

# **ARTICLE 1: TITLE, PURPOSE, AND INTENT**

## Section 1. Title

This Ordinance shall be known as the "Roswell Zoning Ordinance" except as referred to and cited herein, where it shall be known as "this Ordinance".

## Section 2. Purpose

The regulations and restrictions hereinafter provided have been made in accordance with a comprehensive master plan heretofore duly adopted and approved and are intended to create orderly, harmonious, and economically sound development. These regulations and restrictions are designed to promote the public health, safety, comfort, morals, convenience, and general welfare; to secure adequate light, air, and safety from fire and other dangers, to conserve the value of land and structures throughout the City; to prevent the overcrowding of land and undue concentration of structures; to avoid undue concentration of population, water, sewage, schools, parks, and other public requirements; to lessen or avoid congestion in the public streets; and to divide the City into districts, and restrict and regulate therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land, whether for residential, commercial, industrial, or other specified uses.

## Section 3. Application of the Zoning Ordinance

All property, except that property exempted by law, is governed according to the zoning district in which it is located. Any use not designated as a permitted or special use in a zoning district, except as otherwise provided herein.

No building or land shall be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations specified for the zoning district in which it is located. No building shall be erected or altered to exceed the height, accommodate or house a greater number of families, occupy a greater percentage of land area, or have smaller front, rear, or side yards than is specified for the zoning district in which such building is located. No part of a yard, off-street parking space, or other open space required for a building shall be included as a part of a yard, off-street parking space, or other open space required for another building.

## Section 4. Authority and Jurisdiction

This Ordinance is enacted for the purpose of establishing and carrying into effect the several powers, duties and privileges conferred upon the City of Roswell in, under and by Act of the New Mexico Statutes Annotated, 1978 together with acts mandatory thereof and supplementary thereto.

## Section 5. Interpretations and Conflicts

It is not intended by this Ordinance to interfere with, or abrogate and annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Ordinance imposes a greater restriction this Ordinance shall control.

#### Section 6. Severability

If any section, subsection, paragraph, sentence, clause, phrase or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected since it is the express intent of the City of Roswell to pass each section, subsection, paragraph, clause, phrase, and every part thereof separately and independently of every other part.

**ARTICLE 2:  
ADMINISTRATION**

Section 1. Organization

The administration of this Ordinance is hereby vested in:

- a. City Manager
- b. Planning and Zoning Commission
- c. City Council

Section 2. City Manager

The City Manager and those employees of the City of Roswell under his supervision and direction shall administer and enforce the provisions of this Ordinance, and in addition thereto and in furtherance of the City Manager's authority, shall:

- a. Receive, file, and forward copies of applications for rezonings, special uses, variances, and amendments to this Ordinance to the Planning and Zoning Commission.
- b. Review and analyze all applications received, assemble staff recommendations, and transmit such recommendations to the Planning and Zoning Commission.
- c. Receive determinations concerning rezonings, special uses, and variances from the Planning and Zoning Commission and report such determinations to the City Council.
- d. Receive recommendations concerning amendments to this Ordinance from the Planning and Zoning Commission and transmit same to the City Council.
- e. Receive and file copies of all written requests for appeals by any person or persons aggrieved with the Planning and Zoning Commission's decision concerning rezonings, special uses, or variances, and other matters relating to the administration and enforcement of this Ordinance, and transmit same to the City Council.
- f. Cause inspections of buildings, structures, and uses of land to determine compliance with the provisions of this Ordinance, and where there are violations, initiate action to secure compliance.
- g. As part of the building permit process, conduct site plan reviews of all new

construction to determine if said construction complies with the provisions of this Ordinance.

- h. Maintain current and permanent records of this Ordinance, including but not limited to: maps, rezonings, special uses, variances, amendments to this Ordinance, non-conforming uses, appeals, and applications - including the recording of district amendments and special uses on the official zoning map.
- i. Decide or make recommendations on all other matters under this Ordinance upon which the City Manager is required to act.
- j. Provide such technical assistance as may be required by the Planning and Zoning Commission or the City Council in the exercise of their respective duties.
- k. Provide and maintain public information services relative to matters arising out of this Ordinance.

Section 3. Reserved

Section 4. Planning and Zoning Commission

The Planning and Zoning Commission, being duly appointed, shall:

- a. Receive, hear, and make final determinations on applications for rezonings, special uses, and variances in the manner prescribed by and subject to the procedures established herein and report said determinations to the City Council.
- b. Receive, hear, and make recommendations on requests for amendments to this Ordinance in the manner prescribed by and subject to the procedures established herein and in other ordinances and transmit same to the City Council.
- c. Instruct the City Manager, from time to time, to make or initiate studies and draft reports concerning issues arising from this Ordinance and from other planning and zoning practices.

Section 5. City Council

The City Council, being duly elected, shall:

- a. Receive recommendations on requests for amendments to this Ordinance from the Planning and Zoning Commission and hear and make determinations upon same in the manner prescribed by and subject to the

procedures established herein and in other ordinances.

- b. Receive and hear all written requests for appeals by any person or persons aggrieved with the Planning and Zoning Commission's decision concerning rezonings, special uses, or variances and other matters relating to the administration and enforcement of this Ordinance.
- c. Instruct the City Manager, from time to time, to make studies or initiate studies and draft reports concerning issues arising from this Ordinance and from other planning and zoning practices.

## **ARTICLE 3**

### **AMENDMENTS, CHANGES AND PROCEDURES**

#### Section 1. Procedures

- a. Generally. Applications for amendments to this Ordinance, request for rezonings, special uses, conditional uses and variances shall be made and reviewed according to the following procedure:
  1. Applicants will first confer with the Planning and Zoning Staff. The staff will initially review the proposed request. If the request consistently carry into effect the provisions of this Ordinance, the Staff will issue the approved application forms. The Staff will explain the process as prescribed by this Ordinance to pursue the application.
  2. The applicant is required to submit the approved application forms along with the required processing fee, in advance of the time and date established as the deadline.
  3. A city staff review shall take place at least five (5) days in advance of the Planning and Zoning Commission meeting at which the application is to be heard.
- b. Public Hearing. This Ordinance, its amendments, rezonings, special uses, conditional uses and variances may become effective only after a public hearing, in accordance with Open Meetings Act 10-15-1 through 10-15-4 N.M.S.A 1978, has been held at which all interested parties will have an opportunity to be heard. Notice of the time and place of the public hearing shall be published at least fifteen (15) days prior to the date of the hearing in a newspaper with general circulation in the jurisdiction of the Planning and Zoning Commission and City Council. Whenever a parcel, lot or area of land is to be considered for a rezoning, special use, conditional use or variance, notice of public hearing shall be mailed by certified mail - return receipt requested to the owners, as shown by the records of the County Assessor, of lots or land within one hundred (100) feet of and in every direction from the area under consideration, excluding distances devoted to public rights-of-way.
- c. Protest. Any interested parties who take exception to a proposed rezoning, special use, conditional use or variance may file a written protest with the City Clerk prior to the public hearing held by the Planning and Zoning Commission at which the proposed rezoning, special use, conditional use or variance will be considered. The written protest shall list the names, addresses, and signatures of property owners affected by the proposed change; whether the owner's property is situated within one hundred (100) feet of, or more than one hundred (100) feet of, the area proposed to be

changed, such distance to be calculated as prescribed herein; and reasons why the property owners take exception to the proposed change.

- d. **Vote Requirements.** Any proposed amendment to this Ordinance, rezoning, special use, conditional use or variance shall be approved by the following vote requirements:
1. Approval of a proposed rezoning, special use, conditional use or variance shall require a favorable vote from the majority of the Planning and Zoning Commission members present.
  2. Any written protest against a proposed rezoning, special use, conditional use or variance, prepared and filed in accordance with the procedures established herein, by persons owning property that represents twenty (20) percent or more of the land area within one hundred (100) feet of the area proposed to be changed, such distance to be calculated as prescribed herein, shall require a favorable vote of two-thirds (2/3) of all of the members of the Planning and Zoning Commission, whether or not they are present, for approval of the proposed change.
  3. Decisions by the Planning and Zoning Commission on requests for rezonings, special uses, conditional uses and variances shall be final and effective on and after 12:00 noon of the second day following the day of the decision and shall thereafter effect changes on the Official Zoning Map.
  4. An appeal of a Planning and Zoning Commission decision to the City Council, prepared and filed in accordance with the procedures established herein, shall stay the effective date of the decision until a decision on the appeal is made by the City Council.
  5. Any proposed amendment to this Ordinance shall require a recommendation from the Planning and Zoning Commission and shall then require a favorable vote from the majority of the City Council members present for approval.
- e. **Limitations.** A proposed rezoning, special use, conditional use or variance which has been denied by the Planning and Zoning Commission and/or City Council on a particular tract of land for a particular purpose cannot again be applied for within one (1) year from the date of the denial, unless the new request is determined to be substantially different from the original request (i.e. an application for a different but not necessarily a more restrictive zoning district, use, distance, area, etc.).

## Section 2. Amendments to this Ordinance

- a. Generally. Amendments to this Ordinance may be initiated by the City Council, Planning and Zoning Commission, City Manager, or any person or party. An amendment to this Ordinance involves changes in its text and wording, including but not limited to changes in the regulations regarding uses, setbacks, heights, lot areas, definitions, administration, and/or procedures.
- b. Application for an Amendment to this Ordinance. If any person or party initiates a request for an amendment to this Ordinance, the request must be made on the approved application form and submitted in accordance with the procedures established herein. The request must state the exact section of this Ordinance proposed for amendment, the proposed substitute wording, the reasons for requesting the amendment, and any other information which the City Manager feels that the Planning and Zoning Commission and the City Council may require to make a proper decision on the matter. Graphic material may also be submitted if it will assist in understanding the benefits of the amendment.
- c. Public Hearing. No amendment to this Ordinance shall be adopted until a public hearing has been held by the Planning and Zoning Commission and the City Council in accordance with the procedures established herein.
- d. Review and Recommendation by the Planning and Zoning Commission. The Planning and Zoning Commission shall review, study, and recommend to the City Council whether or not to adopt a proposed amendment to this Ordinance. In its deliberations, the Planning and Zoning Commission shall consider all oral or written statements from the applicant, the public, the City staff, and its own members. The Planning and Zoning Commission shall not recommend approval unless it finds that the adoption of the proposed amendment to this Ordinance is in the public interest and is not solely in the interest of the applicant.
- e. Hearing and Decision by the City Council. The City Council shall review, hear, and decide whether or not to adopt a proposed amendment to this Ordinance. In its deliberations, the Council shall consider the Planning and Zoning Commissions recommendation and all oral or written statements from the applicant, the public, the City staff, the Planning and Zoning Commission members, and its own members. The Council shall not vote for approval unless it finds that the adoption of the proposed amendment to this Ordinance is in the public interest and is not solely in the interest of the applicant.
- f. Limitations, Amendments, and Revisions. The City Council may approve the

proposed amendment, deny it, or table it for not more than one regularly scheduled City Council meeting or for a period of time specified at the public hearing. If approved, the City Manager shall revise this Ordinance accordingly.

### Section 3. Rezonings

- a. Generally. The Planning and Zoning Commission may, from time to time, change the zoning of parcels of land within the municipality. These changes in zoning classification shall be for the purpose of meeting the land use needs of the residents of the City in conformance with the City's Land Use Plan. Rezoning may be initiated by the City Council, Planning and Zoning Commission, City Manager; or by application of any person or party owning property to be considered for rezoning.
- b. Application for a Rezoning. An applicant for a rezoning shall complete and submit the approved application in accordance with the procedures established herein. The applicant shall be the property owner, have some controlling interest in the property, or have the written consent and signature of the property owner. In addition, the application shall include the following information:
  1. The legal and common description of the property to be rezoned.
  2. The property's present and proposed zoning classification.
  3. The recommendation for use of the property by the City's Land Use Plan.
  4. The reasons for requesting the rezoning.
  5. Any other information which the City Manager feels that the Planning and Zoning Commission may require to make a proper decision on the matter.
- c. Public Hearing. No rezoning shall be approved until a public hearing has been held by the Planning and Zoning Commission in accordance with the procedures established herein.
- d. Hearing and Decision by the Planning and Zoning Commission. The Planning and Zoning Commission shall review, hear, and decide whether or not to approve a request for rezoning. In its deliberations, the Planning and Zoning Commission shall not approve a request for rezoning unless it finds the rezoning conforms to the City's Land Use Plan and that it is in the public interest and is not solely in the interest of the applicant.

- e. Limitations, Amendments, and Revisions. The Planning and Zoning Commission may approve a request for rezoning, deny it, or table it for not more than one regularly scheduled Planning and Zoning Commission meeting or for a period of time specified at the public hearing. The Planning and Zoning Commission may approve an amendment to the original request for rezoning by changing the zoning classification of the property in question to any higher and more restrictive zoning classification than that requested by the applicant. For the purpose of this paragraph, the R-S District shall be considered the highest and most restrictive classification and the I-2 District shall be considered the lowest and least restrictive. For whatever zoning classification that may be approved, the Zoning Administrator shall revise the official zoning map accordingly.

#### Section 4. Special Uses

- a. Generally, the development and execution of this Ordinance is based upon the division of the City into districts. Within any one district, the use of land and buildings and the location of buildings or structures as related to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique character and special and unusual impact upon the use of adjacent properties, cannot be properly classified in any particular district. Consideration should be given in each case, of the impact of those uses upon adjacent properties and upon the public need for the particular use in a particular location. Special uses are those uses operated by a public agency or public utility or uses traditionally associated with the public interest. Also, special uses are uses entirely private in character but of such a nature that their operation may give rise to unique problems with respect to their impact upon adjacent properties or public facilities. Special uses may be initiated by the City Council, Planning and Zoning Commission, City Manager, or by application of any person or party owning property to be considered for a special use.
- b. Application for a Special Use. An applicant for a special use shall complete and submit the approved application form in accordance with the procedures established herein. The applicant shall be the property owner, have some controlling interest in the property, or have the written consent and signature of the property owner. The application shall include the following information:
  - 1. The legal and common description of the property to be considered for a special use.
  - 2. The property's present zoning classification.
  - 3. A site plan drawn to scale showing the subject property and adjacent

properties and their dimensions.

