2) Where a lot has double frontage, the required side yard setback shall apply to the side of the building that is furthest from the street.

      (3) Minimum separation between buildings including overhangs within the project shall not be less than fifteen (15) feet.

   d. Rear Yard.

      (1) There shall be a rear yard setback as provided in the Setback Tables.

2. **Minimum Heated Square Footage** on Main Floor as set forth in Appendix C: Minimum Square Footage Tables. All dwellings, exclusive of garage, carport, patios, terraces, and porches, shall be constructed or maintained with a heated main floor living area not less than the requirement.

3. **Maximum Building Height** as set forth in Appendix D: Height Restriction Tables. All buildings shall be constructed in accordance with the height restrictions set forth in the tables.

   a. Where the front footings will be located above the road, the height shall be measured from the average of the original grade along the rear footings of the dwelling.

   b. Where front footings will be located below the road, the height shall be measured from the average of the original grade along the front footings of the dwelling.

   c. Structures may not exceed a height-distance angle of 30 degrees from the property lines of abutting land zoned R-1 that is unimproved or is improved with a conforming Permitted Use.

4. Minimum Lot Area and Lot Size. The minimum lot area per complex shall be 10,000 sq. ft.; the maximum building shall not exceed eight units per structure; and the minimum lot width shall be 80 ft. for lots (tracts) with town home, condominium, and apartment use.

5. Density. Every building hereafter erected or structurally altered for dwelling purposes shall maintain a Gross Floor Area Ratio of which does not exceed 0.5.

6. Usable Open Space. Usable open space shall be provided on-site in a minimum amount equal to 600 square feet per dwelling unit.

G. **Landscaping.** The lot shall be planted and maintained in accordance with an approved Landscaping Plan that meets the requirements of Section 13 – Landscaping and Buffer Landscaping and Section 17 – Water Conservation of this ordinance.

H. **Public Water and Sewer Requirements.** All dwellings shall be connected to the community water system. Condominiums, town homes, and apartments shall be connected to the community water and sewer systems. Private sewage treatment plants are prohibited.

I. **Parking Requirements.**

1. Off-street parking for all uses must be provided in accordance with the regulations set forth in Section 12 – Supplementary Parking Regulations in this ordinance.
2. Every dwelling unit shall provide a minimum of two off-street parking spaces.
3. Vehicles, trailers, campers, tents, and boats (recreational, work, otherwise)
   a. No vehicle, trailer, camper, tent, or boat may be occupied or lived in while parked on a lot.
   b. No recreational vehicle, trailer, camper, tent, or boat may be parked on a lot for more than twenty-four (24) hours unless housed in a fully enclosed structure that is a part of and attached to the main dwelling.

J. **Access Requirement.** Each lot upon which a structure is to be constructed is required to connect the driveway to either a public street or to a recorded right-of-way that has been dedicated for use as access to the lot. (See Driveway definition in Section 5).

K. **Outdoor Lighting**. See Section 14 – Restrictions on Outdoor Light Fixtures in this ordinance.

L. **Nuisance and Safety Controls**.

1. No garbage, refuse, junk, trash (noxious or obnoxious), or offensive material shall be permitted to accumulate on any lot and the owner or owners of each lot shall cause the same to be disposed of by and in accordance with community regulations.
2. All garbage and trash containers, fuel tanks, and similar items shall be placed in a totally enclosed area.
3. Dogs must be secured, and those that bark uncontrollably are deemed a nuisance. All animals shall be restrained on the owner's premises and shall be accompanied and leashed when off the owner's premises. Pet waste shall be removed.
4. Home occupants must observe quiet hours between 10:00pm and 8:00am.

Section 9 – Zone C-N, Neighborhood Commercial

A. The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulations for the C-N Neighborhood Commercial Zone.

B. **Purpose.** The purpose of this zone is to provide for business or commercial uses that minimize any adverse effects on nearby residential neighborhoods and serve the residents of the community.

C. **Permit Required.** No improvements of any kind shall be erected, constructed, placed, moved on, maintained, or demolished on any lot or portion thereof, nor shall any alterations, additions, or change be made to any structure without a permit issued in accordance with the regulations set forth in Section 30 – Administration of this ordinance. No improvements of any kind shall be erected, constructed, placed, moved on, or maintained on any lot or portion thereof that is not in conformity with the plans and/or specifications for which the permit was issued. Drainage skirting adequate to retain all run-off on the property shall be erected prior to starting construction or demolition. A roll-off container sufficient to contain all debris shall be on-site at all times.

D. **Certificate of Occupancy.** No property or structure, or portion of any property or structure, shall be occupied for any purpose without a Certificate Of Occupancy issued in accordance with the regulations set forth in Section 30 – Administration of this ordinance.

E. **Use Regulations.** A building or premises shall be used only for the following purposes with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood, and the community.

1. **Permitted Uses.**
   a. Professional Offices
2. **Conditional Uses.**
   a. Other uses, including Commercial Centers, approved by the District Zoning Commission, which must meet the intended purposes of this zone. Considerations for conditions will include, but not be limited to, minimal vehicular traffic, drive-throughs, and minimal noise, light, odor, and other emissions**.**
   b. Signs.
      (1) Free-standing signs
         (a) Signs shall be located on the same premises as the business and shall advertise, identify, or direct to a use currently conducted on the same premises.
         (b) The total area of any one sign face shall not exceed twelve (12) square feet.
         (c) No sign shall extend more than four (4) feet above finished grade.
         (d) Signs may provide for minimal illumination that shall not escape the property lines.
         (e) On-premises signs without advertising, directing on-premise customer traffic may be allowed provided the aggregate area of each such sign shall not exceed eight (8) square feet.
         (f) One, two-sided sign may be placed no closer than ten (10) feet from the front property line. Where more than one (1) business is to be accommodated on a single lot, a single sign display area will be approved to accommodate all of the businesses.

(2) Attached signs

(a) One sign, attached to the building adjacent to the entrance, shall identify the name of the business that is currently conducted on the same premises.

(b) The sign may be attached to the structure at a height not to exceed to the top of the doorframe.

(c) The total area of the sign face shall not exceed four (4) square feet.

(3) Sign Material

(a) Signs shall be made of wood or other non-reflective material that is harmonious with the appearance of the structure. All signs on the premises shall be of the same design and material, differing only in the lettering.

(4) Sign Size: The sign area shall be measured as follows:

(a) Length times the height of the face of the sign.

F. **Area and Height Regulations.**

1. **Setbacks.** See Appendix B: Setback Tables for minimum setbacks.

a. General. No structure, including overhangs, decks, courtyards, and fences, shall be erected, constructed, placed or maintained on any lot nearer the property line than the designated setbacks. No construction shall be allowed within any easement. Parking lots and driveways may be exempted from this paragraph.

b. Front Yard.

(1) There shall be a front yard setback as provided in the Setback Table.

(2) Where a lot has double frontage, the required front yard setback shall be provided on both streets.

c. Side Yard.

(1) There shall be a side yard setback on both sides of a structure as provided in the Setback Table.

(2) Where lots have double frontage, the required side yard setback shall apply to the side of the building that is furthest from the street.

(3) Minimum separation between buildings within the project shall not be less than eight (8) feet.

d. Rear Yard.

(1) There shall be a rear yard setback as provided in the Setback Table.

2. **Minimum Heated Square Footage** on Main Floor as set forth in Appendix C: Minimum Square Footage Tables. Each structure shall be constructed or maintained with a heated main floor area not less than the requirement.

3. **Maximum Building Height** as set forth in Appendix D: Height Restriction Tables. See Height Restrictions for maximum building height. All buildings shall be constructed in accordance with the height restrictions set forth in the tables.

a. Where the front footings will be located above the road, the height shall be measured from the average of the original grade along the rear footings of the dwelling.

b. Where front footings will be located below the road, the height shall be measured from the average of the original grade along the front footings of the dwelling.

c. Structures may not exceed a height-distance angle of 30 degrees from the property lines of abutting land zoned R-1 that is unimproved or is improved with a conforming Permitted Use.

4. **Minimum Lot Area and Lot Size.** The minimum lot area per complex shall be 10,000 square feet; and the minimum lot width shall be eighty feet for lots (tracts).

5. **Density**. Every building hereafter erected or structurally altered for commercial purposes shall maintain a Gross Floor Area Ratio that does not exceed 0.5 and the Gross Coverage Ratio may not exceed 0.75.

G. **Landscaping**. The lot shall be planted and maintained in accordance with an approved Landscaping Plan that meets the requirements of Section 13 – Landscaping and Buffer Landscaping and Section 17 – Water Conservation of this ordinance.

H. **Public Water and Sewer Requirements**. All structures shall be connected to the community water and sewer systems. Private sewage treatment plants are prohibited.

I. **Parking Requirements**. Off-street parking for all uses must be provided in accordance with the regulations set forth in Section 12 – Supplementary Parking Regulations in this ordinance.

J. **Access Requirement**. Each lot upon which a structure is to be constructed is required to connect the driveway to either a public street or to a recorded right-of-way that has been dedicated for use as access to the lot.

K. **Outdoor Lighting**. See Section 14 – Restrictions on Outdoor Light Fixtures in this ordinance.

L. **Nuisance and Safety Controls**.

1. No garbage, refuse, junk, trash (noxious or obnoxious) or offensive material shall be permitted to accumulate on any lot and the owner or owners of each lot shall cause the same to be disposed of by and in accordance with community regulations.

