

TOWN OF RED RIVER
ORDINANCE NUMBER 2000-5
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TOWN OF RED RIVER

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ORDINANCE NUMBER 2000-5

AN ORDINANCE ADOPTING COMPREHENSIVE ZONING REGULATIONS AND A ZONE MAP, LAND USE, BUILDING AND STRUCTURE CONTROLS, ADMINISTRATION AND PROCEDURES FOR THE TOWN OF ED ROVER, NEW MEXICO; REPEALING ORDINANCES 1994-9; 1996-10 AND 1999-7; PROVIDING FOR PENALTY FOR VIOLATION AND AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF RED RIVER, NEW MEXICO THAT:

ARTICLE 1. SHORT TITLE

This Ordinance, including maps, shall be known and may be cited as the “ZONING ORDINANCE” of the Town of Red River and is the comprehensive zoning regulation.

ARTICLE 2. APPLICATION

All property, except that property owned or controlled by the Federal Government, the State of New Mexico (including the public schools), the County of Taos, the Town of Red River, and their subdivisions or agencies, is governed according to the zone in which it is located. Any use not classified as permissive or conditional within a particular zone is hereby prohibited from the zone, except as otherwise provided herein. The zones and boundaries of zones described herein are shown on the “ZONE MAP” attached hereto and made a part hereof and labeled Exhibit “A”.

ARTICLE 3. PURPOSE

The regulations, restrictions and requirements of this Ordinance are intended to promote the general health, safety, morals, convenience and welfare of the residents of the Town. Such regulations, restrictions and requirements are deemed necessary in order to provide light and air, to prevent undue concentration of population, to secure safety from fire, panic and other dangers, to lessen congestion on the streets and public ways, to facilitate adequate provisions for community facilities and utilities such as transportation, water, sewer, schools, parks and other public requirements; to encourage the most appropriate use of land, to conserve and stabilize the value of property, and to control and abate the unsightly use of building or land.

ARTICLE 4. BOUNDARIES OF ENFORCEMENT OF REGULATIONS

The provisions of the Ordinance shall apply within the corporation limits of the Town at the time of adoption of this Ordinance and shall in the future apply to all areas annexed to the Town. Zoning shown on one side of a street, alley, railroad, irrigation or drainage or other public right-of-way, which appears to fall near lines of platting, shall be construed as following said lines. Abutting zoning along frontage on a public right-of-way shall automatically extend to the centerline upon vacation from public use of said right-of-way.

Property annexed to the Town shall be zoned by Ordinance approved by the governing body at the time of annexation.

ARTICLE 5. BUILDING PERMIT

- A. No interior or exterior of a building or structure shall be erected, constructed, reconstructed, altered, converted or demolished without first obtaining a permit from the Town of Red River.
- B. No building permit shall be issued unless the applicant shows the erection, construction, reconstruction, alteration, conversion or demolition will be done entirely on a lot of record or proposed lot of record. Forms for the application for such permit shall be provided by the Administrator.
- C. Such application, along with a minimum fee of \$20.00 or 25% of the State Building Fee, whichever is greater, shall be accompanied by a plat of the property in duplicate showing with dimensions not less than the following:
 - 1. A boundary survey showing the lot lines and staking of the lot by a licensed, registered New Mexico land surveyor.
 - 2. The location of the building or structure (including porches, decks, stairways, or anything attached to the outside of the building) on the lot, including the setbacks on all sides. When necessary, (corner lots, intersecting driveways, etc.) show required vision clearance, turnarounds, etc.
 - 3. How water and sewer service will be provided and location of any easements.
 - 4. Drainage (slope direction only) and snow removal plans.
 - 5. Number of dwelling or commercial units and type.
 - 6. The location and description of any signs to be placed on the property.
 - 7. The parking plan which shall show the location of all parking space (including but not limited to handicapped parking), ingress, and egress from spaces and necessary turnaround areas, as well as access to streets or alleys.
- D. The application shall also be accompanied by two elevation drawings showing how the proposed building or structure will appear upon completion and the drawing and plat shall contain suitable notations indicating all the proposed uses of land and buildings

Such drawings shall show not less than the following:

1. Height of the proposed building or structure.
 2. Any and all signs or other advertising devices which will appear on the proposed building of structure.
 3. The type of material with which the exterior of the building or structure will be covered.
 4. Architectural style of building or structure and exterior appearance.
- E. A permit will be issued upon receipt of such plats, plans and drawings in a Form approved by the Administrator (in case of absence of Administrator, P & Z Chairman shall have authority to approve or disapprove) and of an Affidavit signed by the builder and /or owner certifying that all provisions fo the Town of Red River Planning and Zoning Ordinances have been complied with accordingly.
- F. A record of the original copy of such applications and plats shall be kept in the Office of the Administrator, and a copy shall be kept at the construction site until completion of construction.
- G. Any building or structure which does not conform to the plat, drawing or notations thereon filed with the Administrator shall be deemed to be in violation of the Ordinance.
- H. Interior remodeling which does not increase total amount of floor space available or constitute a substantial improvement of the remodeled premises shall not require a building permit pursuant to these provisions.
- I. Violation of this article will constitute an immediate request by the Town that construction immediately be stopped and in addition such violation is a misdemeanor and a fine not to exceed \$500.00 or imprisonment in jail for a period not to exceed 90 days or both shall be imposed on a finding of guilt. Each day this Ordinance is violated shall constitute a separate offense.

ARTICLE 6. DEFINITIONS

The present tense of a verb shall be deemed interchangeable with the future tense. The singular shall include the plural. The word “shall” is mandatory while the words “should” and “may” are permissive. The masculine includes the feminine.

ABUTTING – Touching.

ACCESSORY BUILDING – A building which is subordinate or incidental to the main building or structure, on the same lot, building site, or contiguous lot in the same ownership. The use of the accessory building is exclusively for the occupants of the main building or their non-paying guests or employees.

ADMINISTRATOR – The person designated by the Town to administer this Ordinance.

AIRPORT, COMMERCIAL – An airport, landing strip or landing field used by commercial aircraft and including private bona fide flying clubs.

ALLEY – A dedicated public way that affords a secondary means of access to abutting property, and may also serve as a location for utilities and trash collection.

APARTMENT – A room or set of rooms fitted with housekeeping facilities and used as a dwelling, the occupants of which pay a rental for its use on a month-to-month or long-term basis.

APARTMENT BUILDING – A building containing two or more apartments.

BASEMENT – A story partly underground and having at least ½ of its height (measured from its floor to its finished ceiling) below the average grade. A basement shall be counted as a vertical story if the vertical distance from the average adjoining grade to its ceiling is over five feet.

BATHROOM – A room containing a wash basin and toilet. Rooms referred to locally as ½ or ¾ baths are one bathroom.

BOARDING, LODGING HOUSE OR BED AND BREAKFAST – Any building containing a single dwelling unit or kitchen and five (5) or less guest rooms where lodging is provided with or without meals for compensation.

BODY WORK – The repair, replacement or reshaping of all or a portion of the frame or outer portions of a motor vehicle.

BUILDABLE AREA – The net portion of the lot remaining after deduction of all required yards, easements, parking, or setbacks from the gross area of a lot or building site.

BUILDING – A structure designed and constructed for the use of occupancy by persons or property, including but not limited to modular or prefabricated houses designed and constructed to be permanently affixed to real property, but does not include mobile homes or house trailers.

BUILDING HEIGHT – The distance measured from the grade vertically to the highest point on the building, excluding chimneys or non-structural elements.

BULK STATION – A place where liquefied petroleum gas, crude petroleum, gasoline, naphtha, benzene, kerosene or any other liquid (except as will stand a test of 150 degrees Fahrenheit, closed cupped tester) are stored in wholesale quantities where the aggregate capacity of all storage tanks is more than 10,000 gallons.

CELLAR – The part of a building having more than ½ of its height below the average grade of the adjoining ground.

CERTIFICATE OF OCCUPANCY OR COMPLIANCE – The certificate issued by the Administrator in accordance with the Ordinance.