4. The location of all existing and proposed buildings and their size, including square footage.
  5. The location of all proposed curb cuts, driveways, off-street parking spaces and loading areas, sidewalks, landscaping, screening, open space areas, signage, lighting, and other related matters.
  6. The special use requested and the reasons for requesting it.
  7. Any other information which the City Manager feels that the Planning and Zoning Commission may require to make a proper decision on the matter.
- c. Public Hearing. No special use request shall be approved until a public hearing has been held thereon by the Planning and Zoning Commission in accordance with the procedures established herein.
- d. Hearing and Decision by the Planning and Zoning Commission. The Planning and Zoning Commission shall review, hear, and decide whether or not to approve a request for a special use. In its deliberations, the Planning and Zoning Commission shall consider all oral and written statements from the applicant, the public, the City staff, and its own members. The Planning and Zoning Commission shall also consider: the interaction of the special use and its site elements conditions both on and off the subject property; the impact of the special use upon the public health, safety, and welfare of the community; existing and anticipated traffic and parking conditions; pedestrian and vehicular ingress and egress; building location, setbacks, and height; architectural and engineering features; landscaping and screening; open space areas; signage; lighting; and other related matters. The Planning and Zoning Commission shall not approve a special use request unless it finds the request conforms to the City's Land Use Plan and that it is in the public interest and is not solely in the interest of the applicant.
- e. Limitations, Amendments, and Revisions. The Planning and Zoning Commission may approve a special use request, deny it, or table it for not more than one regularly scheduled Planning and Zoning Commission meeting or for a period of time specified at the public hearing. The Planning and Zoning Commission may stipulate conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary to protect the value, utilization, and operation of adjacent properties, and to secure compliance with the standards and requirements of this Ordinance and other ordinances. For every special use request approved, the City Manager shall revise the official zoning map accordingly.

## Section 5. Conditional Uses

- a. Generally.

## Section 6. Variances

- a. Generally. The Planning and Zoning Commission may allow a departure from the regulations of this Ordinance pertaining to the size of yards and open space areas, building height and size, lot area, number and location of off-street parking spaces and loading areas, and other matters pertaining to the operation and construction of permitted uses; where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the adoption of this Ordinance, exceptional topographical conditions, other extraordinary or exception situations or conditions of a specific piece of property, or situations or conditions that are generally prevalent in the immediate area, the strict application of this Ordinance would result in peculiar, exceptional, and undue hardship, as distinguished from a mere inconvenience, upon the owner of such property.
- b. Application for a Variance. An applicant for a variance shall complete and submit the approved application form in accordance with the procedures established herein. The applicant shall be the property owner, have some controlling interest in the property, or have the written consent and signature of the property owner, In addition, the application shall include the following information:
  - 1. The legal and common description of the property on which a variance is to be considered.
  - 2. A site plan drawn to scale showing the subject property and adjacent properties and their dimension.
  - 3. The location of all existing and proposed buildings, structures, and other improvements, building sizes including square footage, and their distances from adjacent lot lines.
  - 4. The variance requested and the reasons and existing hardships that have resulted in the request.
  - 5. Any other information which the City Manager feels that the Planning and Zoning Commission may require to make a proper decision on the matter.

- c. Public Hearing. No variance request shall be approved until a public hearing has been held thereon by the Planning and Zoning Commission in accordance with the procedures established herein.
- d. Hearing and Decision by the Planning and Zoning Commission. The Planning and Zoning Commission shall review, hear, and decide whether or not to approve a variance request. In its deliberations, the Planning and Zoning Commission shall consider all oral and written statements from the applicant, the public, the City staff, and its own members. The Planning and Zoning Commission shall also consider the effect of the proposed variance upon the public health, safety, and welfare of the community, traffic and parking conditions, open space areas, danger of fire, and upon the values of property in the surrounding area. The Planning and Zoning Commission shall not approve a variance unless it is satisfied that the request will alleviate some demonstrable and unusual hardship, is consistent with the general intent of this Ordinance, that it conforms to the City's Land Use Plan, and that it is in the public interest and is not solely in the interest of the applicant.
- e. Limitations, Amendments, and Revisions. The Planning and Zoning Commission may approve a variance request, deny it, or table it for not more than one regularly scheduled Planning and Zoning Commission meeting or for a period of time specified at the public hearing. The Planning and Zoning Commission may stipulate conditions and restrictions upon the property benefitted by the variance as may be necessary to comply with the standards set forth in this section and elsewhere in this Ordinance, to reduce or minimize the adverse effect the variance may have upon adjacent properties, and to ensure consistency with the general intent of this Ordinance.

## Section 7. Site Plan Reviews

- a. Generally. Site plan reviews of developments in certain districts are deemed necessary and appropriate to preserve and promote attractive, well-planned, and stable urban conditions. The site plan review ensures the compatible interaction of the site plan elements with conditions both on and off the subject property and ensures the site plan's conformance with the regulations, provisions, and general intent of this Ordinance and other ordinances.
- b. Site Plan Requirements. Site plans of all proposed multiple family dwelling (3 or more units), mobile home park, professional office, commercial, industrial, and other non-residential developments shall be required and submitted as

part of the building permit process. The site plan shall include the necessary information and be submitted in accordance with the standards and procedures as adopted by the City and as required in this Ordinance and other ordinances.

- c. Review and Decision by the City Staff. The City Staff shall review and decide whether or not to approve a site plan. The City Staff shall consider the interaction of the site plan elements with conditions both on and off the subject property, the impact of the site plan upon the existing and anticipated traffic and parking conditions, vehicle and pedestrian ingress and egress, building location and height, architectural and engineering features, amount and location of irrigated and maintained landscaping, screening, lighting, signage, site drainage, loading and unloading areas, conformance to the City Land Use Plan, and other related matters and require that such elements be included on the site plan to ensure the public interest. The City Staff shall not approve a site plan until it is satisfied that it meets the regulations, provisions, and general intent of this Ordinance and other ordinances and that it is in the public interest and not solely in the interest of the owner if the development.
- d. Limitations, Alternatives, and Revisions. The City Staff shall complete the site plan review within five (5) business days of the time of submission. The City Staff shall approve it, deny it, or require revisions for further review. If approved, the City Staff shall issue a building permit allowing construction to commence.

## Section 8. Certificates of Occupancy

- a. Generally. A certificate of occupancy shall be required for any occupancy of a building hereafter erected or structurally altered or for any change in use of an existing building. No building shall be occupied until it has been determined by the City Staff that the building, its premises, and its use conform to the regulations, provisions, and general intent of this Ordinance and other ordinances.
- b. Application for a Certificate of Occupancy. A certificate of occupancy shall be applied for along with the building permit to occupy new or structurally altered buildings or along with the city business license to occupy existing buildings.
- c. Issuance of a Certificate of Occupancy. A certificate of occupancy shall be issued by the Building Inspector within ten (10) business days after the completion of construction and the inspection of the premises by the City Staff. The Building Inspector shall not issue a certificate of occupancy until it has been determined by the City Staff that the building, its premises, and its

use conforms with the regulations, provisions, and general intent of this Ordinance. The Building Inspector May issue a temporary certificate of occupancy to be valid for not more than sixty (60) days from its date of issuance during the completion of any requirements or during partial occupancy of the premises. The Building Inspector may impose guarantees and safeguards contingent upon the issuance of the temporary certificate of occupancy to ensure completion of all requirements.

## Section 9. Appeals

- a. Generally. Any person or party aggrieved with the decision of the Planning and Zoning Commission regarding rezonings, special uses, or variances or any decision or determination made by the City staff in the enforcement of this Ordinance may appeal the decision or determination to the City Council.
- b. Appeal of a Planning and Zoning Commission Decision. The City staff or any person or party aggrieved with the decision of the Planning and Zoning Commission regarding rezonings, special uses, or variances may appeal the decision to the City Council. The appeal shall be submitted, reviewed and heard in accordance with the following procedures:
  1. The appeal shall be initiated by the filing of a written notice with the City Clerk's office prior to 12:00 noon on the second day following the day of the decision.
  2. Prior to 5:00 p.m. on the second day following the day of the decision, copies of the written notice of appeal shall be mailed, by the person or party filing the appeal, to all persons who expressed support of the Planning and Zoning Commission decision; whether in writing prior to, or verbally at their public hearing. Notice to the City, its officers, and employees shall be by the filing with the City Clerk's office.
  3. The notice of appeal shall concisely and specifically set forth in writing the points on which it is urged the decision of the Planning and Zoning Commission should be set aside by the City Council.
  4. The appeal shall be heard by the City Council at its next regular scheduled meeting following the filing of the notice of appeal unless otherwise scheduled by the City Council.
  5. In making a decision on the appeal, the City Council shall consider only those concise and specific points on which the appellant, in his written notice of appeal, urges the City Council to set aside the decision of the Planning and Zoning Commission. The City Council

may request reports from the City staff in addition to the material submitted by the proponents and opponents of the appealed decision.

6. Decisions on appeals by the City Council shall be made by a majority vote unless the decision appealed required a greater than majority vote of the Planning and Zoning Commission in which instance the increased vote requirement shall be applicable to the decision by the City Council on the appeal.
  7. The City Council may deny the appeal, reverse the decision of the Planning and Zoning Commission, or make such modification upon the appeal as it deems necessary, in order to protect the public interest and not solely the interest of the appellant.
- c. Appeal of a Decision or Determination of the City Staff. Any person or party aggrieved with the decision or determination made by the City staff in the enforcement of this Ordinance may appeal the decision to the City Council. The appeal shall be submitted, reviewed, and heard in accordance with the following procedures:
1. The appeal shall be initiated by the filing of a written notice with the City Clerk's office within a reasonable time, not to exceed thirty (30) days from the date of the decision complained of.
  2. Notice to the City, its officers, and its employees shall be by the filing with the City Clerk's office.
  3. The notice of appeal shall concisely and specifically set forth in writing the points on which it is urged the decision or determination of the City staff should be set aside by the City Council.
  4. The appeal shall be heard by the City Council at its next regularly scheduled meeting following the filing of the notice of appeal unless otherwise scheduled by the City Council.
  5. In making a decision on the appeal, the City Council shall consider only those concise and specific points on which the appellant, in his written notice of appeal, urges the City Council to set aside the decision of the City staff. The City Council shall consider all oral and written statements from any member or members of the City staff affected by the appeal.
  6. A decision to deny the appeal shall require a majority vote of all City Council members present. A decision to reverse or revise any decision or determination made by the City staff shall require a two-thirds (2/3)

majority vote of all members of the City Council, whether or not they are present.

- d. Appeal of a Decision by the City Council. Any person or party aggrieved with the decision of the City Council may present the decision to any court of competent jurisdiction for court review within the time and in the manner required by state law.

## ARTICLE 4 DEFINITIONS

### Section 1. Rules of Construction

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- a. Words used in the present tense shall in the present tense shall include the past and future tenses.
- b. The singular number shall include the plural and the plural the singular.
- c. The word "shall" is mandatory and not discretionary.
- d. The word "may" is permissive.
- e. The masculine gender shall include the feminine and neuter genders.
- f. The word "lot" shall include the words "piece", "parcel", and "tract".
- g. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and occupied for".
- h. The word "building" shall include the word "structure".
- i. Any words not defined herein shall be construed in their general accepted meanings as defined in the most recent publication of Webster's Dictionary.

### Section 2. Definitions

For the purpose of this Ordinance, the words and terms used herein shall be defined and interpreted as follows:

**Abut, abutting.** To have a common property line or zoning district line.

**Adjacent.** Touching or contiguous.

**Agri-business.** A business directly related to and supportive on an agricultural use as defined herein.

**Agriculture.** Land, or land and structures, the principal use of which includes the following: the growing of farm crops, truck garden crops, animal and poultry husbandry, dairying, floriculture, horticulture, pasturage; and accessory uses customarily incidental to agricultural activities.

**Airport, heliport.** Any premises, used or intended for use, for the landing and take-off of aircraft, together with all buildings and structures normally associated with such use.

**Alley.** A right-of-way which affords a secondary means of vehicular access to abutting properties.

**Alteration.** Any change in size, shape, character, occupancy, or use of a building or structure.

**Amusement establishment.** A building or structure which may offer a variety of recreational facilities including, but not limited to, pool halls, miniature golf courses, driving ranges, go-cart tracks, amusement parks, skating rinks, and electronic game rooms.

**Animal hospital, clinic.** A building or structure used for the care, observation, and treatment of domestic and domesticated animals.

**Antenna.** (See also *satellite dish antenna and tower*) A wire or set of wires used in transmitting and/or receiving electromagnetic waves and including the supporting structure; includes, but is not limited to, amateur radio antennas, television antennas, and satellite receiving dishes, but excluding telecommunications towers.

**Auditorium.** A building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.

**Automobile and motor vehicle sales.** An open area used for the display or sale of new or used automobiles or other motor vehicles, and where no repair work is done except for minor incidental repair.

**Automobile laundry.** A building or portion thereof where automobiles are washed used a conveyor, blower, steam-cleaning equipment, or other mechanical devices of a production line nature.

**Automobile service station.** A building or portion thereof where gasoline, diesel fuel and other automobile fuels or oils are offered for sale directly to the public and where minor automotive repairs and accessories services may be offered. Automobile service stations do not include open sales lots or junkyards as defined herein.

**Block.** A tract of land bounded by streets, alleys, railroads, or river channels.

**Boarding or lodging home.** A residential building or portion thereof, other than a motel or hotel, containing lodging rooms for accommodation of three (3) or more persons who are not members of the keeper's family and where lodging, meals, or both are provided by pre-arrangement and for definite periods.

**Buildable area.** The space remaining on a lot after the minimum yard requirements of this Ordinance have been complied with.

**Building.** Any structure constructed for the support, shelter, or enclosure of persons, animals, chattels or moveable property of any kind, and which is permanently affixed to the land.

**Building, accessory.** A building which is subordinate to and serves a principal building or use. An accessory building is subordinate in area, extent, and/or purpose to the principal building or use and contributes to the comfort, convenience, and/or necessity of the occupants of the principal building or use being served.

**Building, conforming.** A building or structure which complies with all of the regulations of this Ordinance or any amendment thereto and is designed or intended for a use permitted in a zoning district.

**Building, non-conforming.** A building or structure lawfully established which does not comply with all of the regulations of this Ordinance or any amendment thereto and/or is designed or intended for a use not permitted in a zoning district.

**Building, principal.** A non-accessory building in which is conducted the principal use of the lot on which it is located.

**Building, temporary.** Any building not designed or intended to be permanently located, placed, or affixed in the place it will occupy.

**Business.** Any occupation, employment, or enterprise which occupies, time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered.