2. All garbage and trash containers, fuel tanks, and similar items shall be placed in a totally enclosed area.

M. **Hours of Operation**. Any permitted or conditional use in the C-N Neighborhood Commercial Zone shall operate only between the hours of 8:00 a.m. to 7:00 p.m., Monday through Saturday.

Section 10 – Zone C-CC, Country Club Commercial

A. The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulations in the C-CC Country Club Commercial Zone.

B. **Purpose**. The purpose of this zone is to provide for the facilities incidental to the operation of the Alto Lakes Golf & Country Club.

C. **Permit required.**

1. **All areas except Buffer Area.** Structural improvements and demolition within the Country Club Commercial zone shall require a permit in accordance with the regulations set forth in the Administration section of this ordinance. Improvements shall be in conformity with the permit issued. Drainage skirting adequate to retain all run-off on the property shall be erected prior to starting construction or demolition. A roll-off container sufficient to contain all debris shall be on-site at all times.

2. **Buffer Area.** Within one-hundred feet of any property line bordering an R-1 or R-2 Zone, no improvements of any kind shall be erected, constructed, placed, moved on, maintained or demolished on any lot or portion thereof, nor shall any alterations, additions, or changes be made to any structure without a permit issued in accordance with the regulations set forth in Section 30 – Administration of this ordinance. No improvements of any kind shall be erected, constructed, placed, moved on, or maintained on any lot or portion thereof which is not in conformity with the plans and/or specifications for which the permit was issued. Excepted from this requirement are golf course tee boxes, bunkers, fairways, greens, and cart paths.

D. **Certificate of Occupancy.** No property or structure, or portion of any property or structure, shall be occupied for any purpose without a Certificate Of Occupancy issued in accordance with the regulations set forth in Section 30 – Administration of this ordinance.

E. **Use Regulations.** The land and buildings shall be used only for the operation of the Alto Lakes Golf & Country Club.

1. **Permitted Uses.**

   a. All improvements necessary and incidental to the operation of the Alto Lakes Golf & County Club.

2. **Conditional Uses.**

   All improvements erected, constructed, placed, or maintained within the buffer zone. Excepted from this requirement are golf course tee boxes, bunkers, fairways, greens, and cart paths.

F. **Landscaping.** Areas within the Buffer Area, not including the golf course, shall be planted and maintained in accordance with an approved Landscaping Plan that meets the requirements of Section 13 – Landscaping and Buffer Landscaping and Section 17 – Water Conservation of this ordinance.

G. **Outdoor Lighting.** See Section 14 – Restrictions on Outdoor Light Fixtures in this ordinance.

H. **Garbage and Trash Containers**. Except for the ALW&SD's High Mesa facility, all garbage, trash containers, fuel tanks, and similar items shall be placed in a totally enclosed area.

Section 11 – Zone CS, Community Services Zone

A. The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulations in the CS Community Services Zone.

B. **Purpose.** The purpose of this zone is to provide for community service uses while minimizing any adverse effects on nearby residential neighborhoods.

C. **Permit Required.** No improvements of any kind shall be erected, constructed, placed, moved on, or demolished on any lot or portion thereof, nor shall any alterations, additions, or change be made to any structure without a permit issued in accordance with the regulations set forth in **Section 30 - Administration** of this ordinance. No improvements of any kind shall be erected, constructed, placed, or moved on any lot or portion thereof that is not in conformity with the plans and/or specifications for which the permit was issued. Drainage skirting adequate to retain all run-off on the property shall be erected prior to starting construction or demolition. A roll-off container sufficient to contain all debris shall be on-site at all times. Nothing in this paragraph shall be construed to require a permit for repairs, maintenance or like replacement of water, wastewater, and solid waste facilities.

D. **Certificate of Occupancy.** No property or structure, or portion of any property or structure, shall be occupied for any purpose without a Certificate Of Occupancy issued in accordance with the regulations set forth in Section 30 (Administration) of this ordinance.

E. **Use Regulations.** A building or premises shall be used only for the following purposes with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood, and community.

1. **Permitted Uses**.
   a. Emergency services, administrative facilities, offices and meeting rooms
   b. Property and easements owned by the Alto Lakes Water & Sanitation District
      (1) High Mesa Unit 1, Lot 1A
         (a) Maintenance yard, water treatment plant, and water tanks
         (b) Solid and green waste Convenience Station
         (c) Secured storage for recreational vehicles, trailer storage, and parking
      (2) Parcel #4 071 060 025 280 (Office)
         (a) Office and parking
      (3) Parcel #4 071 060 351 115 (Wastewater treatment plant)
         (a) Wastewater treatment and disposal
      (4) Parcel #4 071 060 250 227 (Tank site #1)
         (a) Water Storage tanks and water treatment
      (5) Other parcels
         (a) Wells, lift and booster stations, and water and wastewater lines constructed in accordance with local, State and Federal law. Such facilities are to be constructed and maintained in a manner that will minimize adverse impact on neighboring property.

(6) Generally

(a) Fencing, gates, and signage (which may be located within the setbacks) required to meet local, state, and federal security requirements.

(b) Signage which is necessary and appropriate to the identification and use of the facilities

(c) Driveways, parking, and walks appropriate to the use of the facilities

c. Parcel #4 071 060 022 056 (ALG&CC entry sign)

(1) Entrance sign as approved by the Zoning Commission

d. Parcel #4 070 060 464 178 (Windstream sub-station)

(1) Telecommunications sub-station

e. Other uses granted by the District Zoning Commission.

2. **Conditional Uses.** The following uses may be permitted if approved by the District Zoning Commission with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood, and the community.

a. Temporary storage building or yard equipment, material or activity incidental to a specific construction project not to exceed the life of the construction project or one year, whichever is less.

b. Other uses, including Commercial Centers, approved by the District Zoning Commission, which must meet the intended purposes of this zone. Considerations for conditions will include, but not be limited to, minimal vehicular traffic, drive-throughs, and minimal noise, light, odor, and other emissions**.**

F. **Area and Height Regulations.** The varied nature and use of facilities in this zone is not generally conducive to area and height regulations appropriate in other zones. The Zoning Commission shall insure that each facility is constructed and screened in a manner to minimize impact upon adjacent properties.

G. **Landscaping**. The lot shall be planted and maintained in accordance with an approved Landscaping Plan that meets the requirements of Section 13 – Landscaping and Buffer Landscaping and Section 17 – Water Conservation of this ordinance.

H. **Outdoor Lighting**. See Section 14 – Restrictions on Outdoor Light Fixtures in this ordinance.

I. **Nuisance and Safety Controls**. No garbage, refuse, junk, trash, noxious or obnoxious or offensive material shall be permitted to accumulate on any lot and the owner or owners of each lot shall cause the same to be disposed of by and in accordance with community regulations.

J. **Garbage and Trash Containers**. Except for the ALW&SD's High Mesa facility, all garbage and trash containers, fuel tanks, and similar facilities shall be placed in a totally enclosed area.

Section 12 – Supplementary Parking Regulations

A. **Purpose.** The intent of the regulations in this section is to provide parking regulations for properties in the R-2, C-CC, C-S, and C-N zones.

B. **Basic Requirement.** Off-street parking shall be set forth in the Site Plan for development of all properties in the R-2, C-CC, C-S, and C-N zones and shall be subject to approval by the District Zoning Commission.

C. **Vehicles, trailers, campers, tents, and boats (recreational, work, otherwise)**

1. No vehicle, trailer, camper, tent, or boat may be occupied or lived in while parked on a lot.
2. No recreational vehicle, trailer, camper, tent, or boat may be parked on a lot for more than twenty-four (24) hours unless housed in a fully enclosed structure that is a part of and attached to the main dwelling or stored in the lot permitted in the C-S Zone.

D. **Off-Street Loading and Unloading Spaces.** Off-street loading and unloading spaces shall be required in the C-N zone as determined by the District Zoning Commission, and shall be so located that loading and unloading activity will not block or restrict a public way.

E. **Parking Requirements.**

1. Every dwelling unit shall provide a minimum of two off-street parking spaces.
2. Vehicles, trailers, campers, tents, and boats (recreational, work, otherwise)
   a. No vehicle, trailer, camper, tent, or boat may be occupied or lived in while parked on a lot.
   b. No recreational vehicle, trailer, camper, tent, or boat may be parked on a lot for more than twenty-four (24) hours unless housed in a fully enclosed structure that is a part of and attached to the main dwelling.

Section 13 – Landscaping and Buffer Landscaping

A. **Purpose.** The intent of the regulations in this section is to provide standards for landscaping in all zones and to provide for visually attractive landscaping around the perimeter of properties in the R-2, C-N, C-CC, and C-S zones.

B. **Buffer Landscaping.** A Landscape Plan shall be incorporated in the Site Plan for development of all properties in the R-2, C-N, C-CC, and CS zones. The Landscape plan shall reduce and mitigate the impacts of nonresidential uses on surrounding residential uses.

C. **Disturbance for construction.** The native ground cover and growth on each lot shall not be harmed, destroyed, or removed from any lot except as may be necessary for the construction and maintenance of driveways, structures or in accordance with an approved Landscaping Plan.

D. **Landscaping materials.** Landscaping using native plants and materials shall be strongly encouraged.

   1. **Plantings** (new and replacement). All plantings shall be shown on the Landscape Plan. The Landscape application shall include a list of the plantings and the water usage calculation of the proposed landscape plan.
   2. **Non-plant materials.** The location of all non-plant materials shall be shown on the Landscape plan.

E. **Drainage.**

   1. The direction and routing of all drainage shall be shown on the Landscape Plan.
   2. Drainage shall be designed to minimize impact on adjacent property.