CERTIFICATE, ZONING – The certificate issued by the Administrator in accordance with this Ordinance and certifying as to the zone in which the subject land is situated.

CHURCH – A building or group of buildings used primarily as a place of worship and includes convents, religious education buildings and parish houses, but not parochial schools.

CLINIC – An establishment in which patients are not lodged overnight but are treated and examined by one or more members of the healing profession.

CLUB OR LODGE – An association of persons who are members in a strict sense and pay regular dues to the organization for some common social, recreational, educational or professional purpose and which derives not more than ½ of its revenue or income from the sale of goods and services to its members or others.

COMMISSION – Only refers to the Planning and Zoning Commission of the Town.

CONDITIONAL USE – A specified use that must first be approved by the Commission and Council, A conditional Use may be approved provided the Commission and Town Council find that such use is desirable or essential to the public welfare, safety, health, morals or convenience or essential to the development of undeveloped area. Such Conditional Use shall be limited to those enumerated as conditional in the various zones.

CONDOMINIUM -- dwelling unit owned in fee wherein the owner also owns an undivided interest in the common areas and facilities as described in the Building Unit Ownership Act (47-7-1 et. seq. NMSA 1978) and the Condominium Act (47-7A-1 et. seq. NMSA 1978).

CONTIGUOUS – Being in actual contact with or touching along a boundary or point.

COOPERATIVE – A dwelling unit in which the occupants own shares of a corporation which owns all of the dwelling units and the common grounds and wherein the occupants’ ownership of the corporate stock entitles them to use undivided portions of common grounds and to possess the dwelling unit.

COUNCIL -- The Town Council of the Town of Red River, New Mexico, (also called the “governing body”).

DECK, LANDSCAPE – Wooden or concrete deck that conforms to certain criteria as follows:

- a. Shall not be permanently covered beyond the occupied zone setback requirements.
- b. Shall not be utilized as cover for storage structures or as cover for a car park area.
- c. Shall not encroach upon or limit required parking.
- d. Shall be permitted.

Landscape decks may be taken to within 1-inch of the property line if:

- a. The material of construction allows for required fire resistance.
- b. The landscape deck is not permanently covered.
- c. The landscape deck is no greater than 12 inches from ground surface.
- d. The landscape deck has no side rail or other form of obstruction.
- e. Shall not be constructed over a dedicated easement.

DUPLEX – A building designed for and used by two, but not more than two, families living independently of each other in separate dwelling units, but not including trailers, mobile homes, hotels, motels, and resorts.

DWELLING – Any building containing one or more dwelling units, but not including a mobile home, trailer, hotel, motel, boarding or lodging house.

DWELLING, MULTI-FAMILY – A building used by two or more families living independently of each other in separate dwelling units but not including trailers, mobile homes, hotels, motels and resorts.

DWELLING, SINGLE FAMILY – A detached principal building other than a mobile home, designed for or used as a dwelling exclusively by one family as an independent living unit.

DWELLING UNIT – One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a month-to-month basis – physically separated from any other rooms or dwelling units which may be in the same structure – and served by only one water meter, one gas meter, and one electric meter. For purposes of computing comparable “dwelling unit” bulk requirements, every two beds in any boarding and rooming house, or dormitory, shall be considered to be one “dwelling unit”. Every eight beds in any orphanage, rest home, convalescent home, nursing home or retirement home shall be considered one “dwelling unit”.

FAMILY – A single individual doing his own cooking, and living upon the premises as a separate, independent, housekeeping unit; or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth or marriage; or, a group of not more than three unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit. Single persons 18 years of age or older not living with their parent or legal guardian are considered to be unrelated to each other.

FENCE, SOLID OR WALL – A continuous non-transparent surface exclusive of openings for ingress and egress. Wire or chain link fencing is not to be construed as satisfying this definition unless supplemented by a material which would make it at least 50% solid.

FLOOR AREA RATIO – The total amount of heated floor area within dwelling units divided by the area of the site.

FRONT FOOTAGE – That property which adjoins any public street excluding alleys or easements. On corner lots each boundary shall be treated as a separate entity.

FUTURE STREET LINE – A line running more or less parallel to the centerline of an existing or proposed street for the purpose of delineating the future street width and right-of-way.

GARAGE, PRIVATE – A detached accessory building or portion of a main building for the purpose of housing the automobiles of the occupants of the premises.

GARAGE, PUBLIC – A structure or portion of a building, other than a private repair of storage garage, designed to be used as a public parking facility for which a parking fee is charged either separate of or included in the lease or rental fee of a building.

GARAGE, REPAIR – A building or structure which is designed to be used for some or all of the purposes indicated under “SERVICE STATION” and in addition, major mechanical repairs to any sized motor vehicle or body repairs, provided the repairs, body work and painting shall be conducted within fully enclosed building and that vehicles not in operating condition as required by the New Mexico Department of Motor Vehicles shall be stored in a completely stored building.

GOVERNING BODY– The Town Council or the Town of Red River, New Mexico.

GRADE (AVERAGE) – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

GRAZING – The feeding primarily of native or introduced plants growing in place on the ground by domestic livestock on an open range or fenced pasture for commercial purposes and uses commonly incidental thereto but not including commercial feed pens, stock yards, bone yards, fertilizer yards, slaughter houses, or plants fro the reduction of animal matter. The number of said livestock shall not exceed the natural carrying capacity of the land as determined by prudent conservation practices.

GUEST – Any person who rents or occupies a room for sleeping purposes.

HOBBY – An interest, study, game, project or human activities carried on for personal enjoyment and not producing an income of more than \$500.00 per year or creating disturbance in a residential area.

HOME BUSINESS OR OCCUPATION – An activity or the occupant of a dwelling:

- A. Clearly incidental, subordinate to and secondary to the use of the structure as a dwelling, and
- B. Only family members residing in the dwelling are engaged in the activity, and
- C. All activity is carried on entirely within the dwelling or accessory building, and
- D. No more than 24% of the dwelling structure is used in the activity, and
- E. There is no external evidence of the activity including but not limited to commercial vehicles, outside storage, noise, dust, odor, and fumes, and
- F. There is no retailing or externally visible display of stock in trade, and
- G. The residential character of the dwelling unit is not changed by the activity, and
- H. No increase in traffic in the area results from the activity, and
- I. No more than one sign, which shall not:
 - 1. Exceed there (3) Square feet in area
 - 2. Be lighted internally or externally
 - 3. Be luminous or
 - 4. Be placed anywhere except flat against and on the front surface of the dwelling structure.

HOSPITAL – A building or group of buildings arranged, intended, designed or used for the housing, care, observation and treatment of sick human beings.

HOTEL OR MOTEL – A building containing six (6) or more guest rooms in which lodging is provided and offered to the public for compensation and which is open to transient guests and may also have accessory commercial uses operated primarily for the convenience of the guests.

HOUSE, ROW OR TOWN – A dwelling, the walls on two sides of which are partly n lot line walls. The side setbacks on such buildings exist only at the end units.

INSPECTION AGENCY – A firm, partnership, corporation, association or any combination thereof, approved in accordance with regulations and personnel and equipment available to adequately inspect for the proper construction of modular houses or pre-manufactured homes and mobile houses and house trailers not used solely for recreational purposes.

LANDSCAPE DECK – See Deck, Landscape.

LANE – A formally dedicated public thoroughfare that is at least 16 feet in width.

LIVING QUARTERS, AUXILIARY– Quarters for members of the family occupying the main building and for their blood or legal relatives and employees.

LOT – A plot or portion of a subdivision duly approved by the governing body with clearly defined boundaries and of sufficient area and dimensions to meet the minimum zoning requirements of width, area, use and coverage, and to furnish such yards as are required for each specific zone as provided within this Ordinance. Existing platted lots, unless re-platted, shall be exempt from the provisions of this Ordinance as non-conforming lots of record. Lots shall have frontage on a public street, and in no case of division or combination shall any residential lot result that does not meet the provisions of this Ordinance.