**Campground.** Includes but is not limited to tourist camps, travel trailer camps, recreation camps, family campgrounds, camping resorts, camping communities or any other area, place, parcel or tract of land, by whatever name it is called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and/or facilities is granted gratuitously, by rental fee, by lease, by conditional sale or by covenants, restrictions or easements. The definition is not intended to include summer camps, migrant labor camps as defined in state statutes, construction camps, permanent mobile home parks, storage areas for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions and conditions from providing his sanitary facilities within his property lines.

**Camping Unit.** Tent, tent trailer, travel trailer, camping trailer, pick-up camper, motor home or any other device or vehicular-type structure as may be developed, marketed and used by the camping trade for use as temporary living quarters or shelter during

periods of recreation, vacation, leisure time, or travel.

**Carport.** A building used solely for the storage of motor vehicles and containing no enclosing walls, screens, lattice, or other materials than the wall or walls of the building to which it may be attached.

**Club or lodge.** A building which accommodates an association of persons and which facilities are limited and restricted to members and their guests.

**Comprehensive Plan.** Unless otherwise stated, the general plan for land use, transportation, and community facilities prepared, maintained, and adopted by the City of Roswell.

**Day care center.** A private residence, or otherwise, in which care, services, and supervision are provided by individuals for more than six (6) children at any one time.

**Day care home.** Private residences in which care, services, and supervision are provided, by the individuals residing there, for no more than six (6) children at any one time. The care giver's own children, grandchildren, nieces, or nephews under the age of six (6) years shall be counted towards the number of children permitted.

**Duplex.** A two family attached dwelling, on a single lot held under one ownership.

**Dwelling.** A building or portion thereof designed or used exclusively for residential purposes, but not including hotels, motels, boarding or lodging homes, nursing homes, group care residences, mobile homes or travel trailers.

**Dwelling, attached.** A dwelling which is joined to another dwelling by a common wall, vertical cavity wall, or horizontal structural floor.

**Dwelling, detached.** A dwelling which is entirely surrounded by open space on the same lot.

**Dwelling, multiple family.** One building consisting of three (3) or more dwelling units attached by a common wall, vertical cavity wall, or horizontal structural floor.

**Dwelling, single family detached.** A detached dwelling designed for and intended for use by one family.

**Dwelling, two family attached.** One building consisting of two (2) dwelling units attached by a common wall, vertical cavity wall, or horizontal structural floor.

**Dwelling unit.** A room or a group of rooms constituting all or part of dwelling which are arranged, designed, used, or intended for use exclusively as living quarters for one family, including facilities for washing, sleeping, cooking, and eating.

**Family.** An individual or two (2) or more persons related to each other by blood, marriage, or adoption, or a group of not more than four (4) persons not all so related, together with his or their domestic servants, living in a dwelling unit. A family may include, in addition thereto, not more than two (2) boarders, roomers or permanent guests, whether or not gratuitous.

**Farm.** Any tract of land on which an income is obtained from activities defined in the term "agriculture".

**Fence.** A structure, solid or otherwise, which is a barrier and used as a boundary or means of protection, confinement, or concealment.

**Floor area, gross.** The horizontal area of a floor or several floors of a building or structure measured from the exterior faces of exterior walls.

**Floor area, net.** The horizontal area of a floor or several floors of a building or structure; excluding those areas not directly devoted to the principal or accessory use of the building or structure, such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.

**Garage, public.** A building or portion thereof designed or used for servicing, repairing, equipping, hiring, selling, or storage of automobiles.

**Home Occupation.** A business operated from a dwelling and in accordance with the following:

1. The activity is clearly an incidental, secondary, and accessory use of the premises.
2. Only members of the residing family are engaged in the occupation on the premises.
3. No stock, goods, and/or materials are displayed or sold on the premises.
4. The activity is conducted entirely by telephone, mail, or parcel post.
5. That portion or level of the activity conducted at the premises shall be entirely within the dwelling.
6. The activity is not conducted in such a manner or advertised in such a way as to attract consumer traffic or other non-residential traffic.
7. No heavy mechanical equipment is installed or used except such that is used for normal domestic or household purposes.

8. There is no external evidence of the activity of any kind, such as:
  - a. signs
  - b. heavy commercial vehicle delivery and/or storage
  - c. outside storage
  - d. noise, dust, odors, noxious fumes, or other nuisances.
  
9. The home occupation may include the following for consultation or emergency treatment and not for general practice:
  - a. physician
  - b. surgeon
  - c. dentist
  - d. lawyer
  - e. clergyman
  - f. other professional services.
  
10. A home occupation shall not include the following:
  - a. antique shops
  - b. beauty shops or schools
  - c. barber shops
  - d. repair shops
  - e. any other business or establishment of a similar character.

**Home Space.** Specific area set aside for occupancy within a Manufactured/Mobile Home Community (MHC) and offered for rent or lease.

**Hotel, motel.** A building containing lodging accommodations designed for use by transients, travelers, or temporary guests.

**Independent Camping Unit.** Unit including a water-flushed toilet, sink and shower as an integral part of the structure and requiring an on-site sewer connection due to the absence of a waste holding tank on the unit.

**Junkyard.** The use of a lot or portion thereof for the storage, keeping, or abandonment of junk, dismantled automobiles, or other vehicles, or machinery, or parts thereof, including scrap metal, rags, or other scrap material.

**Kennel.** Any building, premise, or portion thereof in which more than three (3) dogs, cats, or other household domestic animals over six (6) months of age are kept or in which more than two (2) such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

**Lot.** A parcel of land adequate for occupancy by a use herein permitted, providing yards, buildable area, and off-street parking as herein provided. This parcel of land,

which is a part of a subdivision or described by metes and bounds, shall have a map or other legal description which is recorded in the County Clerk's office.

**Lot area.** The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

**Lot corner.** A lot which at least two (2) adjacent sides abut, for their full length, upon intersecting streets, provided that the interior angle at the intersection of such two (2) adjacent sides is less than one hundred thirty-five (135) degrees.

**Lot depth.** The average horizontal distance between the front lot line and the rear lot line, measured within the lot boundaries.

**Lot, double frontage.** A lot having frontage on two (2) non-intersecting or parallel streets, as distinguished from a corner lot.

**Lot, interior.** A lot other than a corner lot.

**Lot lines.** The property lines bounding a lot.

**Lot line, front.** The boundary of a lot abutting a street, except on a corner lot where the front lot line shall be the lot line with the shortest dimension.

**Lot line, rear.** A lot line which is most distant from and/or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length or if the lot forms a point at the rear, then the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot line, side.** A lot line which is not a front lot line or a rear lot line.

**Lot width.** The horizontal distance between the side lot lines of a lot measured within the lot boundary measured along the minimum required front yard setback line.

**Lot, zoning.** A parcel of land which is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A "zoning lot" may or may not coincide with a "lot".

**Manufactured/Mobile Home Community.** Two (2) or more mobile homes and/or manufactured homes are located on one or more contiguous lots, tracts, or parcels of land under single ownership, the purpose of which is to provide permanent residential spaces for charge or fee paid for the use of facilities or to offer space free of charge in connection with securing the trade, patronage or services of the occupant.

**Manufactured Home.** Does not include recreational vehicles or modular or pre-manufactured homes, built to Uniform Building Code standards, designed to be permanently affixed to real property.

**Manufactured Home** . (Non-Residential) Includes any movable or portable housing structure over twelve feet in width and forty feet in length which is used for nonresidential purposes. (Source New Mexico Manufactured Housing Act)

**Manufactured Home** . (Residential MHC District) Movable or portable housing structure over thirty-two (32) feet in length and over eight (8) feet in width constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation for human occupancy, as a residence, and which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or may be two or more units separately towed but designed to be joined into one integral unit, as well as a single unit.

**Mobile Home.** Movable or portable housing structure larger than forty (40) feet in body length, eight (8) feet in width and eleven (11) feet in overall height, designed for and occupied by no more than one (1) family for living and sleeping purposes and not constructed in 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 Uniform Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code. (Manufactured Housing Act Section 1. Section 3-21A-2 Definition: A dwelling unit built on a chassis, with a body width not less than eight (8) feet and a body length not less than forty (40) feet, designed to be used as a dwelling, with or without a permanent foundation.) Mobile homes do not include travel trailers, or recreational vehicles.

**Mobile Home.** (Dependent) Mobile home dependent upon toilet and/or bathing or washing facilities provided in a service building.

**Mobile Home.** (Independent) Mobile home independent of toilet and/or bathing or washing facilities provided in a service building.

**Mobile Home Park.** Tract of lots or spaces developed for long term residential use and intended for rent or lease exclusively for mobile homes.

**Multi-section Manufactured Home.** (Residential R-S through R-4 Districts) Multi-section manufactured or modular home that is a single-family dwelling with a heated area of at least thirty-six (36) by twenty-four (24) feet and 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 [Chapter 50, Article 14 NMSA 1978] and with the regulations made pursuant thereto relating to permanent foundations. (Manufactured Housing and Zoning Act [3-21-A-1 to 3-21A-8 NMSA 1978].

**Mobile home subdivision.** A tract of land, subdivided into lots, designated and developed for long term residential use and intended for sale where the residences are comprised of mobile homes.

**Motor freight terminal.** A building, structure, or premises in which freight is brought by truck or rail.

**Multi family residence.** A multiple family dwelling.

**Non-Self-Contained Camping Unit.** Service camping unit which is dependent upon a toilet and lavatory facilities.

**Non-Permanent Foundation.** Various foundational support mechanism or arrangement other than permanent foundation systems. "Manufactured Housing Act" Section 60-14-2.

**Outside storage.** The collection of materials, whether or not classified under junkyard, or whether a principal or accessory use of a lot, that is open to the air and under the sky.

**Oversized Vehicle.** A motor vehicle, trailer, or boat which by itself or together with other structure(s) or vehicle(s) attached to it exceeds twenty (22) feet in length, or eight (8) feet in width, or ten (10) feet in height.

**Perimeter Enclosure.** Provides weather protection to the area beneath the principle structure. Not load-bearing unless engineered to be load-bearing by a licensed engineer or the manufacturer.

**Permanent Perimeter Enclosure.** Constructed or assembled components consisting of durable materials (i.e. concrete, masonry, treated wood or other approved materials) or other materials approved by the Division. "Manufactured Housing Act" Section 60-14-2.

**Permanent Foundations.** Constructed or assembled components consisting of durable materials (i.e. concrete, masonry, treated wood or other approved materials) and required to be constructed on-site with attachments points to anchor and stabilize the manufactured home. Design of the foundation shall be DAPIA (Design Approval Primary Inspection Agencies) approved or designed by a licensed professional engineer in accordance with the manufacturer's specifications. "Manufactured Housing Act" Section 60-14-2.

**Primitive Camps.** Campground characterized by the absence of modern conveniences such as water-flushed toilets, showers and electrical connection; classified as primitive camp when half or more of the required number of toilet seats are non-flush type.

**Professional office.** The headquarters of an enterprise, organization, or place where consulting, record keeping, and the work of a professional person in the following professional occupations is done:

1. Accounting:
  - a. accountants, auditors, tax experts
  - b. credit services
2. Engineering:
  - a. Geologists, geophysicists
  - b. architects, engineers, surveyors
3. Insurance offices
4. Lawyers
5. Medical:
  - a. doctors, dentists, optometrists, chiropractors, oculists
  - b. laboratory technicians and laboratories, excluding outdoor living facilities for animals.
6. Messenger, telegraph, telecommunication, or other answering services.
7. Music and art:
  - a. musicians, dancing studios, dramatic studios
  - b. artists, authors, poets
8. Photography studios
9. Real estate brokers, appraisers, abstractors
10. Other:
  - a. public typists, stenographers, consulting services, clergymen
11. Such other professional office uses comparable and similar in operation, appearance, conduct, and occupation as those listed above and as approved by the Planning and Zoning Commission.

**Recreational Area.** Camping area with a water-flushed toilet, sink, shower and kitchen sink, all of which are connected, as an integral part of the structure, to water storage and sewage holding tank located within the area.

**Recreation building or community center.** A building or group of buildings and/or land offering recreational facilities including, but not limited to gymnasiums, swimming pools,

exercise facilities, meeting rooms, and clubs as distinguished from private clubs and lodges.

**Recycling center.** A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. or A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

**Satellite dish antenna.** A round, parabolic antenna intended to receive signals from orbiting satellites and other sources. Noncommercial dish antennas are defined as being less than 13.12 feet (four meters) in diameter, while commercial dish antennas are usually those larger than 13.12 feet (four meters) and typically used by broadcasting stations.

**Seating capacity.** The actual seating capacity of an area based upon the number of seats or one seat per 24 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the Uniform Building Code.

**Service Building.** Structure housing toilets, showers or sinks.

**Single family residence.** A single family detached dwelling.

**Sink.** Washbowl for washing the face and hand.

**Street, arterial.** A street designed to carry large volumes of traffic and provides for efficient vehicular movement between large areas of the City as designated on the Functional Street Classification Map in the City's Comprehensive Plan.

**Street, collector.** A street designed to carry moderate volumes of traffic from local streets to arterial streets or from arterial to arterial as designated on the Functional Street Classification Map in the City's Comprehensive Plan.

**Street, local.** A street of limited continuity designed to carry low volumes of traffic used primarily for access to abutting properties and the local needs of a neighborhood as designated on the Functional Street Classification Map in the City's Comprehensive Plan.

**Street, road or highway.** A public or private right-of-way which is designated as a permanent right-of-way for common use as the primary means of vehicular access to properties abutting it.

**Tower.** (See also *antenna*) A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications and telecommunications towers.

**Travel trailer or Recreational vehicle.** Designed to be driven, drawn, or placed upon a vehicle and to be used for a short term dwelling unit, **including travel trailers, motor**

**homes, truck campers, and other similar vehicles primarily designed or converted for temporary living quarters for recreational, camping, or travel activities;** measuring eight (8) feet or less in body width and less than thirty-five (35) feet in body length while in transit.

**Use.** The purpose or activity for which a piece of property and/or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained and shall meet the standards and requirements of this Ordinance.

**Use, accessory.** A subordinate use which is clearly and customarily incidental to the principal use of a building or premises, and which is located on the same lot as the principal use or building.

**Use, conditional.** Any use which may be established in the particular zoning district in which it is allowed only upon meeting the conditions and limitations as prescribed by this Ordinance.

**Use, conforming.** The use of a building or premises which complies with all of the applicable use regulations of the zoning district in which said building or premises is located.

**Use, non-conforming.** Any use of a building or structure which, on the effective date of this Ordinance, does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which said building or premises is located.

**Use, permitted.** Any use or building which is or may be lawfully established in a particular zoning district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this Ordinance for the zoning district in which such use or building is located.