F. **Irrigation.** Irrigation systems shall comply with the requirements of Section 17 – Water Conservation.

Section 14 – Restrictions on Outdoor Light Fixtures

A. **Purpose.** The intent is to regulate the use of outdoor light fixtures in the Alto Lakes Special Zoning District. This Section is adapted from the New Mexico Night Skies Protection Act (74-12-1 through 74-12-10 NMSA 1978) and is intended to create standards for outdoor lighting so that its use does not unreasonably interfere with the enjoyment of adjacent property owners, and to promote energy conservation without jeopardizing safety, utility, security, and productivity. The purpose of this Section is to minimize light pollution, and unnecessary illumination of adjacent properties and to regulate outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.

B. **Definitions.**

1. Outdoor Lighting Fixtures. An artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting.
2. Shielded. A fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
3. Shielded Aimable. A technique or method of construction that causes all of the light emitted to be directed to the surface or area to be illuminated, so that the emanating source of light is not visible from any angle except those angles that exist between the fixture and the target to be illuminated. The emanating source shall not be visible from any adjacent properties or roadways to minimize light pollution.

C. **Shielding of Outdoor Light Fixtures.** All outdoor lighting fixtures installed after January 1, 2000 shall be shielded and all outdoor lighting fixtures installed after the effective date of this ordinance shall be shielded aimable.

D. **Mercury Vapor Fixtures.** No new mercury vapor outdoor lighting fixtures shall be installed after January 1, 2000.

E. **Nonconforming Light Fixtures.**

1. In addition to other exemptions provided in the Night Sky Protection Act, an outdoor lighting fixture not meeting these provisions shall be allowed if the fixture is extinguished by an automatic shutoff device between the hours of 11:00 p.m. and sunrise.
2. No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except for a national or international tournament or to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, outdoor amphitheater, arena or similar facility.
3. All nonconforming outdoor fixtures installed prior to and operable on the effective date of this Section shall be removed or converted to a conforming use within three (3) years for nonresidential use and five (5) years for residential use. Any fixture that becomes irreparable shall be replaced with fixtures that conform to this Section.

Section 15 – Nonconforming Improvements and Uses

A. **Nonconforming Improvements**.

1. Nonconforming Structures
   a. Nonconforming structures existing as of the date of adoption of this ordinance.
      (1) All nonconforming structures may be repaired, maintained, or internally altered.
      (2) Any nonconforming structure, which is substantially damaged or destroyed, shall require a variance for restoring the nonconforming structure. The variance shall be issued unless there are compelling reasons to the contrary.
   b. Nonconforming structure for which the District Zoning Commission has issued a variance.
      (1) Any variance granted by the District Zoning Commission shall be considered a permanent change unless otherwise specified in the language of the variance.
2. Nonconforming Signs. All signs which do not conform with the provisions of this ordinance shall be made to conform within one year of adoption of this ordinance or upon transfer of title, whichever comes later.
3. Nonconforming Irrigation Systems - See Section 17 – Water Conservation
4. Other nonconforming improvements.
   a. Other nonconforming improvements, which are in accordance with the covenants and for which a valid permit has been issued may remain in place until such time as the improvement is substantially damaged or destroyed or the permit expires. No nonconforming improvement may be expanded or improved in any manner without a Zoning District Permit. Existing nonconforming and non-permitted improvements shall be made compliant upon notification by the Commission.
5. Nonconforming Use.
   a. Nonconforming uses existing as of the date of adoption of this ordinance.
      (1) When a structure housing a nonconforming use is substantially damaged or destroyed, a variance shall be required for restoring the nonconforming use. The variance shall be issued unless there are compelling reasons to the contrary.
      (2) Any building or structure housing a nonconforming use, which is subsequently used for a conforming use, shall not thereafter be used for a nonconforming use without a variance.
      (3) Any non-residential building or structure housing a nonconforming use, which hereafter becomes vacant and remains unoccupied for a continuous period of six (6) months or is not used for the nonconforming use for a continuous period of six (6) months shall not thereafter be occupied except by a conforming use.
   b. Nonconforming use for which the District Zoning Commission has issued a variance.

      Any variance granted by the District Zoning Commission shall be considered a permanent change in permitted use unless otherwise specified in the language of the variance.
   c. A nonconforming use for which the District Zoning Commission has not issued a variance and which does not involve a residence on the premises shall immediately cease. Any further nonconforming use shall require a Zoning District Permit.

B. **Relief from Nonconforming Provisions of this Ordinance.**

1. Any property owner may seek relief from the provisions of this section by applying to the District Zoning Commission for a Variance (see Section 29 – Variances, Conditional or Special Use Permits, Replats, Replats)

Section 16 – Forest Health

A. **Purpose.** The District includes large areas of forests and natural habitat. The intent of the regulations in this section is to address public health, safety, and general welfare issues that arise from the forests and natural habitat.

B. **Forested property.** Forested property that is not properly maintained constitutes a nuisance and a fire hazard. Lots must be cleared and trees must be removed for forest health or beetle infestation.

1. Grasses shall be cut 30 feet back from streets and roads. Cutting should be done between October 1st and December 30th of each year to provide a fire hazard buffer zone during the dry, windy winter and spring months.
2. Lot clearing/tree removal.
   a. Trees shall be trimmed from the ground to the lesser of eight feet or twenty five percent of the height of the tree.
   b. Except for the forest waste collection yard, no forest waste, forest debris, dead trees, or insect infested trees, shall be permitted to accumulate on any lot for longer than 30 days. The property owner shall promptly remove and lawfully dispose of all forest waste, forest debris and trees.
   c. The Commission may grant exceptions for dead trees which the Commission determines are needed for soil stabilization or nutrients in areas burned by fire.

C. **Animal and Bird feeders.** Wild animals that become dependent upon human-provided food become a nuisance and a hazard to the use and enjoyment of properties within the District. Nuisances may include the destruction of landscaping and fear for personal safety. Hazards may include attraction of dangerous predators.

1. Feeding and watering of deer and other wild animals are prohibited in the District.
2. Bird feeders are not prohibited, but must be elevated so as not to be accessible to wild animals.

Section 17 – Water Conservation

A. **Purpose.** The District lies in a mountainous area of the Chihuahuan desert subject to long droughts. Additionally, there is increasing competition from nearby communities and development for potable water supplies. The intent of the regulations in this section is to address public health, safety, and general welfare issues that arise from the use of available supplies of potable water in structures and landscaping.

B. **Interior water use.**

1. **Reverse Osmosis and Filtration systems.** Reverse Osmosis system use pressure and a membrane to pass drinking quality water though the system. The brine discharge (waste) from household Reverse Osmosis systems ranges between 4 and 10 gallons for every gallon of drinking quality water produced. Filtration systems use replaceable filters that catch and hold the impurities.

   a. Systems permitted in all zones.

      (1) Whole house and drinking water filter systems that use replaceable filters. This avoids wasting water through brine discharge.

      (2) Reverse Osmosis systems that provide water only for human and pet consumption are permitted. Reverse Osmosis systems shall be connected to drinking water and ice dispensers exclusively.

   b. Systems prohibited in all zones. Reverse Osmosis systems intended to provide water for purposes other than human consumption are prohibited in new construction. Use, replacement and upgrade of existing systems is permitted but is discouraged. This includes "full-house" Reverse Osmosis systems.

2. **Water Softeners.**

   a. Permitted control units. On demand water softeners that monitor the amount of water used and recharge when remaining capacity falls below the reserve level. The reserve level shall not be set to exceed twenty percent.

   b. Prohibited control units. Timer based water softeners that recharge at fixed time intervals regardless of water usage are prohibited in new construction. Use of existing systems is permitted but is discouraged.

3. **Hot Water Systems.**

   a. Permitted design. Hot water systems that provide immediate hot water at the tap. This includes systems that:

      (1) Heat water at point of use.

      (2) Continuously recirculate hot water between the heater and the tap.

   b. Prohibited design. Hot water systems that require the user to wait for hot water to transit the hot water line from heater to tap are prohibited in new construction. Using or replacing an existing system is allowed, but is discouraged. Retrofitting using a permitted design is strongly encouraged.

C. Irrigation. Irrigation systems shall be designed to minimize the use of potable water resources.

1. **Permitted Systems.**

   a. Drip irrigation systems fed from rainwater catchments are a permitted use in all zones providing the landscaping design is approved by the Zoning Commission.

   b. Drip irrigation systems fed from the community water system are a permitted use in all zones providing that:

      (1) The landscaping and irrigation system design specification provides for water usage calculated as follows:

         (a) 0.1 gallon per month per square foot to be landscaped not to exceed a maximum of 1000 gallons per month when designing landscaping. Example: 100 gallons per month are allowed for 1000 square feet to be landscaped.

         (b) For a maximum of four months while landscaping is getting established, 0.3 gallon per month per square foot to be landscaped not to exceed 3000 gallons per month.

         (c) The area to be landscaped is defined as the area enclosed by a single line drawn around the outside boundary of all landscaping.

         (d) Each property shall be allowed at least 400 gallons per month.

      (2) The landscaping and irrigation system design specifications in common areas in R-2 zones shall provide for water usage as calculated as follows:

         (a) Common area(s) are required to be platted and recorded as owned in common by specific dwelling units. Landscaping and irrigation for multiple common areas under identical ownership shall be combined for the purposes of calculating permitted irrigation. Minimum and maximum allowances below shall be multiplied by the number of dwelling units.

         (b) 0.1 gallon per month per square foot to be landscaped not to exceed a maximum of 500 gallons per month when designing landscaping.