LOT, CORNER – A lot located at the intersection of and having frontage on two or more public streets.

LOT, DEPTH OF – The mean horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

LOT, FRONT LINE OF – The boundary of lot bordering on a street. On a corner lot, the narrower side bordering on a street or either side as chosen by the owner and so reflected by building setback requirements.

LOT OF RECORD -- A lot platted or subdivided such plat or subdivision having been approved and filed pursuant to and in compliance with the State Statutes and Town Subdivision Ordinance.

LOT, REAR LINE OF – That boundary which is opposite and substantially parallel to the front lot line.

LOT WIDTH – The shortest distance between the side lot lines measured at right angles to the lot depth line at a point along the front yard setback line.

MANUFACTURED HOUSING –

- A. Manufactured housing is a single detached dwelling with a heated area at least 36 feet by 24 feet and 864 square feet, constructed in a factory to the standards of the US Department of Housing and Urban Development, National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., HUD Zone Code II, as amended to the date of units construction, and installed consistent with the Manufactured Housing Act (Chapter 60, Article 14 NMSA 1978), and with the regulations made pursuant thereto relating to ground level installation and ground anchors, provided such dwelling shall be consistent with applicable aesthetics standards which may be adopted by the Town.
- B. Manufactured or modular homes, buildings or structures placed on individual lots shall meet the following requirements:
1. The unit shall comply with the definition of manufactured housing, as identified in A above.
 2. The unit shall be placed on an excavated and backfilled foundation which is enclosed by a permanent perimeter enclosure of finished masonry or concrete wall construction which is similar or complimentary in color and appearance to the unit. A perimeter marriage band must be installed to cover the entire gap between the unit and the top of the perimeter enclosure. The perimeter marriage band must cover the entire gap and be no wider than six (6) inches. The bottom of the perimeter marriage band shall be no higher than 24 inches above the natural grade of the site. If the manufacturer's installation requirements and warranties demand a placement other than that which is described herein then the burden of proof of this requirement is on the installer to the home, and such requirements do not obviate the necessity of a permanent perimeter enclosure as described herein.
- C. The unit shall be completed within a reasonable time after occupation of the structure, building, accessory structure or building or dwelling unit not to exceed 90 days.

MINING – That land use and activity, including the land necessary or incidental to the digging, excavating or otherwise procuring minerals, aggregates, and ores found in their natural state, but does not include the operating of a rock crusher or rock screen as commonly used in small sand and gravel operations.

MOBILE HOME – A moveable or portable housing structure which exceeds a width of eight (8) feet or a length of 40 feet constructed to be towed on its own chassis or designed so as to be installed with out permanent foundation for human occupancy as a residence or for use as an office or other commercial purpose which may include one or more components that may be retracted fro towing purposes and subsequently expanded for additional capacity, or two or more units separately towable but designated to be joined into one integral unit, as well as a single unit. Dismounting a mobile home from its wheels or placing it on a permanent foundation, so that it is no longer portable or moveable, if it is licensable as a mobile home, does not convert a mobile home into a building.

MOBILE HOME PARK (HOUSE TRAILER PARK) – Premises where one or more mobile homes or house trailers are parked for living of sleeping purposes, or where spaces or lots are set aside or offered for sale or rent for use by mobile homes for said purposes, including any land, building structure, facility used by or activity engaged in by occupants of mobile homes on said premises.

MOTEL – A building or group of building on the same lot or parcel of ground, whether detached or in connected rows, containing individual sleeping or dwelling units and designed for or occupied by transient tenants.

NON-CONFORMING – Any building, structure, land or use thereof which does not conform to this Ordinance but which lawfully existed on the effective date of this Ordinance.

NURSERY SCHOOL – A place where three or more children are kept and where supplemental parental care is provided, including day nursery, day care home for children, and kindergarten.

NURSING HOME – A building used as a home for the aged or infirmed in which three or more persons not of the same immediate family are received, kept or provided with food, shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

PARCEL OF LAND – A contiguous quantity of land in common ownership.

PARKING LOT, COMMERCIAL – An open area providing four (4) or more off-street parking spaces, complying with the following:

- A. The lot must be graded and surfaced with at least 1-1/2 inches of blacktop or concrete or four (4) inches of crushed rock or gravel averaging ¾ inches in diameter and equipped with bumpers of curbing designed to prevent a parked vehicle from extending beyond the property line.
- B. A solid wall or fence at least six (6) feet high must be erected on all sides abutting a residential zone or use.
- C. The lot must be designed to encourage traffic to use the closest main arterial.
- D. Lighting must be arranged to not reflect off the lot.

PARKING SPACE, OFF STREET – An area not in a street, alley or lane, and having an area not less than 180 square feet (minimum length of 20 ft., minimum width 9 ft. measured at right angle to width line) exclusive of driveways, permanently reserved for the intermittent storage of one automobile and connected with a street, alley, or lane by a driveway which affords ingress and egress for an automobile.

PERMISSIVE USE – A use designated herein as permissible within the particular zone.

PERSON – An individual, firm, co-partnership, joint venture, club, state trust, business trust, receiver, syndicate, political subdivision, or other group or combination acting as a unit.

PROFESSIONAL – The activities of persons engaged in the occupation of doctor, dentist, lawyer, accountant, artist, designer, chiropractor, chiropodist, osteopath, surveyor or other similar profession which provides services for human beings in a quiet, odorless, clean manner. Includes real estate, insurance, stock or bond brokers, photographic studio, public or court stenographers, or other similar services which do not involve a stock-in-trade and not including barbers, beauty operators, cosmetologists, masseurs, astrologists, embalmers of morticians.

RECREATIONAL VEHICLE PARK (RVP) – A tract of land on which spaces are rented or leased for the temporary parking of Recreational Vehicles, but excluding mobile home parks.

RECREATIONAL VEHICLE (RV) – The following shall be known as recreational vehicles: Travel Trailers, camping trailers, fifth-wheel trailers, and all other vehicles that are constructed to include a chassis, integral wheels and a towing hitch, and are primarily designed or constructed to provide temporary, readily moveable living quarters for recreation, camping or travel uses. Pickup campers, either mounted or non-mounted, or any structure designed to be mounted in the bed of a truck and providing living quarters for recreation, camping or travel uses. Chassis mount, motor home, mini-motor home or other recreational structure or vehicles constructed integrally with a truck or motor van chassis and not designed to be routinely separated there from, and designed to be used for moveable living quarters for recreational, camping or travel uses. Recreational vans or converted and chopped vans or other vehicles, which are either initially constructed or converted to contain living quarters for recreational, camping or travel uses.

RETAIL -- Pertaining to commercial establishment offering to sell goods, wares or merchandise directly to persons for their use or consumption.

SERVICE STATIONS -- Retailing, but not primarily for trucks of gasoline, oil, grease, freezing or rust preventative, hydraulic fluid, tires and other automobile accessories (but not major component parts) and providing services of repair or replacement of the following: spark plugs, batteries, tires (but not recapping or re-grooving), mufflers, tail pipes, distributors, water hoses, fan or air conditioning belts, light bulbs, headlight lenses, tail light lenses, fuses, fuel pumps, seat covers, floor mats, all pumps, windshield wiper components, mirrors and miscellaneous wires and hoses. Other services which may be offered are greasing, lubrication, washing, polishing, carburetor repair, brake repair, Wheel balancing or front end alignment, minor adjustments not requiring removal of the head, crankcase or rear end housing, or racing the motor. Retailing of road maps and information, cold drinks, packaged candy or snacks and tobacco products shall be allowed.

SETBACK -- The shortest distance between a structure and the boundary line of the property on which it sits.

SHOPPING CENTER -- A commercial complex of buildings consisting of two or more retail enterprises planned for development as a unit to accommodate local shopping needs, and providing off street parking and access points approved by the governing body.