**Use, principal.** The main or dominant use of a building or land as distinguished from an accessory use.

**Use, special.** Any use that has unusual operational, physical, or other characteristics that are different from those of the predominant permitted uses in a zoning district - but which is a use that can complement and if otherwise can be made compatible with the intended over-all development within a zoning district. A special use shall locate in a zoning district not only if it meets the conditions and limitations as prescribed by this Ordinance and other ordinances but also meets the conditions and limitations as prescribed as a result of a required public hearing.

**Yard.** An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward except as otherwise permitted in this Ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the minimum required yard regulations for the zoning district in which the zoning lot is located.

**Yard, required front.** A yard which is bounded by the side lot lines, and front lot line, and line parallel to the front lot line located at the depth specified in the minimum required front yard setback regulations for the applicable zoning district.

**Yard, required rear.** A yard which is bounded by the side lot lines, the rear lot line, and a line parallel to the rear lot line located at the depth specified in the minimum required rear yard setback regulations for the applicable zoning district.

**Yard, required side.** A yard which is bounded by the side lot line, the required front yard line, the required rear yard line, and a line parallel to the side lot line located at a width specified in the minimum required side yard setback regulations for the applicable zoning district.

**Zero lot line.** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

### Section 3.

Telecommunication Tower. An antenna or tower intended for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service, or similar forms of electronic communication. The term includes microwave towers, common-carrier towers, and cellular-telephone towers. The definition also includes any accessory structures needed for use of the telecommunications tower.

### Section 4.

Attached as Exhibit A to this Ordinance is a list of the public sites approved for use by telecommunication towers. It is approved herein by reference.

## **Telecommunications Ordinance No. 1301**

### *List of Public Sites*

1. County Jail Complex
2. Coke Field (Parks Department)
3. City Well Site - South Sunset (Utilities Department)
4. St. Mary's Site (County)
5. NMSHTD - District Office (State Outside City Limits)
6. Facilities Maintenance Site (Support Services Department - Outside City Limits)

7. Cielo Grande Park (Parks Department)
8. Optimist Park (Parks Department)
9. Stiles Field (Parks Department)
10. Softball Sports Complex (Parks Department)
11. Wool Bowl Facilities (RISD)
12. NMMI Campus (NMMI)

Section 5. Repealer

All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any Ordinance or part of any Ordinance heretofore repealed.

Section 6. Severability

If any section, paragraph, clause or provision of this Ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this Ordinance.

# ARTICLE 5

## ESTABLISHMENT OF ZONING DISTRICTS

### Section 1. Establishment of Zoning Districts

In order to fulfill the purposes and provisions of this Ordinance, the area within the corporate limits of the City of Roswell is divided into the following zoning districts:

R - S	Rural Suburban
R - 1	Residential
R - 2	Residential
R - 3	Residential
R - 4	Residential
R M S	Residential Mobile Home Subdivision
MHC	Manufactured/Mobile Homes Community District
C - 1	Neighborhood Commercial
C - 2	Community Commercial
C - 3	Central Business
I - 1	Light Industrial
I - 2	Heavy Industrial
P U D	Planned Unit Development

### Section 2. Official Zoning Map

The location and boundaries of the zoning districts established by this Ordinance are set forth on the official zoning map here by adopted by reference and declared to be an official record and part of this Ordinance.

a. Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map of the City of Roswell shall be that map located in the Engineering Department of the City of Roswell, New Mexico, and which shall be the final authority as to the current zoning status of all lands and buildings in the jurisdiction of the city of Roswell.

b. Whenever amendments or changes are made in zoning district boundaries and/or classifications, such amendments or changes shall be made promptly on the official zoning map and become a part thereof.

c. Changes of any kind shall not be made on the official zoning map except in conformance with the procedures set forth in this Ordinance. Any unauthorized change of any kind by any person or party shall be considered a violation of this Ordinance and punishable as provided herein.

d. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and amendments

thereto, the Planning and Zoning Commission may adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but such corrections shall not have the effect of amending or changing the original zoning district boundaries and classifications or any subsequent amendments thereof.

### Section 3. Boundaries

Whenever uncertainty exists with respect to the boundaries of the various zoning districts as shown on the official zoning map, the following rules shall apply:

a. The zoning district boundary lines shall be the centerline of either streets, alleys, railroads, river channels, or easements or the boundary lines of sections, divisions of sections, tracts, blocks, or lots, or such lines extended as otherwise indicated.

b. Where a zoning district boundary line is indicated as approximately following the centerlines of either streets, alleys, railroads, river channels, or easements, then such lines shall be construed to be the zoning district boundaries.

c. Where a zoning district boundary line is indicated as being approximately parallel to the centerlines of either streets, alleys, railroads, river channels, or easements, then the zoning district boundary shall be construed as being parallel thereto and at a distance determined by the use of the scale shown on the official zoning map.

d. Where a zoning district boundary line is not indicated as otherwise herein, and where that zoning district boundary line divides a piece of property that has been or may hereinafter be subdivided into tracts, blocks, and/or lots, then the zoning district boundary line shall be construed to include the entire tract, block, and/or lot if the original piece of property had more than fifty (50) percent of its land area within that zoning district boundary line prior to its subdivision.

e. Whenever any street, alley, or other public right-of-way or easement is vacated as provided by law, then the zoning district adjoining each side of such street, alley, or other public right-of-way or easement shall be automatically extended to the center of such vacation, and the area included in the vacation shall be subject to the regulations of the extended zoning districts.

### Section 4. Annexation of Territory

Any territorial additions to the incorporated area of the City of Roswell resulting from annexation or otherwise shall be classified and regulated under the provisions of the R-S, Rural Suburban District. All uses that have existed prior to their being incorporated into the City but are not permitted in the R-S, Rural Suburban District shall be deemed non-conforming, limiting the extent of their operation as set forth in this Ordinance, until such uses are rezoned into conformance following the procedures established herein.

Property shall not be zoned upon annexation until a public hearing, following the procedures established herein, is held on the proposed zoning after the effective date of the property's incorporation into the City of Roswell.

**ARTICLE 6**  
**R-S RURAL SUBURBAN DISTRICT**

Section 1. Purpose

This district is intended for farming, ranching, and other agricultural uses; very low density single family residential development; and other uses which maintain the low density residential nature of the district.

Section 2. Use Regulations

a. Permitted Uses. In the R-S district, permitted uses are as follows:

1. Accessory uses
2. Agricultural uses
3. Animals, livestock
4. Day care homes
5. Home occupations
6. Publicly owned or operated parks or playgrounds and related buildings
7. Real estate sales office for temporary use in conjunction with the development of a residential subdivision
8. Single family detached dwellings
9. Temporary buildings and mobile homes to be used incidental to construction work and shall be removed upon completion or abandonment of the construction work
10. Temporary signs not exceeding six (6) square feet in area pertaining to the lease, hire, sale of a building or premises provided, however, that there shall be no more than one such sign on any one lot except in new or developing subdivisions; two (2) temporary signs each not exceeding thirty-two (32) square feet in area will be allowed pertaining to the sale of lots or buildings within the subdivision. Permits must be obtained from the building inspector who will determine the location of the signs such that they will not be a traffic hazard. These permits will be reviewable yearly, but signs must be removed when the subdivision is completed.

b. Special Uses. In the R-S district, special uses are as follows:

1. Agri-businesses and nurseries
2. Airports, heliports, and aircraft landing fields
3. Cemeteries, including mausoleums
4. Churches, Sunday school buildings, and other places of worship and those uses traditionally associated with these including, but not limited to: convents, monasteries, parish houses, rectories, seminaries, and child day care services
5. Golf courses and related buildings
6. Landfills
7. Mining, loading, and hauling of sand, gravel, top soil, or other aggregate or minerals, including equipment and buildings or structures for screening, crushing, mixing, washing, storage, or office purposes
8. Oil and gas wells and pumping stations
9. Penal, correctional, and other institutions necessitating restraint of patients
10. Public utility and service uses including, but not limited to: fire stations, electric substations, gas regulator stations, telephone exchanges, microwave relay towers and stations, antenna towers and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity, commercial radio and television towers, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses
11. Riding academies and stables
12. Schools, public or private, elementary, secondary, and colleges
13. Stadiums and arenas.

**ARTICLE 7**  
**R-1 RESIDENTIAL DISTRICT**

Section 1. Purpose

This district is intended for low density single family detached dwellings and other uses which maintain the low density residential nature of the district.

Section 2. Use Regulations

a. Permitted Uses. In the R-1 district, permitted uses are as follows:

1. Accessory uses
2. Day care homes
3. Home occupations
4. Publicly owned or operated parks or playgrounds and related buildings
5. Real estate sales office for temporary use in conjunction with the development of a residential subdivision
6. Single family detached dwellings
7. Temporary buildings and mobile homes to be used incidental to construction work and shall be removed upon completion or abandonment of the construction work
8. Temporary signs not exceeding six (6) square feet in area pertaining to the lease, hire, sale of a building or premises provided, however, that there shall be no more than one such sign on any one lot except in new or developing subdivisions; two (2) temporary signs each not exceeding thirty-two (32) square feet in area will be allowed pertaining to the sale of lots or buildings within the subdivision. Permits must be obtained from the building inspector who will determine the location of the signs such that they will not be a traffic hazard. These permits will be renewable yearly, but signs must be removed when the subdivision is completed.

b. Special Uses. In the R-1 district, special uses are as follows:

1. Cemeteries, including mausoleums
2. Churches, Sunday school buildings, and other places of worship, and those uses traditionally associated with these including, but not limited to: convents, monasteries, parish houses, rectories, seminaries, and child day care services

3. Community Association swimming pools and/or recreational facilities
4. Golf courses and related buildings
5. Parking lots, as a principal use
6. Public utility and service uses including, but not limited to: electric substations, gas regulator stations, telephone exchanges, microwave relay towers and stations, antenna towers and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity, commercial radio and television towers, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses.
7. Schools, public or private, elementary, secondary and colleges
8. Stadiums and arenas.

**ARTICLE 8**  
**R-2 RESIDENTIAL DISTRICT**

Section 1. Purpose

This district is intended for low to medium density single family detached dwellings, two family attached dwellings (duplexes), and other uses which maintain the low to medium density residential nature of the district.

Section 2. Use Regulations

a. Permitted Uses. In the R-2 district, permitted uses are as follows:

1. Any use permitted in the R-1 District
2. Mobile homes on individual lots in an area recommended for such use by the Comprehensive Master Plan and where the applicant for such use shall meet the standards as set forth in Article 11 and be required to receive a permit from the City's Building Department after receiving consent from the majority of the number of property owners on both sides of the street within the same block in which the subject property is located and any other property owners within one hundred (100) feet
3. Two family attached dwellings (duplexes).

b. Special Uses. In the R-2 district, special uses are as follows:

1. Any special use in the R-1 District.

**ARTICLE 9**  
**R-3 RESIDENTIAL DISTRICT**

Section 1. Purpose

This district is intended for medium density residential uses provided through a variety of housing types and other non-residential uses that are compatible with the surrounding area.

Section 2. Use Regulations

- a. Permitted Uses. In the R-3 district, permitted uses are as follows:
  - 1. Any use permitted in the R-2 District
  - 2. Churches, Sunday school buildings, and other places of worship, and those uses traditionally associated with these including, but not limited to: convents, monasteries, parish houses, rectories, seminaries
  - 3. Multiple family dwellings
  
- b. Special Uses. In the R-3 district, special uses are as follows:
  - 1. Any special use in the R-2 District, except those listed as a permitted use in the R-3 District
  - 2. Bed & Breakfast - Three (3) units maximum (includes operators unit)
  - 3. Boarding or lodging homes
  - 4. Day care centers
  - 5. Hospitals, sanitariums, and group care residences
  - 6. Libraries
  - 7. Museums and art galleries
  - 8. Nursing and convalescent homes and retirement centers
  - 9. Professional offices not exceeding 7,500 square feet in gross floor area
  - 10. Professional offices not exceeding 10,000 square feet in gross floor area, where an additional 5% landscaping shall be provided, and side yard setbacks on interior lot lines shall be ten (10) feet.
  - 11. Recreation buildings and community centers

12. Schools; music, dance, business, commercial, and trade.

## **ARTICLE 10**

### **R-4 RESIDENTIAL DISTRICT**

#### Section 1. Purpose

This district is intended for high density residential uses provided through a variety of housing types and other non-residential uses that are compatible with the surrounding area.

#### Section 2. Use Regulations

a. Permitted Uses. In the R-4 district, permitted uses are as follows:

1. Any use permitted in the R-3 District.

b. Special Uses. In the R-4 district, special uses are as follows:

1. Any special use in the R-3 District.

2. Professional offices not exceeding 15,000 square feet in gross floor area, where an additional 10% landscaping shall be provided, and side yard setbacks on interior lot lines shall be ten (10) feet.

**ARTICLE 11**

**RMS RESIDENTIAL MOBILE HOME SUBDIVISION DISTRICT**

Section 1. Purpose

This district is intended to provide an alternative to conventional housing by permitting low density independent mobile and manufactured home development on privately owned lots in subdivisions designed for such development.

Section 2. Use Regulations and Development Standards

- a. Permitted Uses. Any use permitted in the R-1 Residential District.
- b. Special Uses. Any special use in the R-1 district.
- c. Development Standards.
  - 1. Independent Mobile Homes minimum size requirement: (forty (40) feet x eight (8) feet with or without permanent foundation on individual lots.)
  - 2. Manufactured Homes (as defined by the New Mexico Manufactured Housing Act) on individual lots.
  - 3. Single family detached dwellings.

Section 3. Area, Setback, and Height Requirements

The following requirements shall apply to all buildings and structures unless otherwise specified in this ordinance:

RMS-Residential Mobile Home Subdivision		MINIMUM SETBACK REQUIREMENTS (in feet)					
Min. Unit Length 40' Width 8'	Minimum Lot Size	Required Front Yard Local Street	Collector or Arterial Street	Required Rear Yard	Required Side Yard Interior /Corner Local/Collector or Arterial Street	1 Story / 2 Story	Maximum Height: Structure, Sign
	4,500 S.F. Per Unit	20	25	20	5 / 10	20 / 25	35

Section 4. General Standards

Manufactured/Independent Mobile Homes shall be installed according to the requirements contained in New Mexico Manufactured Housing Act in effect at time ordinance passed . Single family detached dwellings units must meet Uniform Building

Codes. All zoning districts must meet City of Roswell Drainage and Flood Control Ordinance.