         (c) For a maximum of four months while landscaping is getting established, 0.3 gallon per month per square foot to be landscaped not to exceed 1,500 gallons per month.

         (d) The area to be landscaped in each common area is defined as the area enclosed by a single line drawn around the outside boundary of all landscaping.

         (e) At least 200 gallons per month shall be allowed for each dwelling unit.

         (f) Examples:

            (i) Minimum gallons: 10 dwelling units times 200 gallons per month equals the minimum of 2,000 gallons per month.

            (ii) Maximum gallons: 10 dwelling units times 500 gallons per month equals the maximum of 5,000 gallons per month.

2. **Prohibited Systems.**

   Broadcast irrigation systems and all other irrigation systems that are designed to apply more than the gallonage allowed under Permitted Systems.

3. **System Requirements**. All irrigation systems which are connected to the potable water system must meet the following additional requirements:
   a. An outside irrigation system shutoff (see definition) is required. The device shall be mounted outdoors adjacent to a driveway or walkway and shall be clearly marked.
   b. An automatic rain sensor (see definition) is required. The device shall be mounted outdoors where it will be exposed to unobstructed rainfall.
   c. Compliance with all Federal, State, and Water & Sanitation District regulations.
   d. Compliance with the New Mexico Plumbing Code.
4. **Permit Requirements**. The landscaping and irrigation system design must be submitted to the Zoning Commission for approval. The design must include the number, species, and size of plantings from the approved list to be irrigated together with the monthly water usage. Permit fees will be waived for the following:
   a. Installation of rainwater catchments.
   b. Conversion of any complete nonconforming irrigation system to a conforming irrigation system.
5. **Nonconforming Irrigation Systems Amortization Provision.**
   a. The Commission, during the period of development of this Ordinance, has become aware generally of the cost of installation of the nonconforming irrigation systems and their useful life. The commission has determined, based on facts known to them, that any remaining useful life of the non-conforming irrigation systems is no more than five years without significant repairs or renovation. The life span is in large measure related to calcification resulting from the very high mineral content of the water supply.
   b. It is the objective of this ordinance that all nonconforming irrigation systems, existing as of the date of adoption of this ordinance, shall be brought into compliance with this ordinance not later than December 31, 2016. All nonconforming irrigation systems in existence after December 31, 2009 must comply with System Requirements set forth in 0 above.
   c. Any nonconforming irrigation system, which is substantially damaged, destroyed, replaced, or redesigned, shall be brought into conformity with this ordinance.
6. **Restrictions and regulations.** All irrigation systems shall comply with the restrictions and regulations adopted from time to time by the Alto Lakes Water and Sanitation District.

Section 18 – Short-term Residential Rentals

A. **Purpose**. To maintain the nature of the community as a private, residential country club with an increasing full-time population, the establishment of standards for the use of properties as short-term rentals is necessary. The intent of this section is to address public health, safety and general welfare issues, and provide a resolution process, not previously existing, for the benefit of neighboring residents.

B. **Permit Required**. Any property in the R-1 or R-2 zone that is rented for the purpose of overnight lodging, for remuneration, for a period of not less than one (1) night, nor more than twenty-nine (29) consecutive days, shall obtain a Short-Term Rental Permit from the Zoning District. Short-term Rental Permits are issued to the owner and are not transferable.

C. **Permit Procedure**. The following provisions must be satisfied at the time a request for a Short Term Rental permit is presented to the Zoning District:

1. Completed Permit Application
2. Payment of permit fee
3. Compliance with all R-1 and R-2 residential requirements

D. **Short Term Rental Standards**. The standards required for permitting are:

1. Emergency contact phone number (24/7) of owner or managing agent
2. Notification of rental to property owners contiguous to the front, side and rear of subject property
3. Posting of 911 address
4. Off-street parking for a minimum of 3 vehicles
5. Posting of requirements for disposal of fireplace ashes and trash, leash and pick-up requirements for pets, outside fire prohibition, smoking restrictions, quiet hours, fire department phone number, sheriff department phone number. See Sample Guest Notification in Permit Application packet.
6. Other items may be added from time to time to address particular community concerns.

E. **Permit Term and Revocation**. The Short Term Rental Permit shall remain in force for a period of five years unless revoked. Complaints that are not resolved and are brought to the attention of the Zoning District may result in a letter to the owner or owner representative requesting written agreement to resolve the nature of the complaint. If there is a future complaint within a six-month period, revocation of the permit may result. Consideration for reinstatement will require a new Permit application and the appearance of the owner (or owner representative) at a regular meeting of the Zoning District.

F. **Enforcement and Penalties**. The provisions set forth above for Short-Term Rentals are in addition to all other R-1 and R-2 Zone requirements of the Alto Lakes Special Zoning District Comprehensive Land Use Ordinance. Any violation is subject to Section 32 – Enforcement and Penalties of the ordinance.

Sections 19 thru 28 Reserved for future use

Section 29 – Variances, Conditional or Special Use Permits, Replats

A. **Purpose.** Establish requirements and procedures for the granting of a Variance, Conditional or Special Use Permit, Replat that meets the requirements State Statutes, including but not limited to 3-21-8-C-1 NMSA 1978.

B. **Applications**. The Property Owners or properly designated representative shall initiate the process by filing an Application for a Variance, Conditional or Special Use Permit, or submit a Replat application. While it is strongly suggested that the applicant have an informal discussion with the Zoning Commission before filing an application in order to be advised of any requirements or policies relevant to the request, applicant is solely responsible for meeting the requirements of the ordinance. Each application shall include all information required by the Commission's Application Handbook. Inaccurate or incomplete information may cause a delay in the hearing process.

C. **Hearing.** A public hearing is required for all Applications for Variances, Conditional Use Permits, and Appeals. Hearings shall be held in accordance with the hearing and notice provisions below:

1. The applicant shall place public notice in one newspaper of general circulation in Lincoln County at least fifteen days prior to the hearing.
2. Notice of the public hearing shall be mailed by the applicant, at least fifteen days prior to the hearing, by certified mail, return receipt requested to the owners, as shown by the public records of the Lincoln County, of lots within two hundred (200) feet, excluding public rights-of-way, for which application is made. If the requested action permits more than one building, the notification radius shall be increased to three hundred (300) feet, excluding public rights-of-way, of the boundary of the lot for which application is made. If the requested action is for improvements within the buffer area in the CC-C Zone, the notification radius shall be calculated as three hundred (300) feet from the boundary of the improvements.
3. The applicant shall be responsible for locating the persons entitled to notice.
4. When any of the lots immediately beyond the radius described herein is under the same ownership as the property that is the subject of the application, the owner of the lot(s) next adjacent, excluding public rights-of-way, shall be notified.
5. All persons having an interest in the Application shall be given an opportunity to be heard at the hearing. Written comments will be considered by the Commission however the Commission is not required to accept written comments as having a basis in evidence unless the author is present to be questioned.
6. Applicant shall provide to the Commission, an Affidavit of Publication, a list of property owners required to be notified, and receipts for all mailed notices.

D. **Burden of Proof.** The applicant bears the burden of proving that special circumstances exist to justify its granting. If the applicant fails to comply with the Zoning District Commission's requirements, fails to appear at a hearing, or requests deferment of the hearing for more than sixty days past the date set in the published notice and/or written notice to property owners, the application shall be deemed to have expired.

E. **Variances.**

1. **Generally.** Variances from the terms of the Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Ordinance deprives such property of

privileges enjoyed by other property in the vicinity and under identical zoning classification. Variances may only be granted for hardships related to the physical characteristics of land providing that:

a. There are specific physical circumstances that distinguish the project site from its surroundings; and

b. These unique circumstances would create an unnecessary hardship for the applicant if the usual zoning standards were imposed.

2. **Limitations on Variances.**

a. A variance does not change the zoning of the project site. It cannot permit uses other than those already allowed under existing zoning.

b. Variances are limited to those situations where the peculiar physical characteristics of a site make it difficult to develop under standard regulations. A variance is granted in order to bring the disadvantaged property up to the level of use enjoyed by nearby properties in the same zone. For instance, where the steep rear portion of a residential lot makes the site otherwise undevelopable, a variance might be approved to reduce the front yard setback and thereby create sufficient room for a home on the lot. Similarly, a parcel's shape might preclude construction of a garage unless side yard setback requirements are reduced by approval of a variance.

c. Variances are only for use in unusual, individual circumstances. There is no basis for granting a variance if the circumstances of the project site cannot be distinguished from those on surrounding lots. For example, all things being equal, in a subdivision where lots are uniformly 40 feet wide, there is no basis for allowing one lot to be developed with reduced side yard setbacks.

d. If development within a particular area is commonly leading to requests for consideration of variances, then the District should reassess the standards of the applicable zone and, if necessary, change them.

e. Setback variances shall be limited for a specified intrusion into the setback and not for the entire setback.

3. **Requirements.** Variances are granted only when all of the following findings can be made:

a. **Unique Circumstance**. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. A Variance cannot be granted for a self-imposed hardship.

b. **No Special Privilege**. That the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is situated. In other words, the Variance is necessary to enjoy a basic property right available to other similarly zoned properties in the vicinity.

c. **No Unauthorized Use**. The Variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulations for the zoning district in which the subject property is located. A Variance cannot be granted to the Zoning Ordinance land use regulations.

d. **No Adverse Impacts**. The Variance will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

4. **Approval**. Approval of Variances shall require a majority vote of the members of the Zoning Commission present. If approved, the Commission shall be required to make findings supporting its decision. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval exist. No application for a Variance which has been denied wholly or in part shall be resubmitted for a period of six months from the date of the order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Zoning Commission.