SIGN AND ADVERTISING STRUCTURE -- **SIGN AND ADVERTISING STRUCTURE** – Any outdoor sign, display, figure, painting, poster billboard or similar thing designed, intended or used to advertise or inform the public of goods or services sold on premises where the advertising structure is located or device attached to, hung from, painted on or displayed in any manner from any building, fence, structure, property or land intended primarily to attract attention or inform persons except as follows:

- A. Flags or governmental insignia, excepting when used in commercial displays.
- B. Embellishment of architectural features of buildings or premises except letters, animated components, trademarks, moving or apparently moving lights, and advertising.

- C. Illustration of names or occupants, post office box numbers and property numbers where smaller than one square foot.
- D. Posting, legal notifications, traffic and other directional signs erected or required to be erected by government bodies.
- E. Private traffic signs bearing no advertising matter.
- F. Real estate advertising of the property on which the sign is located provided the area of the sign or group of signs is less than six square feet.

SIGN, SURFACE AREA – The area, regardless of shape, including all elements of the material displayed excepting frames, purely structural elements outside the advertising area of the sign, blank masking or masonry base support of background.

STABLE, COMMERCIAL – A building, corral, or other enclosure in which horses or ponies are stored, boarded, used, let, fed, bred or otherwise kept on a commercial basis or for compensation.

STABLE, PRIVATE – An enclosure for horses or ponies which are used by and owned by the owners of the property and their guests without compensation.

STREET – A way formally dedicated to the public or used by the public for a sufficient time to create a public right thereto which usually affords the principal means of access to abutting property.

STRUCTURAL ALTERATION – Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists or roof joists which expands the height, bulk or area thereof.

STRUCTURE – Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including a tent or vehicle.

SUBSTANTIAL IMPROVEMENT – A process of heavy maintenance, incidental addition to, reconstruction/repair to a structure with a total cost value exceeding 50% of the County Assessment Value.

TRAILER, CAMPING OR TRAVEL – A vehicle other than a mobile home used or so constructed as to permit being driven or towed upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwelling or sleeping places for one or more persons, and is not connected to any utility or used for dwelling or sleeping purposes or as and accessory to a dwelling.

USE – The purpose of which any land, structure of building is designed, maintained or occupied.

USABLE OPEN SPACE – An area uncovered and open, or covered and open to light and air at least on one of its sides, and available to some or all of the occupants of the structure for private or public recreation or leisure time activities; it does not include driveways or parking areas.

VARIANCE – From the strict application of requirements of this Ordinance, a variance may be approved by the Commission or Council in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, where strict application of the requirements of this Ordinance would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of his land or buildings, but in no other cases. Practical difficulty or unnecessary hardship shall not be found when financial gain or loss or monetary saving is the sole basis for the claim of hardship.

VISION CLEARANCE – A triangular space at the intersection of a street with another street, drive or other path of vehicular access and within which no object wider than 12 inches including structures, vehicles, vegetation, or any other obstruction to clear eyesight. The area of vision clearance shall be determined by measuring along adjacent rights-of-way lines at a distance of 10 feet from opposing curb faces and connecting said points with a line thereby forming a triangle (excluding radii at block corners) with the two subject rights-of-way lines, (See attached Exhibit Drawing/Vision Clearance)

YARD – An open space unoccupied and unobstructed by any building or structure except that fences and walls may be permitted in any yard subject to height limitations as indicated herein, and that flagpoles, clothes line supports, bird houses and other accessories and ornaments may be permitted in any yard if they do not constitute a substantial impediment to vision or the free flow of light and air across the yard.

YARD, FRONT – A yard extending between side lot lines across the front of a lot between the building and the street. In any required front yard, no fence or wall shall be permitted which materially impedes vision between a public street way or a private drive having access thereto, special consideration shall be given to exclude objects over 30 inches in height in a 25 foot triangle at such intersections of driver and public way.

In double-frontage lots and corner lots, unless prevailing front yard pattern or adjoining lots indicate otherwise, front yards shall be provided on all frontages on public ways.

Where one of the front yards that would normally be required on a double-frontage lot is not in keeping with the prevailing yard pattern, the Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards required on adjacent lots.

In corner lots which do not have double frontage, a minimum front yard of the required pattern shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the zone shall be provided on the other frontage. In corner lots with more than two frontages, the Administrator shall determine the front yard requirements, subject to the following limitations:

- A. At least one front yard shall be provided having the full depth required generally in the zone for front yards.
- B. No other front yard on such lot shall have less than half the full depth generally required in the zone for front yards.

- C. The vision clearance as defined in these definitions shall be provided. Parking depth of required front yards shall be measured at right angle to a straight line adjoining the foremost points of the side lot lines. The foremost points of the side lot line, in the case of required rounded property corners of 25-foot radius at street intersections, shall be assumed to be the point at which the side and front lot lines would meet without such rounding. Front and rear lines of a required minimum front yard shall be parallel.

YARD, SIDE – A yard extending from the rear line of the required minimum front yard to the rear lot line. In the case of double frontage lots, side yards shall extend from the rear lines of the front yards required. In corner lots, the yard remaining after full and half-depth front yards have been established shall be considered to the side yards. Width of required side yards shall be measured at right angles to a straight line joining the ends of the front and rear lot lines on the same side of the lot. The inner side yard line of the required side yard shall be parallel to a straight line so established.

YARD, REAR – A yard extending across the rear of the lot between the inner side lot lines. In the case of double frontage lots there are no rear yard requirements, however, the Administrator may require a rear yard so as to provide a minimum safe distance from an adjacent structure. Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of side lot lines. The forward rear yard line of a required yard shall be parallel to the straight line so established.

ZONE – A zoning district of designated land use regulations as provided herein:

ARTICLE 7. ZONES

- A. The Town is divided into nine (9) classes of zoning districts called “zones” located and shown on Official Zone Map, Exhibit “A”, designated as follows and defined in subsequent sections herein:
- R-1 Residential – One Family Dwelling Zone
 - R-2 Residential – Medium Density Zone
 - R-3 Residential – High Density Zone
 - RT Residential – Trailer Zone
 - RV Recreational Vehicle Zone
 - C General Business Zone
 - M-1 Light Manufacturing & Heavy Commercial Zone
 - PUD Planned Unit Development
 - EP Environmental Preservation Zone
1. The zone map shall be updated for nay changes required by the Planning and Zoning Commission.
 2. The former R1-A Zone (Residential One-Family Dwelling with Nightly Rentals) was repealed by Ordinance 1996-10. Properties formerly located in the R1-A Zone and now zoned R1 are listed in Appendix A. Nightly rentals may be permitted on these properties subject to conditions and limitations imposed by the Commission and the Council.

B. GENERAL PROVISIONS (except as herein otherwise provided)

1. The use and height of a building hereafter erected, converted, enlarged, or substantially improved, and the use of any land shall be in compliance with the provisions herein for the one in which such land or building is located
2. Parking requirements off-street for all use shall be provided in accordance with the provision ARTICLE 17 of this Ordinance
3. Unobstructed vision clearance for traffic safety shall be maintained by the property owner or occupant on all corner lots regardless of the zone classification with reference to any building, addition to an existing building included but not limited to additional floors, sign, fence, ornament, hedge, shrub, tree, display or other obstructions, but not including existing buildings.
4. No building, structure or land use shall be constructed, maintained or used which would conflict with the Environmental Improvement Act, NMSA 1978, Section 74-1-1 et. seq. and regulations promulgated, under that Act.
5. Any metal building (excluding a mobile home) shall be completely sided with wood, stucco, or other material compatible with the area, excluding the roof.
6. All structures shall be sided in wood or masonry products. Metal, plastic, and unfinished masonry shall be prohibited.
7. All signs must conform to the Sign Regulations as set forth in ARTICLE 21 of this Ordinance.
8. All construction within the Town shall comply with Frontier or Alpine styles of architecture.
9. No RV or utility trailer shall be parked or stored on any town street for more than 24 hours, and shall not be occupied or connected to any utility while parked or stored on the town street.