## **ARTICLE 12**

### **MHC MANUFACTURED/MOBILE HOME COMMUNITY DISTRICT**

#### Section 1. Purpose

The purpose of the Manufactured / Mobile Home Community (**MHC**) is to provide minimum standards for residential development, to insure that each new or enlarged community provides necessary infrastructure, facilities, adequate home space area and set-backs, and to provide other requirements for the public safety, health and general welfare.

#### Section 2. Use Regulations and Development Standards

- a. Permitted Use. In the Manufactured/Mobile Home Community, permitted uses are as follows:
  1. Home Occupations, as permitted by City Ordinance and subject to approval of landlord or manager.
  2. Temporary buildings and mobile homes to be used incidental to construction work to be removed upon completion or abandonment of the construction work.
  3. Temporary signs not exceeding six (6) square feet in area pertaining to the lease of a manufactured/mobile home or premises, provided, however, that there shall be no more than one such sign on any one lot/home space.
  4. On a corner entrance into new or developing community; two (2) temporary signs each not exceeding thirty-two (32) square feet in area will be allowed pertaining to the lease or rental of lots within the community. Signs should not be placed in the sight triangle or where they would be a traffic hazard.
- b. Special Use. Special uses in the MHC district are not permitted.
- c. Development Standards. In the MHC district, development standards are as follows:
  1. Manufactured/Mobile homes (MH): Those uses customarily associated with a mobile home community that are essential to its operation and maintenance, such as direct service facility buildings, community management buildings, maintenance buildings, community buildings, or other buildings of a similar nature.
  2. Structure, accessory: Attached or detached additions to a manufactured/mobile home situated on the manufactured/mobile home space for the use of its occupants, such as decks, open or enclosed carports,

garages, storage sheds, or items of a similar nature, which are subordinate and serve a principal structure or use.

Section 3. Site Requirements

In the MHC district, the following requirements shall apply to all buildings and structures, unless otherwise specified in this Ordinance.

- a. MHC Area. The MHC shall not be less than five (5) acres in size and shall be so dimensioned as to facilitate efficient design and management. A MHC may be developed in phases, provided that each phase conform in all respects with the overall MHC development plan. The development plan must meet City of Roswell Drainage and Flood Control Ordinance. Occupancy shall not be permitted until all infrastructure, facilities and improvements are installed and operational for at least 25 % of that phase's development.
- b. No dependent mobile home shall be occupied in any MHC unless the community provides sanitary facilities and a service building containing toilet and bath facilities meeting the requirements of state and other governmental agencies.

Section 4. Area, Setback, and Height Requirements

MHC- Manufactured/ Mobile Home Community		MINIMUM SETBACK REQUIREMENTS (in feet)						
Min. Unit	Minimum Space:		Required Yard setback:	Building Setback from other property lines:	Spacing Mobile/Manufactured Home:	Attached or Detached Accessory :	Detached Accessory Structure:	Max. Height:
Length 32' Width 8'	Width 40'	Size	Local Collector Street or Arterial Street	Perimeter	Side to Side and End to End	Separation between Structures	Setback from side and/or rear space lines	Structure Sign
	4,000 S.F. Per Unit	25	35	20	20	10	5	35

Section 5. General Standards and Requirements

A community development plan shall be submitted to the Zoning Department in accordance with the procedures established in this ordinance and meeting the following standards and requirements before the issuance of a building permit. (See Article 3, Section 1 for application and review procedures.)

- a. Development Plan. A development plan shall be drawn, on a 24"x 36" reproducible sheet, at a scale on which all necessary details may be clearly shown. The following shall be shown on the development plan:
1. The name of the proposed MHC, the name, and address of the owner or owners of land to be subdivided, the name, day phone and address of the developer if other than the owner or owners, and the name of the land surveyor.
  2. A location map showing the proposed location of the community submitted on smaller separate sheet.
  3. The location of the property with respect to surrounding property and streets, and the names of all adjoining property owners of record or the names of adjoining developments, and the name of adjoining streets.
  4. The location and dimensions of all boundary lines of the property, expressed in feet and decimals of a foot.
  5. The location and width of existing streets, easements, water bodies, streams, and other pertinent features such as railroads, active air strips/runways, buildings, parks, cemeteries, drainage ditches and bridges.
  6. The location and width of all proposed rights-of-way, easements, alleys, other public ways, and proposed building setback lines.
  7. The locations, dimensions, and area of all proposed or existing lots, home spaces.
  8. The location of any proposed accessory structures such as decks, open or enclosed carports, garages, storage sheds, or items of a similar nature, which are subordinate and serve a principal structure or use, to be located on the home spaces.
  9. The date of the map, approximately true north point, and scale.
  10. The locations and dimensions of all property proposed to be set aside for park, playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
  11. Name of all new streets, if applicable.
  12. Indication of the use of any lot (single-section, or multi-section units, and uses other than residential, such as swimming pool, bathing facilities).
  13. All residential spaces, consecutively numbered.
  14. Applicant shall provide the City of Roswell three (3) prints of the development plan at the time of application of an RV Park within the zone district.

15. After final approval of the development plan, the applicant shall furnish the City two (2) final prints of the development plan.

- b. Site Conditions. Conditions of soil, ground water level, drainage, and topography shall not create hazards to the property or to the health, safety, and welfare of the occupants.
- c. Fencing. The MHC shall be effectively screened by placing at the lot lines which form the perimeter of the community, a solid fence or wall made of brick, masonry, stone, or wood, no less than six (6) feet in height or an irrigated and maintained landscaped screening fence or combination thereof planted of a density equaling the opacity and height of a solid fence or wall, or any combination thereof.
- d. Landscaping. Landscaping is required along the perimeter of the community according to the Landscape Ordinance No. 02-2.
- e. Access to the Site. Direct vehicular access to the MHC shall be provided only by means of an abutting collector or arterial street.
- f. Design of Entrance and Exits (Drivepads). Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the MHC and to minimize conflicts with free movement of traffic on adjacent streets. A minimum of two (2) access points shall be provided and all traffic into and out of the community shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavement at intersections shall be a minimum of twenty-five (25) feet to facilitate easy turning movements for vehicles with trailers attached. No object or material impediment to visibility shall be created, placed or maintained which obscures the view of an approaching driver. Drivepad locations shall be constructed in accordance with the current City of Roswell Public Works Specifications.
- g. Internal Streets. Streets shall be provided in the MHC where necessary to furnish principal traffic-ways for safe and convenient access to all spaces and to facilities for common use by MHC occupants. Streets shall be privately owned, constructed, and maintained.
- h. Street Alignment and Gradient. Street alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to satisfactory control of surface water runoff.
- i. Street Surfacing and Maintenance. A sound all-weather driving surface shall be provided as specified in the City of Roswell Public Works Specifications.
- j. Street Widths. Streets shall be of adequate width to accommodate the anticipated parking and traffic load and in all cases shall meet the following minimum size standards:
  - 1. Twelve (12) feet per moving lane.

2. Nine (9) feet per on-street parallel parking lane, where provided.
3. Five (5) feet additional for pedestrian use per side, if sidewalks are not provided.
4. Street widths at access points where traffic enters or leaves the park shall be of sufficient size to permit free movement to or from the stream of traffic on the

adjacent public streets, and no parking shall be permitted which in any way interferes with such free movement.

- k. **Parking Spaces.** Parking spaces shall be provided in sufficient number to meet the needs of the occupants and their guests without interference with the normal movement of traffic. Parking spaces shall be provided in the ratio of two (2) off-street parking spaces per lot, with minimum dimensions of 9' x 18' for each space, and one additional off-street parking space of 9' x 18' for each three (3) lots to provide for guest parking and for delivery and service vehicles.
- l. **Driveways.** Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings and to delivery and collection points for refuse and other materials.
- m. **Manufactured/Mobile Homes.** Manufactured/Mobile Homes shall be installed according to the requirements of the current New Mexico Manufactured Housing Act and according to manufacture's instructions.
- n. **Management Offices and Common Facilities.** The structure or structures containing the management office and other common facilities shall be conveniently located for the uses intended. Consolidation of management, laundry, recreation and other common facilities in a single building and location is acceptable if the single location will adequately serve all the mobile/ manufactured home lots. All structures shall meet the requirements of the current Uniform Building Code and a City of Roswell building permit must be obtained prior to construction.
- o. **Recreation Area.** Not less than five (5) percent of the gross site area shall be devoted to open space for recreational purposes. The open space area should have a central location.
- p. **Type of Occupancy.** No home space shall be rented and/or leased for any use other than residential.

**ARTICLE 13**  
**C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

Section 1. Purpose

This district is intended to provide for retail and personal service types of uses of a limited nature for the consumer population of the neighborhoods in which they are located and is not intended for those types of uses that will either attract the consumer population of the entire community, attract large volumes of traffic, or have an appearance and performance that may be detrimental to the neighborhoods in which they are located.

Section 2. Use Regulations

a. Permitted Uses. In the C-1 district, permitted uses are as follows:

1. Any use permitted in the R-3 and R-4 Districts, except single family detached and two family attached dwellings
2. Accessory uses
3. Barber shops
4. Beauty shops
5. Bed & Breakfast - 5 units maximum (includes operators unit)
6. Boarding or lodging homes
7. Day care centers
8. Drive-in banks and tellers
9. Drugstores
10. Food stores, grocery stores, convenience stores, meat markets, bakeries, delicatessens, not exceeding 5,000 square feet in gross floor area
11. Florists and greenhouses, retail
12. Launderettes and dry cleaning establishments
13. Libraries
14. Museums and art galleries
15. Nursing and convalescent homes and retirements centers
16. Professional offices not exceeding 7,500 square feet in gross floor area.

17. Recreation buildings and community centers
18. Schools; music, dance, business, commercial, and trade
19. Schools; public or private, elementary, secondary, and college
20. Travel agencies
21. Any other use that meets the intent and purpose of this Article and is similar and comparable to those uses listed above.

b. Special Uses. In the C-1 district, special uses are as follows:

1. Amusement establishments
2. Automobile service stations
3. Hospitals, sanitariums, and group care residences
4. Parking lots, as a principal use
5. Professional offices not exceeding 15,000 square feet in gross floor area, where an additional 10% landscaping shall be provided.
6. Public utility and service uses including, but not limited to: electric substations, gas regulator stations, telephone exchanges, microwave relay towers and stations, antenna towers and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity, commercial radio and television towers, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses
7. Stadiums and arenas

## **ARTICLE 14**

### **C-2 COMMUNITY COMMERCIAL DISTRICT**

#### Section 1. Purpose

This district is intended to provide for a wide variety of retail, personal service, wholesale office, and other general service types of uses for the consumer population of the entire community and, because of their heavy traffic generating characteristics and potentially detrimental appearance and performance, are located on the periphery of residential areas along collector and arterial street facilities.

#### Section 2. Use Regulations

a. Permitted Uses. In the C-2 district, permitted uses are as follows:

1. Any use permitted in the C-1 District
2. Amusement establishments
3. Animal hospitals, clinics, kennels, and pounds
4. Antique shops
5. Athletic clubs
6. Automobile accessory stores
7. Automobile and other motor vehicle sales
8. Automobile laundries
9. Automobile service stations
10. Bank and other financial institutions
11. Banquet halls
12. Bicycle stores; sales, rental, and repair
13. Blueprinting and photo-copying establishments
14. Book, stationery, and school supply stores
15. Building material sales and storage, retail
16. Building contractor's office and material storage
17. Business, public, and governmental offices

18. Camera stores, sales and repair
19. Candy and ice cream stores
20. Carpet and floor covering stores
21. Catering establishments
22. Clothing stores
23. Clubs and lodges; private, fraternal, religious, but not gun clubs
24. Convention, exhibition, and civic centers, and auditoriums
25. Department stores
26. Drive-in restaurants
27. Electrical and household appliance stores, sales and repair
28. Employment agencies
29. Food stores, grocery stores, meat markets, bakeries, and delicatessens
30. Funeral parlors
31. Furniture stores
32. Garden supply and seed stores
33. Gift shops
34. Golf courses and related buildings
35. Hardware stores
36. Health centers
37. Hobby shops
38. Hotels and motels
39. Interior decorating stores
40. Jewelry stores
41. Libraries
42. Liquor stores

43. Locksmiths
44. Lumberyards
45. Mobile home and travel trailer sales
46. Musical instrument stores, sales and repair
47. Newspaper offices
48. Office supply stores
49. Outside storage and warehouses incidental and subordinate to the principal use of the property
50. Paint and wallpaper stores
51. Parking lots, as a principal use
52. Pawnshops
53. Pet stores
54. Photography supply, developing, and processing stores
55. Plumbing shops
56. Post offices
57. Printing and publishing establishments
58. Professional offices
59. Public garages
60. Public utility and service uses including, but not limited to: electric substations, gas regulator stations, telephone exchanges, microwave relay towers and stations, antenna towers and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity, commercial radio and television towers, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses
61. Radio and television broadcasting stations
62. Record stores
63. Restaurants, lounges, and liquor establishments

64. Self storage establishments
65. Shoe stores, sales and repair
66. Sign shops
67. Sporting goods stores
68. Stadiums and arenas
69. Theaters, indoor
70. Tobacco shops
71. Toy stores
72. Upholstery stores
73. Variety and discount stores
74. Any other use that meets the intent and purpose of this Article and is similar and comparable to those uses listed above.

b. Special Uses. In the C-2 district, special uses are as follows:

1. Any special use in the C-1 District, except those listed as a permitted use in the C-2 District
2. Airports, heliports, and aircraft landing fields
3. Bottling works
4. Bus stations and terminals
5. Gun clubs
6. Outdoor theaters, drive-in
7. Outside storage, as a principal use
8. Parcel delivery and mail order services, excluding motor freight terminals
9. Penal, correctional, and other institutions necessitating restraint of patients
10. Travel trailer parks meeting the standards set forth in Article 20
11. Welding

**ARTICLE 15**  
**C-3 CENTRAL BUSINESS DISTRICT**

Section 1. Purpose

This district is intended to provide for retail, personal service, wholesale, office, and other general service types of uses for the consumer population of the entire community in a centrally located and contained high density setting.

Section 2. Use Regulations

a. Permitted Uses. In the C-3 district, permitted uses are as follows:

1. Any use permitted in the C-2 District

b. Special Uses. In the C-3 district, special uses are as follows:

1. Any special use in the C-2 District

# **ARTICLE 16**

## **I-1 LIGHT INDUSTRIAL DISTRICT**

### Section 1. Purpose

This district is intended to provide for light manufacturing, fabricating, assembly, disassembly, processing, and treatment activities conducted in a manner not detrimental to the rest of the community by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious materials, odors, fire, or explosive hazards, or glare or heat.