F. **Conditional or Special Use Permits.**

1. **Generally**. Certain Conditional Uses, as defined for each Zone defined by the Ordinance, may, under certain circumstances, be acceptable. When such circumstances exist, a Conditional Use Permit may be granted. The permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person.

2. **Limitations on Conditional Use Permits**. No conditional use permit shall be given for a use that is not listed as a conditional use in the particular Zone in which it is proposed to be located. The Zoning Commission shall consider the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities, on adjacent streets and land, the impact upon the natural environment, and the effect of the proposed use upon the Land Use Plan. The Zoning Commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application. In reviewing conditional uses in residential areas, the Zoning Commission shall consider particularly the response of adjoining property owners.

3. **Approval**. Approval of Conditional Use Permits shall require a majority vote of the members of the Zoning Commission present. If approved, the Commission shall be required to make findings supporting its decision. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval exist. No application for a conditional use permit which has been denied wholly or in part shall be resubmitted for a period of six months from the date of the order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Zoning Commission.

G. Replat Permits (lot combinations, adjacent property boundary adjustments, easements, etc.)

1. **Generally.** All replats, adjacent property boundary adjustments, and/or conveyances of surface property by easement shall be presented in writing and submitted to the Alto Lakes Special Zoning Commission.

   a. Allowed lot combinations within ALSZD:

      (1) The combining of one or more contiguous adjacent lots, all with common ownership, into a single lot, such that only one larger lot will remain.

      (2) The combining of a vacant lot, by division between two adjacent lot owners, with the middle vacant lot divided in any proportion that equals 100 percent (i.e., 50/50, 60/40, 70/30, etc.) with the adjacent lots thereby forming two larger lots.

(3) Combinations may result in the expansion of the District, however a combination may not result in the decrease of the size of the ALSZD District.

(4) All replat fees are the responsibility of the owner(s) combining lots. No lot may be combined resulting in less than a 100% combination. No lot may be subdivided into a smaller parcel, nor sold in less than 100% of the original size.

b. Set back restrictions:

The more restrictive lot setbacks of the two lots shall apply to the replat of the combined lots. Reduction of setbacks due to lot combination is not allowed.

c. Zoning Restrictions:

(1) The more restrictive zoning designation will apply to the replat combination.

(2) If lot adjustment involves an adjoining lot having zoning other than R-1, (i.e., R-2 Multi-Family Residential Zone, C-N Neighborhood Commercial Zone, C-CC Country Club Commercial Zone, or CS Community Services Zone), and the division percentage of that lot (i.e., 50/50, 60/40, 70/30) is requesting a higher zoning use, the replat must be presented to ALSZD per the "Variance" process as outlined in Section 29 of the ALSZD Ordinance.

(3) If lot is zoned R-1 Single-Family Residential, and the other lot is otherwise zoned, the new lot combinations would both be Zoned as R-1, or application may additionally be made for a change in Zoning via the Variance process as outlined in Section 29 of the ALSZD Ordinance.

d. Adjacent Property Boundary Adjustments.

(1) May be used to resolve boundary line disputes, correct physical encroachments, provide reasonable access, or meet buffer or setback requirements.

(2) May not be used to create any new parcel(s), nor result in the potential to create a new parcel(s) or residential development in excess of the maximum density allowed by the ALSZD Comprehensive Zoning and Land Use Ordnance Zoning Map

(3) The adjustment shall not allow previously approved parcels or developments to violate conditions of approval, or to become out of compliance or further out of compliance with existing land use.

2. The Replat and Adjacent Property Boundary Adjustment Review Process shall be as follows:

a. **Applications**

1) Each application shall be filed in accordance with the requirements and schedules set forth in Commission's Application Handbook
2) While the Commission will provide assistance to the applicant in filing applications, the applicant is solely responsible for meeting the requirements of the ordinance.
3) No replat survey, lot splits, and or conveyance of surface property by easement shall be filed of record with Lincoln County Clerk without application and approval of the ALSZD Commission.
4) Inaccurate or incomplete information may cause a delay in the Approval process

b. **Plats.** All applications for Zoning District Permits shall be accompanied by a plat, showing with dimensions the lot lines, side, front, and rear setbacks, both in existence and proposed, utility easements, building or buildings, and their location on the lot, improvements such as drives, decks, and other information as may be necessary to provide for the enforcement of this

ordinance, including, if necessary, a boundary survey and the staking of the lot by a competent surveyor or engineer.

c. **Signatories.** It is recommended the replat have the following signature blanks, and that approval should be in the following order of presentation:

1) **Dedication.** Claim of exemption approval from Lincoln Country Sub Division Act, all related signatures shall be on replat survey or attached letter of exemption approval from Lincoln County. Claim of exemption from the Lincoln County Subdivision Ordinance will be provided and signed by the Lincoln County Director of Zoning (see Exemptions to Lincoln County Subdivision Ordinance 2008-01).

2) **Utilities** (example)
   a) Wind stream communication
   b) Baja Broadband
   c) Otero Electric Coop
   d) Alto Water District

3) **Zoning/Club**
   a) Alto Lakes Special Zoning District (ALSZD)
   b) Alto Lakes Golf & Country Club (ACC)

4) **Village of Ruidoso.** After all above signatures have been acquired:
   a) Village Clerk
   b) Village Mayor
   c) Village Planning Director

5) **Lincoln County**
   a) Planning Director
   b) County Manager
   c) Others as a New Mexico professional surveyor or Lincoln County Planning Director may feel are needed.

d. **ALSZD Commission Review**

1) The District Zoning Commission will review the application, and if found to be conforming, comment from the public will be solicited. The replat application shall be approved by Commission vote at a regularly scheduled meeting.

2) Permitting by the Zoning District of Replat or Adjacent Property Boundary Adjustment shall be accomplished by signing the presented replat, if the District Zoning Commission has approved the application.

3) If the District Zoning Commission finds that the application is nonconforming, adverse to the general welfare of the residents and real property owners, the application will be denied and resent to applicant in writing with Commission comments as to adverse findings. At that time the applicant may withdraw the application, or file an application for a Variance in light of the Commission's comments. Variance application will conform to Section 29 of the ALSZD Ordinance.

H. **Notice of decision.** The applicant shall be notified in writing of the action taken by the Zoning Commission within 30 days of the public hearing. If the application has been granted, the Variance or Conditional Use Permit shall be issued upon the signature of the Chairman or Vice-Chairman of the Zoning Commission, and any conditions, automatic termination date, or period of review shall be stated on the notice.

I. **Appeal.** Decisions of the District Zoning Commission issued during a public hearing may be appealed. Every owner of property that lies within the radius of properties requiring notification shall have standing to file an appeal. The District Zoning Commission may, in its sole discretion, grant any other interested party standing to file an appeal.

1. Notice of intent to appeal any decision of the District Zoning Commission shall be filed in writing within fifteen days from the date of the decision. The Notice shall state the legal basis upon which the appellant(s) believe the decision is in error. Notice must be mailed to the District Zoning Commission by Certified Mail with Return Receipt and must be accompanied by the Filing Fee for Appeal of Variance, Conditional or Special Use Permit, Replat, or adjacent property boundary adjustment.
2. The District Zoning Commission shall schedule a public hearing on the appeal not less than forty-five days nor more than sixty days following receipt of the Notice of Appeal. The District Zoning Commission shall notify appellant of the hearing date by Certified Mail.
3. Upon receipt of the notice of hearing date, Appellant(s) shall be required to meet the notification provisions of paragraph C above.
4. The District Zoning Commission shall be provided with all appeal documentation not less than fifteen days prior to the scheduled hearing.
5. The decision on the appeal shall require approval of a minimum of three (3) members of the District Zoning Commission.
6. The appeal decision of the District Zoning Commission shall be final; however, the appellant may appeal the Commission's decision to District Court.

J. **Agreement.** The property owner is required to agree to the following minimum conditions for inclusion in all Variances, Conditional or Special Use Permits, Replats:

1. To file the approved Variance, Conditional or Special Use Permits, Replats with the County Clerk within 30 days following the date of approval by the Zoning Commission.
2. To obtain all necessary approvals and permits prior to commencing work on any improvements for which the Variance, Conditional or Special Use Permits, Replats is granted.
3. To commence any work for which the Variance, Conditional or Special Use Permit is granted within six months from the date of approval and to complete all work within one year of date of approval unless alternative dates are specified in the agreement.

K. **Conditions.** Any conditions attached to the granting of the Variance, Conditional or Special Use Permits, Replats are deemed necessary to protect the public health, safety, and general welfare. Such conditions may include requirements relative to:

1. Open space and buffers.
2. Walls, fences and signs.
3. Surfacing of parking areas.
4. Location of points of vehicular egress and ingress.
5. Landscaping and maintenance thereof.
6. Noise, vibration, odor, lighting, and health hazards.
7. Such other conditions as will make possible the development of the district in an orderly, efficient manner, and in conformity with the intended purpose of this ordinance.

L. **Revocation.** If the conditions and safeguards set by the Zoning Commission are violated, following a public hearing before the Zoning Commission, the Variance, Conditional or Special Use Permit, Replat may be revoked by a majority vote of the Zoning Commission.

M. **Fees.** Fees, in the amount specified in Appendix E: Fee Schedule shall accompany each application and appeal. When an application or appeal is withdrawn after scheduling and advertising for public hearing by the District Zoning Commission, the filing fee shall not be refunded to the applicant.

