

# Alto Lakes Special Zoning District

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## Meeting Notice for Upcoming Regular Meeting

The Alto Lakes Special Zoning District Commission will hold a Regular meeting on Thursday, February 21, 2012 at 9:00am in the Stag Room at the Alto Lakes Golf and Country Club, 1 Mulligan Drive, Alto, NM. Agenda to be posted on [www.ALSZD.org](http://www.ALSZD.org) no later than twenty-four hours prior to meeting.

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## AGENDA – 21 February 2013

1. Call to order:
2. Roll call:
3. Pledge of Allegiance
4. Approval of Meeting Agenda:
5. Approval of Meeting Minutes for 24 Jan 2013 Regular Meeting:
6. Approval of revised Meeting Minutes for 31 Oct 2011 Special Meeting:
7. VARIANCE/PERMIT REQUESTS (Part 1)

A. Variance Hearing: None

B. Zoning Permits:

- 1) OWNER: Pioneer Bank (Robert Mays) CONTRACTOR: Eric Collins  
LEGAL: LS; B3; L 7 STREET: 196 Crown Ridge  
LEGAL: LS; B3; L 8 STREET: vacant lot Crown Ridge  
REQUEST: Discussion on action on **non-conformance items** with regard to said lots (as outlined in February 11, 2013 letter from the ALSZD to parties having interest in said lots).

MOTION

SECOND:

COMMENTS:

- Construction of the drive (as is presently constructed).
  - a) Include survey showing slope and drainage plan of present drive
- Construction of engineered retaining walls for slope erosion control – Include:
  - a) Village of Ruidoso permit for retaining wall construction over 4 feet in height.
  - b) Drainage plan for discharge water on east side of Lot 7
  - c) Lincoln County Excavation permit

- 2) OWNER: Pioneer Bank (Robert Mays) CONTRACTOR: Eric Collins  
LEGAL: LS; B3; L 7 STREET: 196 Crown Ridge  
LEGAL: LS; B3; L 8 STREET: vacant lot Crown Ridge  
REQUEST: Discussion and action on Replat of Lots 7 and 8, Block 3, Lakeside Estates, Unit 1 i (as outlined in February 11, 2013 letter from the ALSZD to parties having interest in said lots).

MOTION

SECOND:

COMMENTS:

- 3) OWNER: Yule CONTRACTOR: Cyclone Constr \$  
LEGAL: DPM; U2; L2 STREET: 1305 High Mesa  
REQUEST: Add 5' x 26' rear redwood deck w/fortress metal rails; add 5' privacy wall on front patio w/stucco to match existing.

MOTION

SECOND:

COMMENTS: (FU: Santos)

- 4) OWNER: Pope CONTRACTOR: Tim Gibson  
 LEGAL: DPM; U4, L3 STREET: 1316 High Mesa Rd  
 REQUEST: Asphalt paving over existing drive  
 MOTION SECOND:  
 COMMENTS:
- 5) OWNER: Grubb CONTRACTOR: ZiaScapes  
 LEGAL: STREET: 1380 High Mesa  
 REQUEST: Landscaping Amendment – Tabled from 18 Oct “pending new plan”  
 MOTION SECOND:  
 COMMENTS:
- 6) OWNER: Foreman CONTRACTOR: ZiaScapes  
 LEGAL: HM; U4; L5A STREET: 1441 High Mesa  
 REQUEST: Landscaping  
 MOTION SECOND:  
 COMMENTS:
- 7) OWNER: Merrick CONTRACTOR: ZiaScapes  
 LEGAL: DPW; U3; L92 STREET: 210 Deer Park Dr  
 REQUEST:  
 MOTION SECND:  
 COMMENTS:
- 8) OWNER: Anderson CONTRACTOR: Myers  
 LEGAL: DPW; U6; L168A STREET: 103 Porcupine  
 REQUEST: Utility enclosure (stucco/rock veneer to match house); screen’ wall electric, water, gas, meters, etc.  
 MOTION: SECOND:  
 COMMENTS:
- 9) OWNER: Kahn CONTRACTOR: Ray Montes, Personal Touch Constr  
 LEGAL: LS; U1; B3, L26A STREET: 283 Lake Shore  
 REQUEST: addition to gravel parking area  
 MOTION SECOOND:  
 COMMENTS:
- 10) OWNER: Aycock CONTRACTOR: Danny Candalaria  
 LEGAL: HM; U1; B2; L16 STREET: 132 Mira Monte  
 REQUEST: Repair/replace dog run and deck gates with black wrought iron gates  
 MOTION SECOND:  
 COMMENTS:

C. Short-term Rental Permits: None

D. Re-plats: None

8. OLD BUSINESS (Part 2)

A. Sample Book Of Documentation: (On-Going)

Following Ordinance re-write, documentation to be compiled to facilitate paperwork completion by Owners/Contractors. In the meantime, any particularly exemplary paperwork will be identified and extracted by Hastey for the book.