### Section 2. Use Regulations

a. Permitted Uses. In the I-1 district, permitted uses are as follows:

1. Any use permitted in the C-1, C-2, and C-3 districts, except residential dwelling units
2. Any use of which its primary purpose is concerned with the light manufacturing, fabrication, assembly, disassembly, processing, or treatment of goods and products, including but not limited to:
  - a) appliances
  - b) books
  - c) clothing
  - d) drugs
  - e) electrical components
  - f) Glass and ceramics
  - g) plastic and fiberglass products
  - h) sheetmetal
  - i) tools
  - j) toys
  - k) wood-assembly and finishing
3. Bottling works (C-2 Special Use)
4. Bus stations and terminals
5. Food and grain processing, canning, and storage, excluding meat, fish, and poultry.
6. Gun clubs
7. Ice processing and storage
8. Machinery and service
  - a) farm equipment
  - b) diesel tractor and trailer

c) oil and water well drilling equipment

9. One mobile or permanent home to be used as a dwelling unit for a watchman or caretaker and family when located on the premises where they are employed in such capacity
10. Outdoor theaters, drive-in
11. Parcel delivery and mail order services, wholesale distribution centers, and motor freight terminals
12. Warehouses
13. Welding
14. Any other that meets the intent and purpose of this Article and is similar and comparable to those uses listed above.

b. Special Uses. In the I-1 district, special uses are as follows:

1. Airports, heliports, and aircraft landing fields
2. Hospitals, sanitariums, and group care residences
3. Livestock feed and sales yards
4. Nursery school, day nursery, child care center, and other special and similar private schools as an accessory function for employees
5. Oil and gas wells and pumping stations
6. Outside storage as a principal use, and junk yards
7. Penal, correctional, and other institutions necessitating restraint of patients
8. Saw mills.
9. Recycling activities within a structure that has temporary outside storage as a secondary use. All outside storage shall be screened with a minimum of an eight (8) foot solid wall except for access openings, with a maximum opening of sixteen (16) feet to be screened with a solid gate.

## **ARTICLE 17**

### **I-2 HEAVY INDUSTRIAL DISTRICT**

#### Section 1. Purpose

This district is intended to provide for a wide range of industrial activities including heavy manufacturing, fabricating, assembly, disassembly, processing, and treatment activities conducted in a manner not detrimental to the rest of the community by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials odors, fire, or explosive hazards, or glare or heat.

#### Section 2. Use Regulations

a. Permitted Uses. In the I-1 district, permitted uses are as follows:

1. Any use permitted in the I-1 District
2. Any use of which its primary purpose is concerned with the heavy manufacturing, fabricating, assembly, disassembly, processing, or treatment of goods and products, including but not limited to:
  - a) acid
  - b) cement, lime, gypsum, and plaster of paris
  - c) chemicals
  - d) explosives
  - e) gas
  - f) motor vehicles
  - h) paint
  - i) paper products
  - j) rubber products
3. Food and grain processing, canning, and storage, including meat, fish, and poultry
4. Foundries, iron works, and steel fabricating
5. Livestock feed and sales yards
6. Outside storage as a principal use, and junk yards
7. Petroleum products, including refining and storage
8. Saw mills
9. Any other use that meets the intent and purpose of this Article and is similar and comparable to those listed above.

- b. Special Uses. In the I-2 district, special uses are as follows:
1. Any special use in the I-1 District, except those listed as a permitted use in the I-2 District.
  2. Landfills
  3. Mining, loading, and hauling of sand, gravel, top soil, or other aggregate or minerals, including equipment and buildings or structures for screening, crushing, mixing, washing, storage, or office purposes
  4. Recycling activities with a structure that has outside storage as a secondary use. All outside storage shall be screened with a minimum of an eight (8) foot solid wall except for access openings, with a maximum opening of sixteen (16) feet to be screened with a solid gate.

# **ARTICLE 18**

## **PUD PLANNED UNIT DEVELOPMENT DISTRICT**

### Section 1. Purpose

This district is intended to provide an alternative to the conventional approach to zoning by permitting flexibility and innovation in design, placement of buildings, use of open spaces, circulation facilities, and off-street parking areas to encourage a more creative approach in the utilization of land. This district permits a more efficient, aesthetic, and desirable development characterized by special features of the geography, topography, size or shape of a particular piece of property while simultaneously providing a compatible and stable environment in harmony with and at substantially the same population density and area coverage of the surrounding area.

### Section 2. Use Regulations

The PUD district permits any use or combination of uses allowed in the zoning districts established by this Ordinance in accordance with the procedures, requirements, and standards set forth herein.

### Section 3. Procedures, Requirements, and Standards

An application for a planned unit development district shall meet and follow the same procedures, requirements, and standards as that of a rezoning request. In addition, the application shall include a development plan that meets the following requirements and standards:

- a. **Ownership.** The tract shall be under unified ownership or control at the time of application and shall be planned as a whole. If the tract is not to be developed as a whole, a phasing schedule shall be provided showing the chronological order in which portions of the tract are to be developed.
- b. **Conformance with the City's Land Use and Thoroughfare Plans.** The proposed planned unit development shall be consistent with and conform to the City's Land Use and Thoroughfare Plans in terms of land use, density, streets, and traffic.
- c. **Lot Area Regulations.** A proposed residential planned unit development or a residential planned unit development mixed with commercial and/or industrial uses shall consist of an area that is not less than five (5) acres in size. A proposed commercial and/or industrial planned unit development shall consist of an area that is not less than two (2) acres in size.
- d. **Density.** In a residential planned unit development, where a variety of housing types may be provided, the total number of dwelling units allowed shall be determined by either the density standard of the original zoning district classification of the area that is now proposed for the planned unit development district or the density standard as recommended by the City's Land Use Plan. The planned unit development may exceed these maximum density standards by ten (10) percent if it can be demonstrated by the applicant that such an excess will not adversely affect public

facilities nor the enjoyment of adjacent property.

- e. **Setback Regulations.** Building setbacks from all property lines which form the perimeter of the total area devoted to the planned unit development shall result in a development that will blend well with adjacent developments by matching the setback requirements, as set forth elsewhere in this Ordinance, of the original zoning district classification of the area that is now proposed for the planned unit development district or the setback requirements applicable to the adjacent zoning districts.
- f. **Height Regulations.** Heights of buildings and structures shall result in a development that will blend well with adjacent developments by matching the height requirements, as set forth elsewhere in this Ordinance, of the original zoning district classification of the area that is now proposed for the planned unit development district or the height requirements applicable to the adjacent zoning districts.
- g. **Open Space.** Common open space, varying in amount and location, shall be provided to off-set any substantial increase in dwelling unit density or building height or any substantial decrease in interior building setback distances.
- h. **Streets, Utilities, Services, and Public Facilities.** Because of the uniqueness of each planned unit development proposal, the specifications and standards for streets, utilities, services, and public facilities may be different from those normally required in this Ordinance and other ordinances if it can be demonstrated by the applicant that such modification of specifications and standards will not adversely affect the interests of the general public or the entire City. In addition, the planned unit development proposal shall illustrate how the streets, utilities, services, and public facilities, and traffic circulation will function and serve the entire development.
- i. **Off-Street Parking.** The proposed planned unit development and the land use therein shall provide the necessary amount of off-street parking areas and shall illustrate how such areas will adequately serve the entire development.
- j. Any other information which the City Manager deems necessary to properly assess the request for the planned unit development district.

#### Section 4. Requirements Prior to Construction

- a. Additional information shall be submitted either concurrently with the requirements necessary when applying for a planned unit development district, as set forth hereinabove, or separately or in phases, prior to the actual construction of the development. The submittal shall meet and follow the same procedures, requirements, and standards as that of a rezoning request.
- b. The required development plan shall be substantially the same as that submitted for the initial planned unit development district request. In addition to the information previously submitted, the development plan shall include specific details such as, but not limited to: type and placement of buildings and structures, internal building

setback and separation of structure distances; building and structure heights; location, number, and operation of off-street parking spaces; street construction, performance, and maintenance standards and operations; traffic circulation patterns; pavement and right-of-way widths; utility and facility type, location, and service; easement type, location, and service; size and location of open space areas; dwelling unit densities; and any other information which the City Manager deems necessary to properly assess the request.

Section 5. Decisions and Conditions

- a. Approval. The planned unit development request shall be approved after a public hearing has been held where additional conditions may be imposed to insure the public interest and where the development plan, submitted in accordance with the alternative procedures, requirements, and standards set forth hereinabove, has been presented to prescribe the general and/or specific uses, placement of buildings and structures, amount and location of common open space areas, street and utility locations and performances, off-street parking areas, and other previously described items essential to the development's operation and performance.
- b. Building Permit. A building permit shall be issued only if the building or structure, for which the permit is to be issued, is in conformance with the approved development plan and only if all site and facility improvements are in place adjacent to and in front of the location of the building or structure.

# ARTICLE 19 AREA, SETBACK AND HEIGHT REQUIREMENTS

## Section 1. Generally

Every building, structure, and use hereafter constructed, erected, or established shall meet the following area, setback, and height requirements in addition to requirements set forth elsewhere in this Ordinance and in other ordinances.

## Section 2. Residential Districts

The minimum lot size and building location requirements for residential uses and structures in the R-S through R-4 zoning districts are as follows:

Zoning District	Use	Minimum Lot Size	SETBACK REQUIREMENTS (in feet)				Maximum Height	
			Required Front Yard		Required Rear Yard	Required Side Yard		
			Local Street	Collector or Arterial Street		Interior 1 Story/2 Story		Corner Local/Collector or Arterial Street
R-S Rural Suburban	Single Family Residence	2.5 Acres	25	35 *	20	5 / 10	25 / 35	35
R - 1 Residential	Single Family Residence	6,000 S.F.	25	35 *	20	5 / 10	25 / 35	35
R - 2 Residential	Single Family Residence	5,000 S.F.	25	25	20	5 / 10	25 / 25	35
	Duplex <sup>1</sup>	4,000 S.F.						
	Per Unit	25	25	20	5 / 10	25 / 25	35	
R - 3 Residential	Single Family Residence <sup>1</sup>	4,500 S.F.	20	25	20	5 / 10	20 / 25	35
	Single Family Residence <sup>2</sup>	4,500 S.F.	20	25	20	10.0 / 10.0	20 / 25	35
	Duplex <sup>1</sup>	4,000 S.F.						
	Per Unit	20	25	20	5 / 10	20 / 25	35	
	Multi Family Residence <sup>1</sup>	2,000 S.F.	20	25	20	10 / 10	20 / 25	35
R - 4 Residential	Single Family Residence <sup>1</sup>	4,500 S.F.	20	25	20	5 / 10	20 / 25	35
	Single Family Residence <sup>2</sup>	4,500 S.F.	20	25	20	10.0 / 10.0	20 / 25	35
	Duplex <sup>1</sup>	4,000 S.F.						
	Per Unit	20	25	20	5 / 10	20 / 25	35	
	Multi Family Residence <sup>1</sup>	1,500 S.F.	20	25	20	10 / 10	20 / 25	35

\* On lots subdivided and duly recorded after the effective date of this Ordinance Including Summary Plats, Replats, and Revisions of P.U.D. If otherwise, the requirements in effect at the time the lots were subdivided and duly recorded shall apply.

1 All structures on a single lot held under one owner.

2 Common Wall Structures, with the common wall aligned with a side property line. This allows a zero side yard setback on one side with a ten (10) foot side yard setback on the other side, except if the structure has common walls on both side lot lines. Structures sharing a common wall shall be constructed simultaneously.

### Section 3. Commercial and Industrial Districts

All commercial and industrial buildings, structures, and uses in the C-1 through I-2 districts, except the C-3 district, shall meet the following setback, screening, landscaping, and height requirements. Those buildings, structures, and uses in the C-3 district are exempt from the following:

a. Front Yard.

1. The minimum front yard setback shall be forty (40) feet or the setback line established by an existing principal building on an adjacent lot within the same block, whichever is less.

b. Side Yard.

1. A side yard setback shall not be required, except where the side lot line abuts a residential zoning district or an adjacent street.
2. Where the interior side lot line abuts a residential zoning district, the minimum side yard setback shall be twenty (20) percent of the lot width or thirty-five (35) feet, whichever is less. The lot shall be effectively screened by placing, at the lot line, a solid fence or wall made of brick, masonry, stone, or wood, no less than six (6) feet in height; or an irrigated and maintained landscaped area, planted at a density equalling the opacity and height of a solid fence or wall; or any combination thereof.
3. Where the side yard is on the street side of a corner lot, the minimum side yard setback shall be thirty (30) feet of the setback line established by an existing principal building on an adjacent lot within the same block, whichever is less.

c. Rear Yard.

1. The minimum rear yard setback shall not be less than fifteen (15) feet, except where the rear lot line abuts a residential zoning district.
2. Where the rear lot line abuts a residential zoning district the minimum rear yard setback shall be twenty (20) percent of the lot depth or thirty-five (35) feet,

whichever is less. The lot shall be effectively screened by placing, at the lot line, a solid fence or wall made of brick, masonry, stone, or wood, no less than six (6) feet in height; or an irrigated and maintained landscaped area, planted at a density equalling the opacity and height of a solid fence or wall; or any combination thereof.

d. Height.

1. In the C-1 district, a building or structure shall not exceed thirty-five (35) feet in height, except as set forth otherwise in this Ordinance.
2. Except as set forth otherwise in this Ordinance, a building or structure in the C-2, I-1, and I-2 districts that exceeds forty-five (45) feet in height shall be setback from all lot lines a distance equivalent to or in excess of the height of the building or structure. Any addition or portion of the same building or structure that is forty-five (45) feet in height or less shall meet the applicable setback requirements as set forth in this section. In all instances, a building or structure's height shall be subject to approval by the City of Roswell Fire Department.
3. In the C-3 district, a building's or structure's height shall be subject to approval by the City of Roswell Fire Department.

## **ARTICLE 20**

### **GENERAL BUILDING AND PERFORMANCE STANDARDS**

#### Section 1. Purpose

The purpose of this article is to establish general building and performance standards to preserve and promote attractive, well-planned, and stable urban conditions.

#### Section 2. Access to Public Streets

Except in the PUD district and as otherwise provided for in this Ordinance, and in the Subdivision Ordinance, every residential building, constructed or erected after the effective date of this Ordinance, shall locate on a lot which abuts upon a public street.