C. DANGEROUS BUILDINGS, DEBRIS, REMOVAL

1. Whenever any building or structure is ruined, damaged and dilapidated, or any premise is covered in ruins, rubbish, wreckage or debris, the Town Council may by resolution find that the ruined, damaged and dilapidated building, structure or premise is a menace to the public comfort, health, peace or safety and require removal from the municipality of the building, structure, ruins, rubbish, wreckage or debris.
2. A copy of the resolution shall be served on the owner, occupant or agent in charge of the building, structure or premise. If the owner, as shown by the real estate records of the county

- clerk, occupant or agent in charge of the building, structure or premise cannot be served within the municipality, a copy of the resolution shall be posted on the building, structure or premise and a copy of the resolution shall be published one time.
3. Within 10 days of the receipt of the copy of the resolution or the posting and publishing of a copy of the resolution, the owner, occupant or agent in charge of the building, structure or premise shall commence removing the building, structure, ruin, rubbish, wreckage or debris, or file a written objection with the Town Clerk asking for a hearing before the Town Council.
 4. If a written objection is filed as required in this section, the governing body shall:
 - a. Fix a date for a hearing on its resolution and the objection;
 - b. Consider all evidence for and against the removal resolution at the hearing; and
 - c. Determine if its resolution should be enforced or rescinded.
 5. Any person aggrieved by the determination of the governing body may appeal to the district court by:
 - a. Giving notice of appeal to the governing body within five days after the determination made by the Town Council; and
 - b. Filing a petition in the district court within 20 days after the determination made by the Town Council. The district court shall hear the matter de novo and enter judgment in accordance with its findings.
 6. If the owner, occupant or agent in charge of the building, structure or premise fails to commence removing the building, structure, ruins, rubbish, wreckage or debris:
 - a. Within 10 days of being served a copy of the resolution or of the posting and publishing of the resolution; or
 - b. Within five days of the determination by the Town Council that the resolution shall be enforced; or
 - c. After the district court enter judgment sustaining the determination of the Town Council, the Town of Red River may remove the building, structure, ruins, rubbish, wreckage, or debris at the cost and expense of the owner. The reasonable cost of the removal shall constitute a lien against the building, structure, ruin, rubbish, wreckage or debris so removed and against the lot or parcel of land from which it was removed. The lien shall be foreclosed in the manner provided in Section 3-36-1 through 3-36-6 NMSA 1978.
 7. The Town of Red River may pay for the cost of removal of any condemned building, structure, wreckage or debris at by granting to the person removing such materials, the legal title to all salvageable materials in lieu of all other compensation.
 8. Any person or firm removing any condemned building, structure, wreckage, rubbish or debris shall leave the premises from which the material has been removed in a clean, level and safe condition, suitable for further occupancy or construction and with all excavations filled.

ARTICLE 8. R-1 RESIDENTIAL – ONE FAMILY DWELLING ZONE

- A. PURPOSE AND INTENT** – The R-1 One a Family Dwelling Zone permits a low density of population in which the principal land use is one-family dwelling uses incidental thereto.
- B. PERMISSIVE USES** – The following uses shall be permitted in the R-1 Zone:
1. One dwelling unit per lot or lot of record.
 2. Home business or occupation and only within the definition in this Ordinance.
 3. Manufactured Housing as defined in ARTICLE 6 DEFINITIONS
 4. Accessory Use:
 - a. Accessory structures (non-commercial) for garage, storage, recreation, hobby, greenhouse, bathhouse, accessory living quarters, or for the keeping or housing of domestic animals. Provided more specifically that, in the case of accessory structure living quarters, it shall be deemed a guest house and shall not be rented or let for any consideration whatever and the total heated floor area shall not exceed 20% or the total heated floor area of the main dwelling unit.
 - b. Satellite disc or antenna (non-commercial) for radio or television sending or Receiving. Maximum height of disc or antenna shall be 42 feet.
 - c. Utility trailer, travel trailer, motor home or boat as follows:
 1. Outside storage of a utility trailer, travel trailer, motor home or boat within the setback area of a lot containing a dwelling, provided that:
 - i. No such unit shall be more than eight (8) feet wide and 10 feet in height;
 - ii. Such unit is place on the lot behind the front building line of an existing dwelling, or behind the front yard setback line, which ever is farther from the street;
 - iii. Such unit is not connected to utilities, except for temporary electrical Connection;
 - iv. Such unit is not used as a dwelling or as accessory living or sleeping Quarters; and
 - v. Such unit is not used for storage of goods, materials or equipment other Than those items considered to be part of them or for their immediate use.
 2. A travel trailer may be used as a dwelling with connections to any or all utilities during construction of a dwelling, provided use of the trailer is limited to a maximum period of six (6) months, the period of time to be measured commencing with the date of the issuance of a building permit for construction of the dwelling.
 - d. Wall, fence or other structural screen which is less than eight (8) feet high and need not conform to setbacks but must conform to vision clearance at intersection requirements.
 - e. Parking of a vehicle owned by the property resident and guests, provided such vehicle is in operative condition and is properly and currently licensed.

- C. CONDITIONAL USES** – The following uses may be permitted provided they are first approved by the Commission and the Council:
1. Nursery school operated within structures that have the external appearance of a dwelling.
 2. Public utility structures such as a transformer, switching gear, pumping station or unit and other similar technical installation essential to the operation of a public utility.
 3. Real estate office in connection with a specific development, providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that such use is limited to a period of one (1) year.
 4. Storage structures in yard for equipment and material incidental to a specific construction project, provided it is of a temporary nature and it is moved immediately after the specific construction project is completed or work on the project has been dormant for a period of six (6) months or more, but in no event shall the use continue beyond a period of one (1) year.
 5. Recreational facility (non-profit) such as a community center, swimming pool, tennis club, public park, playground, playfield, etc., provided that it be in keeping with the character and requirements of this zone and with the landscape treatment of the average abutting residential properties.
 6. Churches.
- D. AREA, HEIGHT, SETBACK AND OFF-STREET PARKING** – These requirements apply to every structure other than a wall, fence, landscape deck, pole or sign, provided that these accepted structures comply with vision clearance criteria as provided herein:
1. Minimum lot size: NONE
 2. Minimum front yard setback shall be 10 feet
 3. Minimum side ;yard setback shall be 7-1/2 feet.
 4. Minimum rear yard setback shall be 10 feet.
 5. Maximum height of buildings or structures, exempt a flagpole, antenna, chimney or similar element, shall be 27 feet measured from grade.
 6. Houses and structures built into a hillside shall not be more than 27 feet in height measured at the uphill side of the structure.
 7. Maximum height of any flagpole, antenna or similar element shall be 42 feet.
 8. Off-street parking spaces must be provided as provided for in ARTICLE 17 of this Ordinance.
 9. No overhead utility lines or poles are permitted.
- E. PROHIBITED USES AND STRUCTURES** – It shall be unlawful for any person to keep or maintain any use or structure other than the uses or structures set forth above.

ARTICLE 9. R-2 RESIDENTIAL – MEDIUM DENSITY ZONE

- A. PURPOSE AND INTENT** – The R-2 Residential Medium Density Zone is to permit R-1 uses and duplex units.
- B. PERMISSIVE USES** – Following uses shall be permitted:
1. Duplex Units
 2. Uses listed as permissive in the R-1 Zone.
- C. CONDITIONAL USES** – Uses listed as conditional in the R-1 Zone may be permitted provided they are first approved by the Commission and Council.
- D. HEIGHT, AREA AND SETBACK** – These requirements apply to every structure, other than a wall, fence, landscape deck, flagpole or sign, provided that those accepted structures comply with vision clearance criteria as provided herein:
1. Minimum lot size: NONE.
 2. Front yard setback shall be a minimum of 10 feet.
 3. Side yard setback shall be a minimum of 7 ½ feet
 4. Rear yard setback shall be a minimum of 10 feet.
 5. Maximum height of flagpoles, antenna, chimney or similar element shall be 42 feet
 6. Maximum height of buildings and structures shall be no more than 32 feet
 7. Buildings and structures build into a hillside shall not be more than 32 feet in height measured at the uphill side of the structure.
 8. All corner lots shall comply with vision clearance provisions herein.
 9. Off-street parking spaces must be provided as provided for in ARTICLE 17 of this Ordinance.
 10. No overhead utility lines or poles are permitted.
- E. PROHIBITED USES AND STRUCTURES** – It shall be unlawful for any person to keep or maintain any use or structure other than the uses or structures set forth above.