B. Issues/Concerns/Complaints –

C. Past Actions: None

D. Permit Follow-Up: See Attachment 1.

9. New Business (Part 3)

A. New topics:

- 1) Review of Section 29 rewrite concerning Special Use permit and replat procedures (see Attachment 2 for extract of major proposed changes) – Report on review by Counsel.

B. Public Comments:

C. Commissioner Comments:

- 1) Discuss ALSZD file retention/storage and disposition

D. Informal Discussions: None

E. Treasurer's Report.

- 1) Permit Fees:
  - a. Total of permit fees received =
  - b. Additional fees received =
- 2) Bank account:
- 3) Invoice Approvals:
  - a. Porter to investigate insurance renewal –

F. Announcement of Upcoming Meetings:

Next Regular meeting: 7 March 2013 at 9:00; Stag Room of ALG&CC; 1 Mulligan Drive, Alto, NM

G. Adjournment:

/S/ Marti Santos

Secretary

*The agenda for the meeting can be revised and published up to twenty-four hours prior to the meeting and will be posted on the public bulletin board at ALG&CC, Alto, NM. At any time during the Open Meeting the Commission may close the meeting to the public to discuss matters not subject to the New Mexico Open Meetings Act. The Commission may revise the order of Agenda items considered at this Open Meeting.*

# ATTACHMENT 1

## Follow-up Items from Previous Meetings

- 1) OWNER: Jungers CONTRACTOR: Express Stucco Permitted 18 Oct 12  
LEGAL: SB; U1; B1; L40 STREET: 162 Crown Ridge  
REQUEST: Replace existing tie wall with CMU wall  
COMMENTS: As of 22 Jan: Underway. (FU: Porter)
- 2) OWNER: Walker CONTRACTOR: Moebus Permitted 1 Nov 12  
LEGAL: LS; B3; L12 STREET: 206 Crown Ridge  
REQUEST: Waterproof existing front courtyard to prevent leakage to space below. Tile portion of the flooring using rock & artificial grass; add metal roof over existing back deck  
COMMENTS: As of 19 Dec: Not started. (FU: Porter)
- 3) OWNER Ordish / James CONTRACTOR JDP Contractors Permitted 21 Jun/16 Aug 12  
LEGAL SB; U2, B4, L10 STREET 217 Brentwood Dr.  
REQUEST NEW CONSTRUCTION  
COMMENTS: As of 5 Feb: Not started. Cert of Occ (upon completion). (FU: Porter)
- 4) OWNER: Hawkins CONTRACTOR: Bass Brothers Permitted 24 Jan 13  
LEGAL: LS; U2; B4; L21 STREET: 337 Lake Shore Dr  
REQUEST: Remove & replace asphalt shingles  
COMMENTS: As of 5 Feb: Underway. (FU: Santos)
- 5) OWNER: Harrell CONTRACTOR: Eagle Creek Constr Permitted 3 May 12  
LEGAL: ALG&CC; U4, B14, L10A STREET: 101 Greenbrier Ct  
REQUEST: New addition; all stone, roof, decking, finishes to be same as existing.  
COMMENTS: As of 5 Feb: Almost complete; rear roofing to be finalized (FU: Santos)
- 6) OWNER: Neal CONTRACTOR: Dancing Bear Permitted 18 Oct 12  
LEGAL: ALGCC, U4, B12, L29 STREET: 101 Grapevine Ct  
REQUEST: Carport attached to existing deck (color & roofing to match existing)  
COMMENTS: As of 5 Feb: Underway. (FU: Porter)
- 7) OWNER: Damron CONTRACTOR: Owner Permitted 6 Dec 12  
LEGAL: ALG&CC; U4; B12; L45 STREET: 230 Fort Stanton Road  
REQUEST: Downsize and rebuild deck; redwood; treated lumber; footing  
COMMENTS: As of 5 Feb: Underway. (FU: Santos)
- 8) OWNER: McConnell CONTRACTOR: Tower Construction Permitted 15 Mar 12  
LEGAL: AL; U7, B17, L37 STREET: 166 Del Monte Dr  
REQUEST: Storage Addition within Carport; underneath house  
COMMENTS: As of 5 Feb: Not started. (FU: Santos)
- 9) OWNER: Hicks CONTRACTOR: Owner Permitted 6 Dec 12  
LEGAL: ALGCC; U5; B14; L25 STREET: 221 Midiron Dr  
REQUEST: Construct exterior deck directly underneath existing entry-level deck - for access to crawl space/heating, and plumbing. (no excavation); redwood; stain to match existing deck & stairs.  
COMMENTS: As of 5 Feb: Underway. (FU: Santos)
- 10) OWNER: Stelzer CONTRACTOR: Adam Rogers Permitted 7 Feb 13  
LEGAL: AL; U2; B4; L27 STREET: 811 High Mesa