#### Section 3. Buildings Per Lot

- a. In residential zoning districts, every single family detached dwelling, two family attached dwelling, multiple family dwelling, or mobile home, constructed or erected after the effective date of this Ordinance, shall be located on one (1) duly subdivided and recorded lot, and there shall not be more than one principal building on one lot; except in the R-3 and R-4 zoning districts, Where more than one principal building may locate on one lot if that lot is held in one (1) ownership.
- b. When two (2) or more lots, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which it is located, are contiguous and are held in one (1) ownership, they may be used as one (1) zoning lot for such use.

#### Section 4. Accessory Uses

In all residential zoning districts, accessory uses shall meet the following requirements:

- a. Accessory buildings
  1. General. Except when used for agricultural purposes in the R-S district, an accessory building shall be compatible with the principal building that it serves and shall not be constructed prior to the construction of the principal building.
  2. Location. An accessory building, structure, antenna, or satellite dish shall be located on the same lot as, and shall not be less than sixty (60) feet from the front property line nor shall it be closer than five (5) feet to any property line

nor be nearer than ten (10) feet to, the principle building or structure that it serves or any other structure on that lot.

3. Size. An accessory building, not attached to the principal building or structure, shall not occupy more than forty (40) percent of the required rear yard nor be greater in floor area than the principal building or structure that it serves.
4. Height. An accessory building shall not exceed the height of the principal building or structure which it serves.

#### Section 5. Exceptions to Required Yards

A required yard shall remain open and unobstructed, except as follows:

- a. Eaves, ornamental features, and other ordinary projections normally associated with a residential building or structure may project not more than eighteen (18) inches into the required yard.
- b. Open stairways and balconies, and chimneys, may project not more than five (5) feet into the required yard.
- c. An open and unenclosed porch or paved terrace may project no more than ten (10) feet into a required front or rear yard.
- d. Where a lot is adjacent to a lot with a principal building that projects into the required front yard for the zoning district in which it is located, and if both lots are in the same block on the same side of the street, then the required front yard setback of the lot may be that as established by the adjacent principal building.
- e. In all zoning districts, required off-street parking may be located in the required yards.

#### Section 6. Exceptions to Height Requirements

Except in the C - 3 district, the following are exceptions to the height requirements as set forth in this Ordinance.

- a. Public, semi-public, or public service buildings, hospitals, institutions, or schools shall not exceed sixty (60) feet in height.

- b. Churches and temples shall not exceed seventy-five (75) feet in height.
- c. In residentially zoned areas, radio towers and antennas (non-commercial), monuments, steeples, chimneys, and other similar structures, shall not exceed seventy-five (75) feet in height.

Section 7. Off-Street Parking and Loading Requirements

- a. Location of Off-Street Parking Spaces. All required off-street parking spaces shall be located within the property lines of the same lot that accommodates the building or use being served, except that where an increase in the number of spaces is required by a change or enlargement of a use, or where such spaces are provided collectively and are to be used jointly or shared by two or more uses as provided herein, the required spaces may be located not more than four hundred (400) feet from the property line if the lot accommodates the use being served. If such is the case, a written agreement assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, and shall be filed with the application for a building permit.
- b. Shared Off-Street Parking. Up to fifty (50) percent of the off-street parking spaces provided for other uses may be utilized by those uses seeking additional off-street parking spaces, provided that the two uses are not normally open, used, or operated during the same hours. The parking spaces must be within the distance requirement set forth herein.
- c. Rules for Computing the Number of Off-Street Parking Spaces. The number of required off-street parking spaces to be provided for each use shall be determined as set forth herein.
  - 1. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of a similar nature, as determined by the City Manager.
  - 2. Except as otherwise indicated, the number of parking spaces shall be determined by the net floor area, which for the purpose of this section, shall mean that floor area of the building accessible to or devoted to use by the

customer or patron. Net floor area shall not include those areas used for storage, cooking, stairwells, etc.

3. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
  4. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the change or enlargement.
- d. Minimum Standards for Number of Off-Street Parking Spaces. For every use in all zoning districts, except the C - 3 district, there shall be provided the following minimum number of off-street parking spaces:
1. *Bowling alley*: five (5) spaces for each lane, plus additional spaces as required herein for ancillary uses contained within.
  2. *Business, professional, medical, or public office building*: minimum of three (3) spaces, plus one (1) space for each three hundred (300) square feet of net floor area.
  3. *Church or temple*: one (1) space for each three (3) seats, or seating places.
  4. *Community center, library, museum, or private club or lodge*: minimum of ten (10) spaces, plus one (1) for each three hundred (300) square feet of net floor area.
  5. *Convention, civic, or exhibition center, or dance or assembly hall*: one (1) space for each one hundred (100) square feet of net floor area.
  6. *Daycare facilities*: two (2) spaces for every ten (10) children, plus one (1) space for each employee.
  7. *Furniture and appliance store, household equipment, or furniture repair shop*: minimum of two (2) spaces, plus one (1) for each three hundred (300) square

feet of net floor area.

8. *Hospital*: one (1) space for each two (2) beds plus one (1) space for each employee on the maximum shift.
9. *Hotel, motel*: one (1) space for each room, plus additional spaces as required herein for ancillary uses contained within.
10. *Industrial or manufacturing establishment*: one (1) space for each employee on the maximum shift plus one (1) space for each vehicle used in the conduct of the establishment.
11. *Motor vehicle or machinery sales*: one (1) space for each three hundred (300) square feet of net floor area.
12. *Outside sales areas*: where items for sale are displayed and/or are accessible to or devoted to use by the customer or patron, shall be paved as specified for a parking lot.
13. *Residential dwelling*: two (2) spaces for each dwelling unit.
14. *Restaurant, night club, cafe, amusement establishment, or similar activity*: two (2) spaces for each one hundred (100) square feet of net floor area.
15. *Retail store or bank*: minimum of three (3) spaces, plus one (1) for each two hundred fifty (250) square feet of net floor area.
16. *Retirement or convalescent home, sanitarium or group care facility*: one (1) space for each four (4) beds.
17. *Theater, stadium, or auditorium (except school)*: one (1) space for each three (3) seats in seating spaces.
18. *Shopping center*: five and one-half (5.5) spaces per one thousand (1,000) square feet of net floor area, including area devoted to malls.
19. *Schools*: elementary, two (2) space per classroom; high schools and trade schools, one (1) space for each two (2) students enrolled; colleges, one (1) space per three (3) students.
20. *Warehouses and storage establishment or motor freight terminal*: one (1)

space for each employee on the maximum shift plus one (1) space for each vehicle used in the conduct of the establishment.

- e. Minimum Standards for parking lots. Parking lots shall be designed for efficient traffic flow, driveways and access lanes shall be to City standards, with dimensions to be approved by the City Engineer.
- f. Loading Space Requirements. For every use in all zoning districts, except the C-3 district, requiring the loading and unloading of merchandise and goods, adequate off-street facilities for such loading and unloading within or adjacent to the building shall be provided in a manner as to not obstruct the traffic movement on adjacent streets and alleys.
- g. Construction and maintenance of Off-street Parking and Loading Areas. All parking and loading areas provided in compliance with this Ordinance shall be constructed and surfaced with either a minimum of four (4) inches of base and one and one-half (1 1/2) inches of asphalt, or a minimum of six (6) inches of concrete.
  - 1. Each parking space shall have a minimum dimension of nine (9) feet in depth and eighteen (18) feet in length with circulation drives of adequate width to make each stall accessible and usable.
  - 2. Each loading and unloading space shall have a minimum width of twelve (12) feet, a minimum length of thirty-five (35) feet, and a minimum height clearance of fifteen (15) feet and shall not reduce the required off-street parking area.

## Section 8. Recreational Vehicle Parks And Campgrounds

### Section 1. Purpose

An ordinance enforcing minimum standards for travel trailer and recreational vehicle parks (RV Parks) and primitive campgrounds to promote the public health, safety and welfare, establishing requirements for the design, construction, alteration, extension and maintenance of a RV park and campground and related utilities and facilities.

### Section 2. Use Regulations and Development Standards

- a. Special Uses. In Recreational Vehicles and Campgrounds/RV Parks special uses are as

follows:

1. Where permitted as a special use, recreational vehicle/travel trailer parks (RV Parks) shall meet the following design and performance standards, and an RV Park plan shall be submitted to the Zoning Department in accordance with the procedures established herein and elsewhere in this ordinance before the issuance of a building permit.
- b. Development Standards. A plot plan shall be drawn, on a twenty-four (24) inches x thirty-six (36) inches reproducible sheet, at a scale at which all necessary details may be shown. The following shall be shown on the plot plan:
  1. Name of the (RV Park), ownership, name of developer, scale, north arrow, date, and location map showing the location of the park.
  2. All corners of the development tied by course and distance to established City, County or U. S. Government Survey Monuments, including a description of corner markers and indicate bases of bearings.
  3. Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, with accurate dimensions and bearings on each line and the radius, arc length, tangent length, and central angle for each curve.
  4. Rights-of-way width of each public/private street and paved width, location, dimensions and purpose of any easements, fully described with the development.
  5. Identification of each lot or space by letter or number.
  6. Location and description of monuments, lot corners and other survey points in place.
  7. Reference to recorded plats of adjoining land by record name, date, book and page number.
  8. Certification by a registered land surveyor to the effect that the development plan represents a survey made or certified by the surveyor that all the monuments shown thereon actually exist and their location, size and materials are correctly shown.
  9. Plot plan shall show the existing contours and proposed finish grade contours or elevations for the entire development. Existing contours for the adjacent property and streets shall be shown to the extent required to indicate the existence and solution of drainage problems. Contour intervals shall be selected with regards to the relative slope of the land, but in no event exceed one (1) foot.

10. Applicant shall provide the City of Roswell three (3) prints of the development plan at the time of application of an RV Park within the zone district.
  11. After final approval of the development plan, the applicant shall furnish the City two (2) final prints of the development plan.
  12. Drainage report shall be attached to the plot plan and meet City of Roswell Drainage and Flood Control Ordinance.
- c. If construction has not begun within one year from the date of approval of the development plan, the approval shall be considered null and void.

### Section 3. Area, Setback, and Height Requirements

The following requirements shall apply to all buildings and structures within a RV park, unless otherwise specified in this ordinance.

- a. Park area. The RV park shall be of a size so dimensioned and related as to facilitate efficient design and management.
- b. Setbacks. Building or structure setbacks from all property lines which are adjacent to local public streets shall not be less than twenty (20) feet. Setback from collector or arterial streets shall be not less than thirty-five (35) feet. Building or structure setbacks from all other property lines which form the perimeter of the RV Park shall not be less than twenty (20) feet.
- c. Height. A building or structure shall not exceed thirty-five (35) feet in height.
- d. Lot area. The minimum lot area or space devoted to each RV unit shall not be less than one thousand two hundred and fifty (1,250) square feet.
- e. Lot width. The minimum width of a lot area or space devoted to each RV unit shall not be less than twenty-five (25) feet.
- f. Spacing. The minimum side-to-side and end-to-end spacing between permitted buildings or structures other than the RV unit itself shall not be less than twenty (20) feet.

### Section 4. General Standards and Requirements

- a. Fencing. The RV park shall be effectively screened by placing, at the lot lines forming the perimeter of the park and abutting a residential zoning district, a solid fence or wall made of brick, masonry, stone, or wood, no less than six (6) feet in height, or an

irrigated and maintained landscaped area planted at a density equaling the opacity and height of a solid fence or wall, or any combination thereof.

- b. Location and Access. Direct vehicular access to the park shall be provided by means of an abutting collector or arterial street. Vehicular access shall not be provided through an alley nor be designed to require movement of traffic from or to the park through a residential zoning district.
- c. Design of Entrance and Exits. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. A minimum of two (2) access points shall be provided, and all traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavement at intersections shall be a minimum of twenty-five (25) feet to facilitate easy turning movements for vehicles with trailers attached. No object or material impediment to visibility shall be created, placed or maintained which obstructs the view of a driver approaching the intersection. No entrance or exit shall be located nearer than thirty (30) feet from any street intersection or ten (10) feet from the radius point, whichever is greater.
- d. Internal Streets. Streets shall be provided in the park where necessary to furnish principal traffic-ways for safe and convenient access to all spaces and to facilities for common use by park occupants. Streets shall be privately owned, constructed, and maintained.
- e. Street Alignment and Gradient. Street alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to control surface and ground water.
- f. Street Surfacing and Maintenance. A sound all-weather driving surface shall be provided as specified in the City of Roswell Public Works Specifications.
- g. Street Widths. Streets shall be of adequate width to accommodate the anticipated

parking and traffic load and in all cases shall meet the following minimum size standards:

1. Ten (10) feet per moving lane.
  2. Seven (7) feet per on-street parallel parking lane, where provided.
  3. Five (5) feet additional for pedestrian use per side, if sidewalks are not provided.
  4. Street widths, at access points where traffic enters or leaves the park, shall be of sufficient size to permit free movement from or to the stream of traffic on the adjacent public streets, and no parking shall be permitted which in any way interfered with such free movement.
- h. **Parking Spaces.** Parking spaces shall be provided in the ratio of one (1) off-street parking space per each RV unit space or each camp space with a minimum dimension of 9' x 18'.
- i. **Loading and Maneuvering Space.** No loading or maneuvering shall be permitted on any public street, sidewalk, right-of-way, public grounds, or private grounds not a part of the RV Park. The loading and maneuvering space shall be located and scaled so that the above requirements may be observed, and the park owner or his agent shall be held responsible for violation of these requirements.
- j. **Driveways.** Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings and to delivery and collection points for refuse and other materials. Driveways serving a single facility, an RV space or camp space shall have a minimum full width of nine (9) feet, or ten (10) feet where it is also used as a walk. It is preferred that driveways be designed as a drive-through space to eliminate backing.
- k. **Accessory Use.** Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of an RV Park are permitted as accessory uses, however; such establishments and the parking areas primarily related to their operation shall not occupy more than ten (10) percent of the area of the park. Prior to construction, a City of Roswell building permit must be obtained.
- l. **Disposal of Waste, Sewage, Garbage and Trash.** No unit shall dispose of wastewater, sewage, garbage or trash except in approved facilities provided by the management for that purpose.
- m. **Service Building.** No dependent unit shall be located more than three hundred (300) feet from a service building containing toilet and bath facilities as prescribed herein. The service building shall be of permanent construction and in accordance with the Uniform Building Code. Prior to construction, a City of Roswell building permit must be obtained.