Section 30 – Administration

A. **Powers and Duties of the Commission.** The District Zoning Commission shall administer this ordinance. In furtherance of said authority, the Commission shall:

1. Investigate and approve or not approve applications for Zoning Permits.
2. Investigate and approve or not approve applications for Variances and Conditional Use Permits. See Section 29 – Variances, Conditional or Special Use Permits, Replats).
3. Investigate and approve or not approve applications for Zone Changes. See Section 31 – Amendments.
4. Be provided evidence by the property owner that there has been an inspection of buildings, structures, and the use of land to determine compliance with these regulations. This provision does not grant right of entry without due process.
5. When appropriate and after application, maintain permanent and correct records of this ordinance, including but not limited to all maps, amendments, Variances, Conditional or Special Use Permits, Replats and appeals.
6. Provide public information availability relative to all matters arising out of this ordinance.
7. Upon application by property owner, the District Zoning Commission may issue a District Zoning Certificates of Compliance for nonconforming uses existing at the effective date of this ordinance
8. In the event any building, improvement, or structure is erected, constructed, reconstructed, altered, repaired, converted maintained, or demolished or any building, improvement, structure or land is used in violation of this ordinance, in addition to other remedies, the District Zoning Commission may initiate any appropriate action or proceeding to prevent such unlawful action, correct or abate such violation, prevent the occupation of such building, structure, or land, or prevent any illegal act, conduct, business, or use in or about such premises.

B. **Zoning Permits.**

1. **Application Procedures**

   a. **Applications**. No improvements of any kind shall be erected, constructed, placed, moved on, maintained, or demolished on any lot or portion thereof, nor shall any alterations, additions, or changes be made to any structure without filing an application for and obtaining a permit in a manner which is approved by the District Zoning Commission. No Zoning District Permit shall be required for interior work or for minor exterior repairs or for exterior painting.

   b. **Plats.** All applications for Zoning District Permits shall be accompanied by a plat showing with dimensions the lot lines, building or buildings, location of buildings on the lot, and such other information as may be necessary to provide for the enforcement of this ordinance including, if necessary, a boundary survey and the staking of the lot by a competent surveyor or engineer. The plat shall contain suitable notations indicating the proposed use of all land and buildings (see Permitted Usages in previous Sections). A record of the original copy of such applications and plat shall be kept in the office of the District Zoning Commission, and a duplicate copy shall be kept at the building at all times during construction. The District Zoning Commission may require a footing survey to be furnished within ten (10) days following construction of footings.

   c. **Application Procedure.** Inaccurate or incomplete information may cause a delay in the approval process. While the Commission will provide assistance to the applicant in filing applications, the applicant is solely responsible for meeting the requirements of the ordinance.

Each application shall be filed in accordance with the requirements and schedules set forth in Commission's Application Handbook.

d. **Commission Review**

(1) The District Zoning Commission will review the application, and if found to be conforming, the application shall be approved. Comment from the public will be limited. A Zoning District Permit shall be issued if the application is approved by the District Zoning Commission

(2) If the District Zoning Commission finds that the application is nonconforming, the applicant may withdraw the application or file an application for a Variance, Conditional Use Permit, or Zone Change.

2. **Zoning Commission Permits**

a. After the District Zoning Commission has determined that the proposed building, structure or land use complies with all the regulations of this ordinance, a Zoning District Permit will be issued pending completion of the permitted work. The Permit shall be valid for one year from date of issue. Failure to complete the permitted work within the permit period may result in a Cease and Desist Order to halt all Permitted work until the Permitee obtains an extension.

b. Any permit, license, or certificate issued by any other body, which is in conflict with this ordinance, shall be null and void.

c. The Zoning District Permit Certificate shall be posted within 25 feet of the road and must be clearly visible from the point where the driveway intersects the road. Failure to post the Certificate in compliance with this provision may result in a Cease and Desist Order to halt all Permitted work until the Certificate is properly displayed.

d. The District Zoning Commission may issue an extension to a Zoning District Permit for a period of six months. The fee for extending the Permit shall be equal to one hundred percent of the total fees for the original Permit.

3. **Emergency Permit.**

An Emergency Permit may be requested and issued for events deemed to be a true emergency (i.e., concerning possible loss of life, limb, or egregious property damage.) To obtain an Emergency Permit, owner/representative is to contact the ACC.

4. **Zoning Certificate of Compliance.**

a. Purpose. Any property owner may apply to the District Zoning Commission for a Zoning Certificate of Compliance when required to support a transfer of property or for any other reason.

b. Application Procedure. Inaccurate or incomplete information may cause a delay in issuing a Certificate. While the Commission will provide assistance to the applicant in filing applications, the applicant is solely responsible for meeting the requirements. Each application shall include the following information and attachments:

(1) Completed and signed application form including the required application fee.

(2) Current survey of the property that shall include setback lines. The survey shall include a statement from the survey which states that all structures situated within the property lines are shown on the survey.

(3) Copy of survey prepared at the time the owner originally acquired the property. The Commission may, at its sole discretion, allow substitution of a later survey prepared for construction of improvements.

(4) Copies (including the County Clerk's recording imprint) of any recorded variances for intrusions into the setbacks:

(a) Variance granted by the ALG&CC Architectural Control Committee that was granted prior to September 30, 2005.

(b) Variance granted by the District on or after September 30, 2005.

(5) For any intrusions into the setbacks not evidenced by variance:

(a) Signed and notarized statement from the property owner(s) which provides the following information regarding any structure which lies, in whole or in part, between the property lines and the setback lines:

(i) Date constructed

(ii) Type of improvement

(iii) Materials used in constructing the improvement

(iv) Contractor who constructed improvement

c. Commission Review. The District Zoning Commission will review the application and attachments for compliance with the Comprehensive Zoning and Land Use Ordinance including amendments in effect as of the date of application.

d. Issuance of Certificate. A Zoning Certificate of Compliance shall be issued if the Commission finds that the property is in compliance with the Comprehensive Zoning and Land Use Ordinance including amendments in effect as of the date of application.

5. **Village Certificate of Occupancy**

a. Application Procedure. Builder or owner must contact the Village of Ruidoso.

b. Issuance of Certificate.. Certificate is issued by the Village of Ruidoso.

c. Copy to be provided to ALSZD.

C. **Fees.** Fees, in the amount specified in Appendix E: Fee Schedule shall accompany each application.

Section 31 – Amendments

A. The District Zoning Commission may, from time to time, upon motion made by a Commissioner, amend, supplement, or change by ordinance the boundaries of the zones or the regulations herein established. In addition, any person owning property within the boundaries of the Alto Lakes Special Zoning District may make application to the District Zoning Commission for a change in zoning or the text of this ordinance, and would be responsible for all associated costs. The District Zoning Commission shall advertise notice of any proposed amendment, supplement, or change of applicant in a form approved by the District Zoning Commission and in accordance with Paragraph D of this Section.

B. Any application made to the District Zoning Commission for amendment of the text of this ordinance or the zone map shall be in writing on forms prescribed by the District Zoning Commission. A filing fee shall accompany a request for a change to the text of the zoning ordinance. An accurate plat, site plan, building development plan, sketch, program of development, or other related material and information as required by the District Zoning Commission or by this ordinance shall accompany each application for a zone map change. Submission of inaccurate material or information with an application may be grounds for denial. Approval of any application shall not be construed as approval of a building permit. After an applicant's petition for rezoning is advertised for public hearing by the District Zoning Commission, another petition for a change affecting the same property shall not be filed within a period of 12 months from the date of the advertisement. An application fee for a zoning change shall be charged as set forth in Appendix E – Fee Schedule.

C. When an application is withdrawn after scheduling and advertising for public hearing by the District Zoning Commission, the filing fee shall not be refunded to the applicant.

D. **Notice**.

1. Public notice shall be provided in accordance with 3-21-6 B NMSA 1978.
2. Where the statute requires notification within a radius, the minimum radius for property owners who must be notified shall be two hundred (200) feet, excluding public rights of way.
3. When any of the property immediately beyond the radius described herein is under the same ownership as the property that is the subject of the application, the owner of the property next adjacent, disregarding public rights of way, also shall be notified.
4. If the requested action will permit more than one building, the notification radius shall be increased to three hundred (300) feet.
5. Required notification shall include all information required by the District Zoning Commission.

E. **Hearing**. The District Zoning Commission shall schedule a public hearing and make its decision in open meeting on each application or motion made by a Commissioner.

F. **Appeals**. Every owner of property that lies within the radius of properties requiring notice shall have standing to file an appeal. The District Zoning Commission may, in its sole discretion, grant any interested party standing to file an appeal.

1. Notice of intent to appeal any decision of the District Zoning Commission shall be filed in writing within fifteen days from the date of the decision entered by the District Zoning Commission.
2. The District Zoning Commission shall schedule a public hearing on the appeal not less than thirty days nor more than forty-five days following the filing of the appeal. The District Zoning

Commission shall publish notice of the public hearing in a newspaper of general circulation in Lincoln County not less than fifteen days prior to the public hearing.

3. The appellant shall provide the District Zoning Commission with all information and documentation it feels relevant not less than fifteen days prior to the scheduled hearing.
4. An appeal fee shall be charged as set forth in Appendix E – Fee Schedule. In addition, appellant(s) shall be required to meet the notification provisions of paragraph D above.
5. The decision on the appeal shall require approval of the majority of the members of the District Zoning Commission. The appeal decision of the District Zoning Commission shall be final.