- REQUEST: Replace windows w/new – no change in coverage; Addition of asphalt drive along front of house; paint existing stucco (elastomeric); re-stain deck same as existing. Pergola/arbor over front deck.
- COMMENTS: (FU: Porter)
- 11) OWNER: Brininstool CONTRACTOR: Cowen Permitted 20 Dec 12  
 LEGAL: ALGCC; U2, B6, L12 STREET: 120 French Dr  
 REQUEST: Additions: Dining Room, Laundry Room, Expand Kitchen, Concrete Porch, Covered Bar-B-Que, Deck, Master Bath, Guest Bath, & 2nd Level Guest Suite. Landscaping – terracing; borders; creek bed; river rock; berm circular drive; drip irrigation; mulch; synthetic turf – permitted 7 Feb 13  
 COMMENTS: (FU: Porter)
- 12) OWNER: Keener CONTRACTOR: Ratliff Permitted 7 Jun 12  
 LEGAL: DPW, U1, L20 STREET: 141 Deer Park Dr  
 REQUEST: NEW CONSTRUCTION  
 COMMENTS: As of 5 Feb: Underway. Cert of Occ (upon completion). (FU: Porter)
- 13) OWNER: Winston CONTRACTOR: Chandler Builders Permitted 4 Oct 12  
 LEGAL: DPW; U1, L137 STREET: 112 Bull Elk Ct  
 REQUEST: Re-build deck; add cover. All new finishes (deck, rails)  
 COMMENTS: (FU: Porter)
- 14) OWNER: Kelley CONTRACTOR: Owner Permitted 20 Dec 12  
 LEGAL: DPW; U2; B; L56 STREET: 172 Deer Park Dr  
 REQUEST: NEW CONSTRUCTION; fence  
 COMMENTS: As of 5 Feb: Underway (FU: Porter)
- 15) OWNER: Wright CONTRACTOR: Owner (A.D. Powers) Permitted 1 Nov 12  
 LEGAL: HM; U3; B12; L19 STREET: 166 Stable Road  
 REQUEST: Build shaft and install a 5x6 elevator on south side of home between main & second floors. Add 8 x 16 deck to main floor, and 8 x 8 deck to lower level of east side of home.  
 COMMENTS: As of 5 Feb: Underway. (FU: Santos)
- 16) OWNER: Bramblett CONTRACTOR: Alto Mesa Builders, Inc. Permitted 19 Apr 12  
 LEGAL: DPW; U6, L167 STREET: 101 Porcupine Ct  
 REQUEST: NEW CONSTRUCTION  
 COMMENTS: COMPLETE; **OBTAIN Cert of Occ**
- 17) OWNER: Schultz CONTRACTOR: Ratlif Permitted 18 Oct 12  
 LEGAL: DPV; U8; L229A STREET: 174 Antler  
 REQUEST: Install Girard roof over rear courtyard; install stamped concrete floor in existing rear courtyard  
 COMMENTS: As of 5 Feb: Underway. Block & lumber on ground. (FU: Porter)
- 18) OWNER: Ratliff CONTRACTOR: Ratliff Permitted 7 Feb 13  
 LEGAL: DPV; U8; L 149 STREET: 113 (111?) Reindeer  
 REQUEST: NEW CONSTRUCTION  
 COMMENTS: (FU: Porter)
- 19) OWNER: Buechter CONTRACTOR: Alto Mesa Builders **EXT EXPIRED**  
 LEGAL: DPV; U9 L240 STREET: 210 Saddleback Rd.  
 REQUEST: Add 41x 6' covered walkway at west side of house  
 COMMENTS: As of 13 Nov: Underway (cover complete; needs walkway). (FU: Porter)