- n. Minimum required toilet facilities. Two (2) toilets, two (2) sinks, and two (2) bathing facilities whether dependent or independent units. The following schedule is for dependent units.

<u>No. of Dependent Trailer Spaces</u>	<u>Toilets</u>	<u>Sinks</u>	<u>Bathing Stalls</u>
6 - 10	4	2	2
11 - 20	6	2	2
21 - 30	8	4	4
31 - 55	10	4	4
56 - 80	12	4	4
81 - 105	14	4	4

1. Urinals shall be acceptable for no more than one-third (1/3) of the toilets required in the men's facilities.

o. Sanitary Stations.

1. Sufficient facilities shall be provided at sanitary stations for the sole purpose of removing and disposing of waste from all holding tanks in a clean, efficient and convenient manner.
2. Each sanitary station shall consist of a drainage basin constructed of impervious material, and containing a disposal hatch and self-closing cover and related working facilities.
3. Sanitary stations shall be located not less than fifty (50) feet from any space or other residential area. Such facilities shall be screened from other activities by visual barriers such as fences, walls, or natural growth.
4. The disposal hatch of sanitary station units shall be connected to the park sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the park water supply system.

- p. Exterior Lighting. Exterior lighting shall be required and shall be so located and shielded as to prevent direct illumination of sleeping areas within the park and any contiguous

property (of a more restrictive zoning district).

- q. Cooking Shelters, Barbecue Pits, and Fireplaces. These shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the property on which it is used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended, and all open fires shall be extinguished before occupants of spaces retire or leave the area. No fuel or material, which emits dense smoke or objectionable odors, shall be used or burned.
- r. Spaces for Occupancy -- Uses Permitted and Length of Stay. Spaces in RV Parks may be used by travel trailers, equivalent facilities constructed in or on automotive vehicles, tents, or other short-term housing or shelter arrangements or devices. The wheels of an RV shall not be removed, except temporarily, when necessary for repairs. Jacks or stabilizers may be placed under the frame of the travel trailer to prevent movement of the springs while the RV is parked and occupied.

Section 9. Location of Mobile Homes, Trailers, Boats and Oversized Vehicles Outside of Approved Subdivisions or Parks

A mobile home, travel trailer, recreational vehicle, oversize vehicle, tractor trailer, boat trailer, or boat shall not be parked, stored, or used as a dwelling by any person on any street, alley, or highway, or other public place, or on any tract of land owned by any person, occupied or unoccupied, except in approved areas as provided elsewhere in this Ordinance or as provided herein. In all cases, the unit shall comply with the regulations specified in the Uniform Building Code for the fire zone in which it is to be placed.

Use Regulations and Development Standards

- a. Permitted Uses. Emergency or temporary stopping or parking is permitted on any street, alley, or highway for not longer than seventy-two (72) hours, subject to any further prohibitions, regulations, or limitations imposed by other traffic and parking regulations and ordinances for that street, alley, or highway.
- b. Conditional Uses. Parking in the required front or side yards is permitted with a Conditional Use permit. An applicant for a conditional use permit shall complete and submit the approved application form in accordance with the procedures established herein for a special use. The applicant shall be the property owner. In addition to the items listed in Article 3, Section 4.b "Application for a Special Use", the

application must state the

information on the vehicle for which the request is being made, including year, make/model, vehicle number, and external dimensions.

## Section 10. Site Requirements

- a. No person shall park or occupy any travel trailer, recreational vehicle, oversized vehicle, boat trailer, or boat on the premises of any lot having a principal structure except in the following instances:
  1. The vehicle or boat is parked in a completely enclosed area.
  2. Outside storage of the travel trailer, recreational vehicle, oversized vehicle, boat trailer, or boat shall be within the side or rear yard, but not within the five (5) feet rear and/or side yard property lines.
  3. The travel trailer, recreational vehicle, oversized vehicle, or boat shall not be used as a dwelling or as accessory living quarters, except as follows:
    - a. A travel trailer, recreational vehicle, or oversize vehicle designed for occupancy and parked as provided below, may be occupied, but such occupancy shall not exceed ten (10) days per occupancy, with a limit of three (3) occupancies per year. These vehicles shall not discharge any litter, sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials.
    - b. The unit must be parked as close to perpendicular as practical to the front curb, the body of the oversize vehicle is at least eleven (11) feet from the face of the curb, and at least one (1) foot from side and/or rear yard property lines, and no part of the oversize vehicle extends over a public sidewalk.
- b. The travel trailer, recreational vehicle, oversized vehicle or boat shall not be permanently connected to sewer lines, water lines, or electricity. The travel trailer, recreational vehicle, oversized vehicle or boat may be connected to electricity, temporarily, for charging batteries and other purposes if the receptacle and the connection from the vehicle have been inspected and approved. It is the responsibility of the oversize vehicle owner to insure that the electric circuitry is in accordance with the National Electrical Code.
- c. The travel trailer, recreational vehicle, oversized vehicle, or boat shall not be used for the storage of goods, materials, or equipment other than those items considered to be a part of the travel trailer, recreational vehicle, oversize vehicle, or boat or

essential for its immediate use.

- d. An oversize vehicle may be parked on a vacant lot, but may not be occupied, as provided below. One oversize vehicle may be parked on a unoccupied or vacant lot provided the following conditions are met:
  - 1. The oversize vehicle owner owns the vacant lot, and
  - 2. The oversize vehicle owner owns and occupies a dwelling on a lot contiguous to the vacant lot, and
  - 3. The oversize vehicle is parked no closer to the front property line than the front yard setback requirement for that residential district, or it can be no closer than the setback established by an adjacent lot's dwelling, whichever is further, and
  - 4. The oversize vehicle is not occupied.
- e. One mobile home, travel trailer, or oversize vehicle, if designed for occupancy, may be used on a vacant lot as a temporary dwelling unit, with connections to any or all utilities during the construction of a permanent dwelling unit, or in the event that a principal structure or principal business structure is damaged or destroyed, provided the use of the mobile home, travel trailer, or oversize vehicle is limited to a maximum period of six (6) months commencing from the date of issuance of the building permit required for the construction of the permanent dwelling or business unit. A permit for this use shall be obtained from the City of Roswell building inspector upon application for the building permit and approved by the zoning administrator.
- f. A mobile home, or travel trailer, or an oversize vehicle, if designed for occupancy, may be used for office work only while a new building is under construction on the same site. A permit for this use shall be obtained from the City of Roswell building inspector upon application for the building permit.
- g. Institutions which are publicly owned, operated, and maintained may utilize one mobile home on the premises as a residence for a watchman or caretaker and his immediate family.
- h. A truck tractor and/or its trailer shall not be parked or stored in any residentially

zoned area.

### Section 11. Outside Storage

All outside storage of materials, not on display for direct sale, rental, or lease to the consumer, shall be enclosed and effectively screened from adjacent streets and properties by placing a solid fence or wall, made of brick, masonry, stone, wood, or chain link with metal inserts, at the property line not less than six (6) feet in height or the height of the materials being screened, whichever is greater.

### Section 12. Lighting

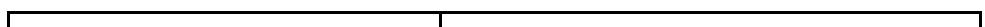
- a. All lighting, glare, and/or general illumination shall not be cast upon properties that are adjacent to the site from which the lighting, glare, and/or general illumination originates.
- b. No lighting, glare, and/or general illumination which flashed, revolves, or otherwise resembles a traffic control signal or in any way creates a hazard for passing traffic shall be permitted.

### Section 13 Landscaping

In order to promote and preserve aesthetically pleasing surroundings, reduce water consumption, erosion and runoff, and improve the overall quality of the environment, the owner of all buildings, structures, and parking lots hereinafter erected or constructed in the R-3 (except single family residences and/or duplexes), through I-2 zoning districts, shall provide and maintain landscaping in the amounts and locations as follows:

- a. Definition. For purposes of this section, landscaping shall mean a combination of living green plants. "Living green plants" means trees and a **choice** of either shrubs or ground cover. Trees are a **mandatory** part of landscaping.
  1. Trees, deciduous or evergreen, shall be placed throughout the required landscaped area, having a spacing of not greater than thirty feet (30') on center. Trees shall have a minimum two inch (2") caliper trunk at the time of planting; except in the C-3 zoning district where trees shall have not less than a three inch (3") caliper trunk at the time of planting. The caliper of the trunk shall be taken six inches (6") above the ground up to and including four inch (4") caliper size.
  2. Shrubs shall be a minimum of two feet (2') in height at the time of planting. Spacing for shrubs at time of planting shall be based on the overall width of shrubs at maturity. See Schedule 13-A.2. Shrubs at **maturity** should provide seventy-five percent (75%) coverage of the landscaped area where they are used.

#### Schedule 13-A.2



Shrub width at Maturity	On Center Spacing at Planting
2'-0" Width	N.M.T. 3'-0" O.C.
3'-0" Width	N.M.T. 4'-0" O.C.
4'-0" Width	N.M.T. 5'-0" O.C.
5'-0" Width	N.M.T. 6'-0" O.C.
6'-0" Width	N.M.T. 7'-0" O.C.*

\*At **no time shall** any shrubs be planted in excess of eight feet (8') on center.

3. Ground cover. Grass or low-lying green plants shall provide one hundred percent coverage (100%) of the area chosen for ground cover.

If grass is used for ground cover it shall provide one hundred percent (100%) coverage at time of planting.

If low-lying green plants are used for ground cover, they shall be planted in accordance with Schedule 13-A.3 to provide one hundred percent (100%) ground coverage within two (2) years of planting. Low-lying green plants shall be a minimum of two feet (2') across at the time of planting.

Schedule 13-A.3

Low Lying Green Plants Annual Spread Rate	On Center Spacing At Planting
0'-6" Spread/Year	N.M.T. 3'-0" O.C.
1'-0" Spread/Year	N.M.T. 4'-0" O.C.
1'-6" Spread/Year	N.M.T. 5'-0" O.C.
2'-0" Spread/Year	N.M.T. 6'-0" O.C.*

\*At **no time shall** any shrub be planted in excess of six feet (6') on center.

Mulch, asphalt, concrete, gravel or other decorative or non-decorative aggregate are not considered ground cover for required landscaping purposes.

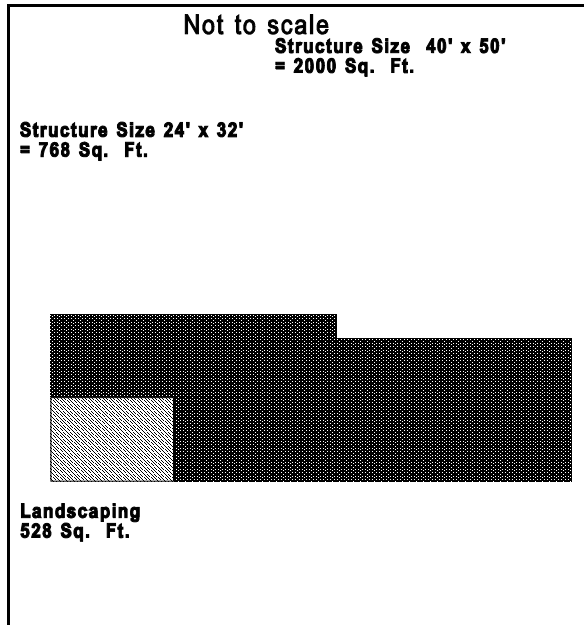
5. Materials. All planting materials shall be selected for drought tolerance, water conservation, and adaptability to the climate in the Roswell area.

- b. Location and area requirements in the R-3, R-4, C-1, C-2, I-1, and I-2 zoning districts.

To determine the required landscaped area, take the entire developed hard surface area and subtract the area being used by all structures; this shall be called the remaining area. Twelve (12%) percent of the remaining area is the amount required for the landscaped area. The required landscaped areas shall be clearly visible from bordering streets. Landscaping for Phased developments will be determined based on the square footage of the hard surfaced area to be developed in each phase.

**R-3, R-4, C-1, C-2, I-1, & I-2 Example:**

Total Hard Surfaced Area  
7,168 sq. ft.



Less Structure Area 2,768 sq. ft.  
 Remaining Area 4,400 sq. ft.  
                           x 12%  
                           528 sq. ft.

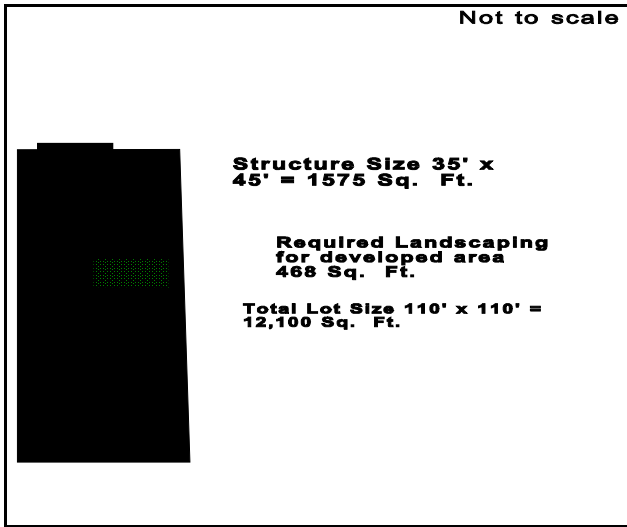
**Required Landscaped Area 528 Sq. Ft.**

To determine the required landscaped area of a lot that is being partially developed, take the square footage of the hard surfaced area intended for development and subtract the area being used by all structures; this shall be called the remaining area. Twelve (12%) percent of the

remaining area is the amount required for the landscaped area. When the undeveloped portion is developed, the entire lot's required landscaping shall equal 12% of the entire lot's remaining area, the same as if it were fully developed initially.

**Partial Development Example:**

Lot Size 110' X 110' = 12,100 sq. ft.  
 Total Hard



Surfaced Area 5,475 sq. ft.

Less Total Structure

1,575 sq. ft.

Remaining Area 3,900 sq. ft.

x 12%

468 sq. ft.

**Required Developed Landscaped Area 468 sq. ft.**

Undeveloped Area 8,200 sq.ft.

2. One (1) one hundred fifty (150) square foot landscaped island is required for every twenty-five (25) parking spaces. These islands may project inward from the parking lot/property line boundaries or they may be stand-alone

islands. **All islands, regardless of the type, must be landscaped with a minimum of one tree with irrigation.**

Inward projecting islands **require** shrubs and/or ground cover in addition to the tree and irrigation.

Stand-alone islands **do not require** shrubs or ground cover in addition to the tree and irrigation. However, stand-alone islands can only be used for a maximum of three percent (3%) of the required twelve percent (12%) total landscaped area.