Section 32 – Enforcement and Penalties

A. **General**

1. The District Zoning Commission is the enforcement authority to enforce this ordinance.
2. Any permit, license, or certificate issued by any other body, which is in conflict with this ordinance, shall be null and void.
3. The District Zoning Commission may appoint one or more Code Enforcement Officers who will conduct inspections and issue notices on behalf of the Commission to enforce the provisions of this Ordinance.

B. **Complaints**

1. **Public Records Inspection Act.** All written records of the District are open to public inspection with limited exceptions as provided by NMSA 1978, Chapter 14, Article 2.
2. **Anonymous Complaints**. A complainant may contact the Commission by unsigned letter or web-form to report an alleged violation of the Ordinance. No identification will be requested or recorded, however any documents submitted, including letters, will become a part of the public record.
3. **Formal Complaints**. A complainant may contact any Commissioner by phone, email, web-form, or letter to report an alleged violation of the Ordinance. All information provided will become a part of the public record.
4. **Anonymous and Formal Complaints must include**:
   a. The exact street address or legal description of the property where the violation is taking place. If the property is a vacant lot, you must provide a reference to an exact address or a legal description.
   b. A detailed description of the activity or structure you believe to be a code violation.
   c. (Formal Complaints only) Name and phone number of the Complainant.
5. **Investigation**
   a. A Code Enforcement Officer will visit the site of the alleged violation to investigate.
   b. Violations that can be readily observed from a public right-of-way or from an adjacent property to which the Code Enforcement Officer has been granted access will be documented by the Code Enforcement Officer and become subject to enforcement action.
   c. Violations that can not be readily observed from a public right-of-way or from an adjacent property to which the Code Enforcement Officer has been granted access will require probable cause to gain entry to the premises on which the alleged violation is taking place. In most instances, this will require a signed, formal complaint.

C. **Enforcement:**

1. Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, the Zoning District Commission or its agent or designee may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the District Zoning Commission by this ordinance. If such building or premises is occupied at the time of the inspection, the agent or designee shall first present proper identification and request entry. If such building or premises is unoccupied, the agent or designee shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request

entry. No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the District Zoning Commission's agent or designee for the purpose of inspection and examination pursuant to this ordinance.

2. If entry is refused the Zoning District Commission's agent or designee, the Zoning District Commission shall proceed to obtain a search warrant by filing a complaint with the appropriate Lincoln County Court upon oath or affirmation. The complaint shall:
   a. Set forth the particular building, premises, or portion thereof sought to be inspected
   b. State that the owner or occupant of the building, premises, or portion thereof, has refused entry
   c. State that inspection of the building, premises, or portion thereof is necessary to determine whether it complies with the requirements of this ordinance
   d. Set forth the particular provisions of this ordinance sought to be enforced
   e. Set forth any other reason necessitating the inspection, including knowledge or belief that a particular condition exists in the building, premises, or portion thereof which constitutes a violation of this ordinance
   f. State that the Zoning District Commission's agent or designee is authorized to make the inspection
   g. Provide that a commissioned law enforcement officer shall accompany authorized entry.
3. In the event a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or a building, structure, or land is used in violation of this ordinance, the District Zoning Commission or its agent or designee, in addition to other remedies, may institute an appropriate action or proceeding to prevent the unlawful action, to restrain, correct, or abate the violation, to prevent the occupation of the building, structure, or land, or to prevent an illegal act, conduct, business, or use in or about the premises.
4. This ordinance shall not be construed to hold the District Zoning Commission or its authorized representatives responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or by reason of issuing a zoning district permit as herein provided.
5. No structure shall be constructed, erected, placed or maintained, and no land use commenced or continued within the jurisdiction of the District Zoning Commission except as authorized by this ordinance. Special or conditional uses are allowed only on zoning district permit granted by the Zoning District Commission after application and public hearing.
6. Upon verifying a violation has taken place, a code enforcement officer may issue and post a "red tag" halting all work, construction, or occupation until the violation has been satisfied and the "red tag" has been lifted.

D. **Penalties.**

1. Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding $300.00 or imprisonment in the County Jail for a period not exceeding 90 days, or both fine and imprisonment. Each act in violation and each day upon which any such violation shall occur constitutes a separate offense.

2. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any ordinance section, whether or not such penalty is reenacted in the amendatory ordinance.
3. In addition to the penalty prescribed above, the Zoning District Commission may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or zoning district permits or permits issued by other authorities. (See Permit Fee Form, found at Appendix E for Zoning Permit Penalties that may be imposed.)

Appendices, Figures and Attachments

The following abbreviations will apply:

Subdivisions

DPW	Deer Park Woods Subdivision
HM	High Mesa Subdivision
ALG&CC	Alto Lakes Golf and Country Club Subdivision
DPM	Deer Park Meadows Subdivision
DPV	Deer Park Valley Subdivision
SB	Sierra Blanca Subdivision
LS	Lakeside Subdivision

Other

ALSZD	Alto Lakes Special Zoning District
ALWSD	Alto Lakes Water and Sanitation District
HB	Hemphill-braudt Condominium Complex (formerly SB3, B10, L1)

Appendix A: Zone Tables

R-1 Single Family Zone Table of Properties				
Subdivision	Unit	Block	Lots	Use
All properties in District except those assigned to zones R-2, C-N, C-CC, and CS.				Single Family Residential
DPW	2	Tracts		Conditional use for Equestrian Estate
DPW	4	Tracts	23, 24A	Conditional use for Equestrian Estate
HM	3	6	89	Conditional use for Equestrian Estate
HM	3	12	19, 21, 22	Conditional use for Equestrian Estate
HM	3	13	1	Conditional use for Equestrian Estate

R-2 Multi-Family Residential Zone Table of Properties				
Subdivision	Unit	Block	Lots	Use
Alto Village Deer Park Woods Town homes	1,2,3,4 ,6			Town homes
Alto Village	Site A, Site C			Town homes
Country Club Condos	A, B			Town homes
ALG&CC	2	7	1-17	Multi-family, condominiums, townhouses, and apartments
ALG&CC	3	11	4	Multi-family, condominiums, townhouses, and apartments
ALG&CC	4	14	1-7	Multi-family, condominiums, townhouses, and apartments
ALG&CC	5	14	29-43	Multi-family, condominiums, townhouses, and apartments
ALG&CC	5	16	1-8	Multi-family, condominiums, townhouses, and apartments
DPM	6		3	Condominiums, townhouses, and apartments
DPV	2		68	Dedicated park
DPV	7		174, 175, 176	Condominiums, townhouses, and apartments
HB			1A & 1B	One and two family residences. Conditional use for condominiums, cluster housing with green belts, and apartments.
SB	1	1	53-55	Multi-family, condominiums, townhouses, and apartments
SB	1	2	1-8	Multi-family, condominiums, and apartments
SB	3	10	2-20	One and two family residences. Conditional use for condominiums, cluster housing with green belts, and apartments.
Lincoln County Assessor Parcel # 4 071 060 380 140 (2.731 acres aka Tract E-2)				Multi-family, condominiums, townhouses, and apartments (Owned by ALG&CC)

C-N Neighborhood Commercial Zone Table of Properties				
Subdivision	Unit	Block	Lots	Use
ALG&CC	4	12	45-52	Conditional Use for Neighborhood Commercial
DPM	6		3	Neighborhood Commercial
DPV	7		174, 175, 176	Neighborhood Commercial
HM	3	12	18	Conditional Use for Neighborhood Commercial
SB	1	2	1-8	Conditional Use for Neighborhood Commercial
SB	2	4	33,34	Conditional Use for Neighborhood Commercial
SB	2	7	1, 2, 3, 28	Conditional Use for Neighborhood Commercial
SB	2	7	4-15	Conditional Use for Neighborhood Commercial

C-CC Country Club Commercial Zone Table of Properties				
Subdivision	Unit	Block	Lots	Use
Lincoln County Assessor Parcel # 4 071 060 335 195 described as the Alto Lakes Golf & Country Club Golf Course and Improvements, Lincoln County Assessor Parcel # 4 071 060 047 140				Country Club Facilities and Golf Course

CS Community Services Zone Table of Properties				
Subdivision	Unit	Block	Lots	Use
DPM	1		1A	See Zone CS
ALG&CC	3	11	1 (portion)	0.17 acres for access to water tanks
DPV	4		Lot 114 (portion)	0.139 acres for ALWSD well #16
DPV	6		138 (portion)	0.046 acres for ALWSD well #15
DPV	8		223, 224	ALWSD well site
DPV	9		254, 257	ALWSD well site
DPW	2		56	ALWSD wells #3 and #12
DPW	6		199	ALWSD well site
LS	1	3	32 (portion)	ALWSD well #1-A
Lincoln County Assessor Parcel #4 071 060 025 280				ALWSD Office (Lakeshore Drive)
Lincoln County Assessor Parcel #4 071 060 250 227				ALWSD tank site #1 (0.525 acres located W of #1 Green)

Lincoln County Assessor Parcel #4 071 060 170 137	ALWSD well #8 (0.082 acres located right of #14 Green)
Lincoln County Assessor Parcel # 4 071 060 235 069	ALWSD well #9 (0.057 acres located beyond #14 Tees)
Lincoln County Assessor Parcel #4 071 060 487 205	ALWSD well #6 (0.057 acres located in area of #7 Lake)
Lincoln County Assessor Parcel #4 071 060 389 058	ALWSD well #10 (0.009 acres located intersection Midiron & Del Monte
Lincoln County Assessor Parcel #4 071 060 351 115	ALWSD Sewage Treatment Plant (0.3375 acres located north of Club Facilities)
Lincoln County Assessor Parcel #4 071 060 370 160	ALG&CC wells # 4 & #5 (0.057 acres both under Clubhouse)
Lincoln County Assessor Parcel #4 071 060 022 056	ALG&CC entrance sign (0.367 acres)
Lincoln County Assessor Parcel #4 070 060 464 178	Windstream Communications LLC Sub-Station (aka SB, Unit 2, Block 4, Lot 19 corner Brentwood & Brentwood)