ARTICLE 10. R-3 RESIDENTIAL – HIGH DENSITY ZONE

- A. PURPOSE AND INTENT** – The R-3 Residential High Density Zone is to permit R-1, R-2 and higher density multi-family dwellings, apartments, condominiums, townhouses and bed and breakfasts.
- B. PERMISSIVE USES** – The following uses shall be permitted:
1. High density multi-family dwellings, apartments, condominiums, townhouses and bed and breakfasts.
 2. Uses listed as permissive in the R-1 Zone.
 3. Uses listed as permissive in the R-2 Zone.
 4. Management or rental office for use within the project.
 5. Nightly rentals.

- C. **CONDITIONAL USES** – The following uses may be permitted providing they are first approved by the Commission and the Council.
 - 1. Uses listed as **CONDITIONAL** in the R-1 Zone
 - 2. Hospital, nursing home or clinic.

- D. **HEIGHT, AREA AND SETBACK REGULATIONS** – These requirements apply to every structure other than a wall, fence, landscape deck, flagpole or sign; provided that those accepted structures comply with vision clearance criteria as provided therein:
 - 1. Minimum lot size: NONE
 - 2. Front yard setback shall be a minimum of ten (10) feet.
 - 3. Side yard setback shall be a minimum of five (5) feet.
 - 4. Rear yard setback shall be a minimum of 5 feet.
 - 5. Maximum height of buildings and structures shall be no more than 32 feet.
 - 6. Buildings and structures built into a hillside shall not be more than 32 feet in height measured at the uphill side of the structure.
 - 7. Maximum height of flagpoles, antenna, chimney or similar element shall be 42. feet.
 - 8. All corner lots shall comply with vision clearance provisions herein.
 - 9. Off-street parking spaces must be provided as provided for in **ARTICLE 17** of this Ordinance.
 - 10. No overhead utility lines of poles are permitted.

- E. **PROHIBITED USES AND STRUCTURES** – It shall be unlawful for any person to keep or Maintain any use or structure other than the uses or structures set forth above.

- F. **CONSTRUCTION** – Any new dwelling must conform to commercial building standards. (as amended by 2004-05)

ARTICLE 11. R-T RESIDENTIAL – MOBILE HOME ZONE

- A. **PURPOSE AND INTENT** – This R-T Residential Mobile Home Zone reflects R-1 uses, mobile homes, mobile home parks and certain related uses.

- B. **PERMISSIVE USES** – The following uses shall be permitted:
 - 1. Uses permissive in the R-1 Zone.
 - 2. Permanent mobile home park, or a single mobile home stored or connected to utilities.
 - 3. A mobile home subdivision, in which lots may be sold, provided subdivision requirements are complied with; water supply, liquid waste provisions are approved by the Council, and the land is suitable for mobile homes.
 - 4. Accessory uses include:
 - a. Private garage.
 - b. Office for management of mobile home park area.
 - c. Recreation building for use of occupants within the area.
 - d. Utility building for use of occupants within the area.

- C. CONDITIONAL USES** – The uses which may be permitted providing they are first approved by the Commission and the Council are the uses listed as **CONDITIONAL** in the R-1 Zone.
- D. AREA, HEIGHT, SETBACK AND OFF STREET PARKING** – These requirements apply to every structure other than a wall, fence, landscape deck, flagpole or sign, provided that those accepted structures comply with vision clearance criteria as provided herein:
1. Minimum front yard setback shall be 10 feet.
 2. Minimum side yard setback shall be 7 ½ feet.
 3. Minimum rear yard setback shall be 10 feet.
 4. Maximum height of buildings, structures, or mobile homes, excepting a flagpole, antenna, chimney or similar element, shall be 27 feet.
 5. Maximum height of any flagpole, antenna or similar element shall be 42 feet.
 6. No overhead utility lines or poles are permitted.
 7. Minimum area – None.
 8. Each mobile home space or lot shall provide a minimum of two (2) off-street parking place.

E. MOBILE HOME PARK PLAN AND REQUIREMENTS

1. Mobile home parks shall be deemed a subdivision development area subject to the requirements of Town of Red River Ordinance 1989-1 Land Subdivision Regulations. The extent of compliance with the requirements of Ord., 1989-1 shall be determined by the consent of the Planning and Zoning Commission, with minimum requirements as follows:
 - a. The minimum size of the park – None.
 - b. A request for a mobile home park shall be accompanied by a preliminary plat and the Commission may recommend the zoning or occupancy subject to approval of a preliminary plat by the council and said plat shall contain:
 1. A plan of total area to be used as a park.
 2. A legal description of land to be zoned or occupied.
 3. The location of each existing and proposed structure.
 4. The location and dimensions of each space,
 5. The location and dimensions of all entrance, exits, roads, sidewalks. Drainage structures and driveways.
 6. The location and dimensions of parking spaces.
 - c. Each space shall be provided a minimum of two (2) off street parking spaces.
 - d. All spaces shall abut upon a two-way surfaced lane of not less than 28 feet in width, which shall have unobstructed access to a public street or highway.
 - e. All Utilities shall be supplied to each space and conform to all applicable codes and regulations.
 - f. All service and storage buildings on the grounds of the park shall be maintained in a clean, slightly condition and kept free of any condition that may menace the health of any occupant or the public or constitute a nuisance.
 - g. Suitable areas with visual screening and solid base foundation shall be located within the park, but not upon any designated mobile home space, and shall be designated for solid waste collection equipment.

- h. All additions to structures shall comply with the Town Building Code, setback requirements and Fire Codes.
- i. Each person operating a park shall keep a register containing a record of all mobile home owners and occupants located within the park. The park shall keep the register available of inspection at all reasonable times by public officials, hose duties necessitate acquisition of the information contained in the register. The shall be maintained for a period of three years following the date of departure of the registrant from the park.

F. PROHIBITIVE USES AND STRUCTURES – It shall be unlawful for any person to keep or maintain any use or structure in the R-T Zone other than the uses or structures set forth above.

ARTICLE 12. RECREATIONAL VEHICLE ZONE

A. PURPOSE AND INTENT – To allow for conditional land use in certain designated areas for Recreational Vehicle Parks and Recreational Areas, and to establish reasonable regulations concerning the operation of the Recreational Vehicle and Recreational Area District in the Town of Red River.

B. PERMISSIVE USES -- NONE

C. CONDITIONAL USES

- 1. Recreational Vehicle Parks (RVP)
- 2. Campgrounds (CG)
- 3. Recreational Areas (RA)
- 4. A combination for the above
- 5. Accessory buildings
- 6. Facilities provided for the RVP, CG and RA occupants
- 7. Commercial structures complimentary to the occupation of the area

D. AREA, HEIGHT AND SETBACK – These requirements apply to every structure other than a wall, fence, landscape deck, flagpole or sign, provided that those accepted structures comply with vision clearance criteria as provided herein:

- 1. Minimum area – NONE
- 2. Minimum front yard setback shall be 10 feet
- 3. Minimum side yard setback shall be 7 ½ feet
- 4. Minimum rear yard setback shall be 10 feet
- 5. Maximum height of building or structures, excepting a flagpole, antenna, chimney or similar element shall be 27 feet.
- 6. Maximum height of any flagpole, antenna, chimney or similar element shall be 42 feet.
- 7. No overhead utility lines or poles are permitted.