- 20) OWNER: Stewart CONTRACTOR: GNC Investments, Inc Permitted 6 Sep 12  
 LEGAL: DPV, U8, L201 STREET: 237 Saddleback  
 REQUEST: NEW CONSTRUCTION  
 COMMENTS: As of 5 Feb: Underway. Cert of Occ (upon completion). (FU: Porter)
- 21) OWNER: Yule CONTRACTOR: Cyclone Constr Permitted 24 Jan 13  
 LEGAL: DPM; U2; L2 STREET: 1305 High Mesa  
 REQUEST: Replace 5 windows – low E glass; stucco repair; no color change  
 COMMENTS: (FU: Santos)
- 22) OWNER: Sherman CONTRACTOR: Cornelius Constr Permitted 6 Dec 12  
 LEGAL: DPM; U8; L12A STREET: 107 Sunflower  
 REQUEST: Addition & new roof structure over existing house  
 COMMENTS: As of 5 Feb: Underway. (FU: Santos)
- 23) OWNER: Fisher CONTRACTOR: Prewitt Constr Permitted 4 Oct 12  
 LEGAL: DPM; U13; L5A STREET: 108 Paint Brush  
 REQUEST: NEW CONSTRUCTION  
 COMMENTS: As of 5 Feb: Underway. Cert of Occ (upon completion). (FU: Santos)
- 24) OWNER: Starnes/Lindsey CONTRACTOR: SB Ent. (P. Fanning) Permitted 1 Nov 12  
 LEGAL: DPM; U12; L8 STREET: 125 Water Spirit Trail  
 REQUEST: Convert existing b/r to media room; add 19 x 24 sq ft addition to increase size; replace b/r & ba. Roof & stucco colors to match existing. Expand deck; move deck stairs and replace landing. Deck restrain to match existing. Revise landscaping to go around addition.  
 COMMENTS: As of 5 Feb: Underway.. (FU: Santos)
- 25) OWNER: Pettis CONTRACTOR: Permitted 21 June 12  
 LEGAL: HM; U1, B3, L20 STREET: 127 Mira Monte  
 REQUEST: Addition of attached storage; repair/replace rotten soffits, kitchen window  
 COMMENTS: As of 5 Feb: Underway.: Underway (FU: Santos)

**ATTACHMENT 2**

**Proposed Amendment to Section 29 of the ALSZD Ordinance  
regarding Replats, Lot Combinations, Subdivisions**

**Some additional proposed definitions are not included in this Attachment.**

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

- A. **Purpose.** Establish requirements and procedures for the granting of Variances, ~~and~~ Conditional or Special Use Permits, Replats that meet 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, Replat Permit. 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 (lot combination) Permits.**

1. **Generally.** All replats, lot split, and or conveyance 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.) ~~between the respective lot owners,~~ 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. Not lot may be subdivided into a smaller parcel, nor sold in less than 100% of the original size. (????)

**Set back restrictions:**

- (1) The more restrictive lot setbacks of the two lots shall apply to the newly combined lot replat. [OR "to the replat of the combined lots."] Reduction of setbacks due to lot combination is not allowed.

**b. Zoning Restrictions:**

- (1) The more restrictive zoning [designation?] will apply to the ~~new~~ replat combination.
- (2) If lot division of a middle lot 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 as per the "Variance" process as outlined in Section 29 of the ALSZD Ordinance.

Examples:

- IF Lot A is zoned R-1 Single-Family Residential, lot B is C-N Neighborhood, THEN the new lot combination would be Zoned as R-1.
- IF Lot A is zoned R-1 Single-Family Residential, vacant Lot B is also zoned R-1, Lot C is zoned C-N Neighborhood Commercial Zone, THEN if any portion of vacant Lot B is requested to have higher Zoning [designation?] (R-2, C-N, C-CC, CS) this replat shall be presented as a Variance **OR** "would require a Variance Hearing," ... and shall be shown to present no adverse impact (i.e., 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.

2. The Replat Special Use Permit Application and Review Process shall be as follows:

**a. Applications**

- 1) Inaccurate or incomplete information may cause a delay in the Approval process
- 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) Each application shall be filed in accordance with the requirements and schedules set forth in Commission's Application Handbook
- 4) 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.

- b. Plats.** All applications for Zoning District Permits shall be accompanied by a plat, showing with dimensions the lot lines, side and front setbacks, in existence and proposed, utility easements, building or buildings, location of buildings 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.** The re plat will have the following signature blanks, approval should be in the following order of presentation:

- 1) **Dedication.** Claim of exemption approval from Lincoln County Sub Division Act, all related signatures shall be on replat survey or attached letter of exemption approval from Lincoln County. Reference is made to ALSZD definitions" 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 Golf & Country Club (ACC)
- b) Alto Lakes Special Zoning District (ALSZD)

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, the application shall be approved by Commission vote at a regularly scheduled meeting. Comment from the public will be solicited.
- 2) Zoning District Replat, Special Use Permit shall be issued in the form of summary process signing of the presented replat, if the application is approved by the District Zoning Commission.
- 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, **or replat**.
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, ~~and~~ Conditional or Special Use Permits, Replats:
1. To file the approved Variance, ~~or~~ Conditional or Special Use Permit or Replat 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, ~~or~~ Conditional or Special Use Permit or Replat is granted.
  3. To commence any work for which the Variance or Conditional 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, ~~or~~ Conditional or Special Use Permit or Replat 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, the Variance, Conditional or Special Use Permit, or Replat following a public hearing before the Zoning Commission, 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.