Appendix B: Setback Tables

R-1 Zone: Table of Setbacks						
Subdivision	Unit	Block	Lots	Front	Back	Side
ALG&CC	1	1,2,3		30 ft	15 ft	5 ft
ALG&CC	1	4	Except as noted below	5 ft	40 ft	5 ft
ALG&CC	1	4	18, 20, 21, 22	5 ft	30 ft	5 ft
ALG&CC	1	4	5, 19	5 ft	15 ft	5 ft
ALG&CC	2	All		15 ft	30 ft	15 ft
ALG&CC	3	All		15 ft	30 ft	15 ft
ALG&CC	4	All		15 ft	30 ft	15 ft
ALG&CC	5	All		20 ft	30 ft	20 ft
ALG&CC	6	All		20 ft	30 ft	20 ft
ALG&CC	7	All		30 ft	30 ft	20 ft
Alto Village	Site A, Site C	All		As built	As built	As built
Country Club Condos	A, C	All		As built	As built	As built
DPM	1-3, 5, 6	All		30 ft	30 ft	20 ft
DPM	4	All		30 ft	30 ft	20 ft
DPM	7-15		Except as noted below	30 ft	30 ft	20 ft
DPM	7		1, 2	30 ft	15 ft	20 ft
DPM	11		12	30 ft	15 ft	20 ft
DPM	13		8, 9, 10	30 ft	15 ft	20 ft
DPV	1-9	All		30 ft	30 ft	20 ft
DPW	1-5	All		50 ft	30 ft	20 ft
DPW	6	All		30 ft	30 ft	20 ft
DPW	7	All		50 ft	30 ft	20 ft
DPW	8	All		50 ft	30 ft	20 ft
HB			1A & 1B	20 ft	30 ft	10 ft
HM	1	All		30 ft	30 ft	20 ft
HM	2	All		30 ft	30 ft	20 ft
HM	3	All		30 ft	30 ft	20 ft
HM	4		Except as noted below	20 ft	15 ft	15 ft
HM	4		12, 13, 14, 15, 31, 32, 36, 37, 38, 39, 40, 41, 42, 45, 46, 47, 48, 52, 53, 54	10 ft	15 ft	15 ft
HM	4		17, 18, 19, 27, 28, 29, 30	10 ft	15 ft	10 ft
LS	1	All		50 ft	15 ft	15 ft
LS	2	All		30 ft	15 ft	15 ft
SB	1	All		5 ft	15 ft	5 ft
SB	2	All		5 ft	15 ft	5 ft
SB	3	All	Except as noted below	20 ft	30 ft	20 ft
SB	3	10	2-20	20 ft	30 ft	10 ft

R-2 Zone: Table of Setbacks						
Subdivision	Unit	Block	Lots	Front	Back	Side
Alto Village Deer Park Woods Town homes	1,2,3,4,6		All existing as of original date of adoption of this ordinance	As built	As built	As built
Alto Village Deer Park Woods Town homes	1,2,3,4,6		All vacant as of original date of adoption of this ordinance	10 feet	10 feet	10 feet
Alto Village	Site A, Site C		All existing as of original date of adoption of this ordinance	As built	As built	As built
Country Club Condos	A, B		All existing as of original date of adoption of this ordinance	As built	As built	As built
ALG&CC	1	1, 2, 3		30 feet	15 feet	5 feet
ALG&CC	1	4	Except as noted below	5 feet	40 feet	5 feet
ALG&CC	1	4	18, 20, 21, 22	5 feet	30 feet	5 feet
ALG&CC	1	4	5, 19	5 feet	15 feet	5 feet
ALG&CC	2	7	1-17	15 feet	30 feet	15 feet
ALG&CC	3	11	4	15 feet	30 feet	15 feet
ALG&CC	4	14	1-7	15 feet	30 feet	15 feet
ALG&CC	5	14	29-43	20 feet	30 feet	20 feet
ALG&CC	5	16	1-8	20 feet	30 feet	20 feet
DPM	6		3	30 feet	30 feet	20 feet
DPV	7		174, 175, 176	30 feet	30 feet	20 feet
DPW	5	Tracts		50 feet	30 feet	20 feet
HB			1A & 1B	20 feet	30 feet	10 feet
SB	1	1	53-55	5 feet	15 feet	5 feet
SB	1	2	1-8	5 feet	15 feet	5 feet
SB	3	10	2-20	20 feet	30 feet	10 feet

C-N Zone: Table of Setbacks						
Subdivision	Unit	Block	Lots	Front	Back	Side
ALG&CC	4	12	45-52	15 feet	30 feet	15 feet
DPM	1		1-3	30 feet	30 feet	20 feet
DPM	6		1,2,3	30 feet	30 feet	20 feet
DPV	7		174, 175, 176	30 feet	30 feet	20 feet
DPW	5	Tracts		50 feet	30 feet	20 feet
HM	3	12	18	30 feet	20 feet	20 feet
SB	1	2	1-8	5 feet	15 feet	5 feet
SB	2	4	33,34	5 feet	15 feet	5 feet
SB	2	7	1, 2, 3, 28	5 feet	15 feet	5 feet
SB	2	7	4-15	5 feet	15 feet	5 feet

Appendix C: Minimum Square Footage Tables

R-1 Zone: Table of Minimum Heated Square Footage on Main Floor				
Subdivision	Unit	Block	Lots	Minimum Square Feet
All			Except as noted below	1,500
DPM	1 & 2		All	1,500 and minimum of 2,600 heated square feet total
DPM	4		All	1,750
DPV	All except Unit 7			a) 1,750 b) 1,250 for residence with 2,500 heated square feet total

R-2 Zone: Table of Minimum Heated Square Footage on Main Floor				
Subdivision	Unit	Block	Lots	Minimum Square Feet
All				1,500

C-N Zone: Table of Minimum Heated Square Footage on Main Floor				
Subdivision	Unit	Block	Lots	Minimum Square Feet
All				1,500

Appendix D: Height Restriction Tables

R-1 Zone: Table of Height Restrictions				
Subdivision	Unit	Block	Lots	Maximum Height
All			Except as noted below	26 feet
DPM	7, 8, 9, 10, 11, 12, 15		All	1 story
DPM	13		1, 2, 3, 4, 9, 10	1 story

R-2 Zone: Table of Height Restrictions				
Subdivision	Unit	Block	Lots	Maximum Height
All			Except as noted below	26 feet

C-N Zone: Table of Height Restrictions				
Subdivision	Unit	Block	Lots	Maximum Height
All			Except as noted below	26 feet

Appendix E: Fee Schedule

	Zoning Applications and Permits	Fees
Application Fees		
	Filing Fee – Request for a change in zoning	$300 plus notice by applicant
	Filing Fee – Variance	$300 plus notice by applicant
	Filing Fee – Conditional or Special Use Permit	$200 plus notice by applicant
	Short-term Residential Rental Permit	$ 25
	Zoning Certificate of Compliance, upon request	$ 75
	Filing Fee – Notice of appeal of change in zoning	$150 plus notices by applicant
	Filing Fee – Appeal of Variance or Conditional Use Permit	$150 plus notices by applicant
Permit Fees - No Zoning District Permit shall be required for interior work or for exterior painting.		
Enclosed Buildings and Ancillary Structures		
	New construction, including additions to existing buildings, accessory buildings, roof expansion, and enclosure of space already under roof. Fee is inclusive of all work permitted, except landscaping and irrigation, under a single site plan. One permit is required for each dwelling unit or commercial area intended to be occupied by a single business	$150 + $0.10 square foot all square footage under roof, both heated and unheated.
	New exterior construction, including decks, walks, patios, courtyards, fences, dog runs, walls, pools, tennis courts, driveway, parking, paving, landscaping, irrigation and all other exterior improvements. Fee is inclusive of all work permitted under a single site plan. One permit is required for each dwelling unit or commercial area intended to be occupied by a single business.	$ 50
	Zoning District Permit for demolition	$125 Primary Structure $ 50 Secondary Structure
Existing structures, driveways, and landscaping		
	Replacement of the following, with no additions or change in coverage, but with a change of material: Roofing Walls Exterior wall covering Pools Tennis courts Irrigation Decks, walks, patios, courtyards Dog runs Driveway/parking/paving (including "topping")	$ 25
Routine Repair & Maintenance		
	Maintenance or repair of the following, with no additions or change in coverage or material. Roofing (minimal) Exterior walls (minimal) Lot clearing/tree removal Deck (minimal, i.e., board replacement) Pipe Chase Walks, patios, courtyards Dog runs Driveway (i.e., sealcoat)	$ 25 (fee may be waived)
Penalties		
	Violation resolved after notification (Red tag or letter)	$ 50
	Violation resolved after 1st Violation letter	$100
	Violation resolved after 2ND Violation letter	$200
	Failure to respond	Filing of Violation Notice with Lincoln County Clerk, and assessment of additional $300 fine in addition to outstanding permit fees.
	Failure to respond: FOREST HEALTH VIOLATIONS	Referred to ACC for resolution

Penalty Fees will be cumulative

Attachment A: Zone Map

The Alto Lakes Special Zoning District Zone Map, which is produced separately and attached, is a part of this ordinance.