E GENERAL REQUIREMENTS – The development area shall conform to the following requirements:

1. Recreational Areas shall be deemed a development area subject to minimum requirements as determined by the consent of the Planning and Zoning Commission as set forth below:
 - a. Minimum size of Recreational Area -- NONE
 - b. A plat containing a minimum of the following:
 1. Development plan of the total area
 2. A legal description of the area to be zoned or occupied
 3. The location of each existing and proposed structure
 4. The location and dimension of each RV and/or GC space
 5. The location and dimension of Recreational Area (if proposed)
 6. The location and dimension of all entrance, exits, roads, walkways, drainage structures, driveways, and pedestrian/roadway lighting
 7. The location and dimension of parking spaces
2. Minimum space requirements for delineated RV or CG spaces are as follows:
 - a. RV spaces are a minimum of 325 square feet, 25 feet in width (25'X25')
 1. 15% of total RV spaces must be at least 1,125 square feet, 25 feet in width (25'X45')
 2. A delineated RV space side and rear setback 2 ½ feet
 - b. CG spaces are a minimum of 300 square feet, 15 feet in width (15'X20')
 - c. CG spaces providing on-site parking area minimum of 500 square feet, 25 feet in width, and shall provide access to a driveway
3. All RV and CG spaces shall provide a picnic table.
4. Fire pits may be inspected for safety by appropriate public officials. Requirements of safety as indicated in writing by the inspecting official shall be complied with prior to continued use of fire pit.
5. Off-street parking for RVP, CG and RA sites is as follows:
 - a. RV spaces shall incorporate one (1) parking space on-site
 - b. CG spaces shall provide one (1) parking space for each CG space as follows:
 1. CG spaces may be provided with one clustered parking for each CG space
 2. CG clustered parking must be provided within 50 feet of designated CG space
 3. Walkways must be provided from clustered parking spaces to designated CG spaces
 4. CG spaces of minimum required size may incorporate one (1) parking space on site
 - c. All parking spaces shall abut upon a driveway, lane or road which shall have unobstructed access to a public street or highway
 - d. RA parking and commercial parking shall be determined by consent of the Commission and recommended for approval to the Council

6. The RVP and/or CG shall be located on a well-drained and properly graded area to prevent the accumulation of surface water and to ensure proper drainage.
7. The RVP, CG and or RA owner shall provide for adequate snow removal from roads and off-street parking area so long as the business is open.
8. Private access ways, individual space arrangements and walkways shall be designed to accommodate frequent movement of RV's and Pedestrians.
 - a. Interior lanes, streets, roadways or driveways shall be a minimum of 20 feet in width for one-way traffic and 27 feet in width for two-way traffic and shall be paved with asphalt, concrete or crushed rock
 - b. Interior walkways shall be separated from lanes, street and roadways, and shall be a minimum of six (6) feet in width and shall be paved with asphalt, concrete or crushed rock
 - c. Interior lanes, streets, roadways, driveways or walkways may be included in the required perimeter setback
9. There shall be a building or buildings that shall provide restrooms and showers for RVP and/or CG occupants. There shall be restrooms provided for RA users.
 - a. Portable Toilet Units within RVP and CG areas may be provided under certain circumstances with the expressed written approval of appropriate Town of Red River public officials
 - b. Portable Toilet Units may be provided in outlying RA areas so long as the business is in operation
 - c. All restrooms, showers and portable toilet units shall be maintained in a sanitary manner, and may be inspected by appropriate public officials
10. Lighting shall be provided to illuminate access ways and walkways for the safe movement of vehicles and pedestrians at night.
11. Screening the perimeter of RVP, CG and /or RA by a wall and/or other approved landscaping may be required by consent of the Commission and recommended to the Council.
12. Utilities that may be supplied to any RV and/or CG space shall comply with all applicable codes and regulations.
13. Suitable areas for solid waste containers shall be located within the developed area, but not upon any designated spaces, lanes, street, roadway or walkway, and shall be designated for solid waste collection.
14. All service and storage buildings on the grounds of the RVP, CG and/or TA shall be maintained in a clean, sightly condition and kept free of any condition that may menace the health of any occupant or the public or constitute a nuisance,
15. One (1) mobile home or RV may be placed in the RVP, CG, and/or RA development area for use by a caretaker on a permanent basis.
16. No RV or utility trailer shall be parked or stored on any town street for more than 24 hours, and shall not be occupied or connected to any utility while parked or stored on the town street.

F. REGISTRATION FOR GUEST OR OCCUPANT

1. Each person operating an RV and/or CG park shall keep a register containing a record of all guests and occupants located within the park. The register shall be kept and maintained for a period of three years beyond the departure of the guest. The register shall be available for inspection at all reasonable times by public officials whose duties necessitate acquisition of the information contained in the register. The register shall contain the following information:
 - a. Names and address of occupants.
 - b. Make, model, license number of RV and state, territory or county issuing such licensing.
 - c. Name and address of registered tow vehicle occupant, make model, license number of tow vehicle and state, territory or count issuing such licensing.
 - d. The date of arrival and departure of each guest/occupant.

G. PROHIBITED USES AND STRUCTURES

It shall be unlawful for any person to keep or maintain any use or structure in the RV Zone other than the conditional uses or structures as consented to by the Commission and recommended for approval to the Council, and those uses or structures as set forth above.

ARTICLE 13 GENERAL BUSINESS ZONE

A. PURPOSE AND INTENT – The General Business Zone is to permit R-1, R-2, and R-3 Zone uses and a wide range of commercial, cultural and service activities.

B. PERMISSIVE USES – The following uses shall be permitted:

1. Uses listed as permissive in the R-1 Zone.
2. Uses listed as permissive in the R-2 Zone.
3. Uses listed as permissive in the R-3 Zone.
4. Retail business establishments.
5. Business and personal services.
6. General and professional offices.
7. Banking and financial services.
8. Boarding Room, Lodging House, Hotel, Motel, or Bed and Breakfast.
9. Galleries and Museums.
10. Service Station provided that lubricating, tube and tier repairing, battery charging or similar small repair is conducted within a completely enclosed building at least 50 feet from an R1, R2, R3, RT or RV zone. A solid wall or fence at least six (6) feet high shall be erected between the activity and any abutting or contiguous R1, R2, R3, RT and RV zone if car washing is done outside the building.
11. Ski trails and slopes, lifts, snowmaking equipment or other related functions.

- C. CONDITIONAL USES** – The following uses may be permitted provided they are first approved by the Commission and the Council:
1. Uses listed as **CONDITIONAL** in the R1, R2, and R3 zone.
 2. Storage Structures or yard for equipment and materials incidental to a specific construction project, provided construction project is completed or work on the project has been dormant for a period of six (6) months or more, and further provided that in no event shall the use continue beyond one year unless the time is extended by the Commission and the Council.
 3. Stables, either private or commercial, provided the stable complies with all requirements as recommended by the Commission and approved by the Council pertaining to sanitation, drainage, insect and rodent control, and accessory structure placement and design. Consideration and requirements shall be based upon site specific plan proposals, including but not limited to:
 - a. Accurate site plans including streets, intersections, and properties within 100 foot radius.
 - b. Proof of notification by the Town to all adjacent property owners within 100-foot radius, excluding streets and other public thoroughway width, of intent to the Planning and Zoning Commission.
 4. Outside storage – Reference Article 7 Zones section B General Provisions number 10 (as amended by 2004-01)
 5. Adult entertainment including, but not limited to: adult amusement establishment, adult bookstore, adult photo studio, adult theater, and adult video store. The Commission and Town Council shall consider the following items when considering a Conditional Use Permit for Adult Entertainment:
 - a. Proximity to a church is at least 300 feet.
 - b. Proximity to a school is at least 300 feet.
 - c. Parking
 - d. Signage
 - e. Setbacks
 6. Temporary structures for seasonal business use of not more than six months per year. The Commission may consider the following items in making their decision: Parking, Signage, and Setback.

- D. HEIGHT, AREA AND SETBACK REGULATIONS** – These requirements apply to every structure, other than a wall, fence, landscape deck, flag pole or sign, provided that the accepted structures comply with vision clearance as provided herein:
1. Minimum lot area: None.
 2. Front yard setback shall be a minimum of five (5) feet.
 3. Side yard setback shall be none.
 4. Rear yard setback shall be a minimum of 7-1/2 feet.
 5. Maximum height of buildings and structures shall be no more than 45 feet
 6. Buildings and structures built into a hillside shall not be more than 45 feet in height measured at the uphill side of the structure.
 7. A sprinkler system for fire protection shall be required in all buildings and structures that exceed two (2) stories in height.
 8. Maximum height of flagpoles, antenna, church steeple, chimney or similar element shall be 52 feet.

9. All corner lots shall comply with vision clearance provisions herein.
10. Off-street parking spaces must be provided for as in ARTICLE 17 of this Ordinance.
11. No overhead utility lines or poles are permitted.

E. PROHIBITED USES AND STRUCTURES – It shall be unlawful for any person to keep or maintain any use or structure other than the uses or structures set forth above.

ARTICLE 14. M-1 LIGHT MANUFACTURING AND HEAVY COMMERCIAL

A. PURPOSE AND INTENT – The M-1 Light Manufacturing and Heavy Commercial Zone permits uses permitted in the GENERAL BUSINESS Zone, wholesale commercial uses and selected light industrial uses, which cause no vibration or excessive noise discernible beyond the premises.

B. PERMISSIVE USES – The following uses shall be permitted:

1. Uses permitted in the GENERAL BUSINESS Zone

C. CONDITIONAL USE – All other industrial or manufacturing uses provided they are first approved by the Commission and Council.

D. HEIGHT – The maximum height of buildings and structures in areas or zones not covered specifically in this Ordinance shall be no more than 27 feet measured from grade. Buildings and structures built into a hillside shall not be more than 27 feet in height based on the natural grade.

E. AREA – None.

F. SETBACK

1. Front yard setback shall be a minimum of five (5) feet.
2. Side yard setback shall be none.
3. Rear yard setback shall be a minimum of 7 ½ feet.

G. PROHIBITED USES AND STRUCTURES – It shall be unlawful for any person to keep or maintain any use or structure other than the uses or structures set forth above.

ARTICLE 15. PUD PLANNED UNIT DEVELOPMENT ZONE

A. PURPOSE AND INTENT – Planned unit development is intended to permit the development of large tracts of undeveloped land and the redevelopment of land for residential, commercial, industrial or a combination of these uses. Specific uses which must comply with requirements of this include airports, churches, trailer parks, golf courses, cemeteries, shopping centers, drive-in theaters, industrial parks, parochial schools, outdoor recreational or amusement facilities for commercial purposes and heavy manufacturing. The council, on recommendation of the Commission, hereby reserves the right to treat any application for a building permit as a PUD

and require compliance with this Article. In doing so, the council shall consider the size and complexity of the proposed development and the intent and purpose of the Ordinance.

B. ACREAGE OR SIZE REQUIREMENTS – None

C. DEVELOPMENT PLAN REQUIRED – The proposed development shall follow all applicable procedures, standards and requirements of the Subdivision Regulations. The development plan shall be prepared by a professionally – trained architect, landscape architect, urban planner or engineer. No construction shall commence until a final plat of the proposed development is approved and recorded in the Office of the County Clerk. The official Zone map shall be revised to indicate the area covered by the Development Plan and labeled PUD following approval by the governing body. The following additional information shall be provided:

1. Locations, dimensions, setback and heights of all proposed structures and clear designations of all land uses.
2. Design of vehicular and pedestrian entrances and exits.
3. Design of parking, loading and traffic handling facilities and methods.
4. Location and height of walls, fences or other screens.
5. Adjacent platting, structures and land uses for a distance of 100 feet from the boundaries of the premises on which the proposed development is to be located.
6. Elevations of heights of structures.
7. Existing and proposed contours of ground elevations at a contour interval of five (5) feet or less.

D. STANDARDS

1. Residential – Proposed residential planned developments shall be permitted in any of the residential zones and shall conform to the standard of that zone as outlined in this Ordinance except that the Council may waive yard, area, height and setback requirements consistent with the recognized principles of design and land use planning. All land lost from individual lots shall be shown as gained in the form of communal open space which shall be improved and maintained by the developer or by a perpetual corporation.
2. Commercial – Proposed commercial planned developments shall conform to the standards outlined in the commercial zone in which the land is located.
3. The maximum height of buildings and structures in area or zones not covered specifically in this Ordinance shall be no more than 27 feet measured from grade.

E. TIME FOR CONSTRUCTION – When a planned unit development is approved and zoning is granted, the Council shall in the Ordinance granting the zoning, establish time periods in which construction must begin and when construction must be completed. Failure to meet the timetables required shall result in the PUD Zoning automatically reverting to the zoning in existence prior to the grant of PUD Zoning.

ARTICLE 16. EP ENVIRONMENTAL PRESERVATION ZONE

- A. PURPOSE AND INTENT** – The Environmental Preservation Zone is intended to delineate areas within the Town where construction or development could be harmful to life or property in such areas as stream or river valleys, arroyos, draws, gulches, or other lands. Property on which soil or geological problems are known to exist with regard to development are also included for consideration in this zone.
- B. REQUIREMENTS** – No construction of any buildings, roads or other structures or accessory uses of any kind shall be allowed in this zone. Roads, easements or recreational use in this zone may be allowed if application for such is made to the Commission. If such application is approved by the Commission and the Council, the applicant may proceed with his plans subject to any restrictions imposed by the Commission or the council.

ARTICLE 17. OFF-STREET PARKING

The following parking spaces shall be provided on-site off the street and satisfactorily maintained by the owner of the property of each building or structure erected, constructed, remodeled or enlarged:

- A. DWELLING** – One parking space per 1000 square feet of floor area, but not less than two spaces per dwelling unit. A garage may be included if more than two (2) spaces are required for parking.
- B. PLACES OF PUBLIC ASSEMBLY** – At least one off-street parking space for each four seats or 90 linear inches of bench or pew or at least one off-street parking space for each 100 square feet of area used for public assembly but not including fixed seats. Such space shall be provided not further than 300 feet distance in a direct line from the nearest part of such building or structure used for these purposes to the nearest part of the parking area.
- C. RESTAURANT, NIGHT CLUB, DANCE HALL, SIMILAR RECREATION OR AMUSEMENT ESTABLISHMENT** – At least one parking space for every four occupants, plus 10%, based on maximum occupancy load as determined by the Town’s Fire Chief.
- D. HOTEL, MOTEL, BED & BREAKFAST OR EACH RENTAL UNIT** – Parking shall be based on a maximum occupancy load as determined by Town’s Fire Chief. There shall be one space for every four (4) occupants, plus 10% for employee parking.
- E. HOSPITAL, SANATORIUM, CLINIC, OR NURSING HOME** – At least one parking space for each four patients, plus one additional space for each staff doctor, plus one additional space for each three regular employees, including nurses.
- F. RETAIL STORES** – At least two off-street parking space for each retail store up to 1,000 square feet; one additional space for each additional 1000 square feet.

- G. OFFICE BUILDINGS OR BANKS** – At least one parking space for each 500 square feet of office floor area.
- H. INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS** – One space per each employee on the operating shift.
- I. BOWLING ALLEYS** – One parking space for each alley.
- J. VEHICLE RENTAL OUTLETS** –
Rental vehicles: There shall be at least one space for each normal size vehicle and at least 25 square feet for each motorcycle, snowmobile, or ATV.

Customer Parking: There shall be one parking space for every four rental units, plus 10%.
- K. GROUP FACILITY** – At least 400 square feet for each bus. And one space for each normal size vehicle. There shall be one space for every four (4) occupants based upon maximum occupancy load as determined by the Town’s Fire Chief, plus 10% for employee parking.
- L. DISABLED PARKING** – Every parking lot shall have designated disabled parking spaces as provided herein:

The minimum number of designated disabled parking spaces are as follows:

TOTAL SPACES IN PARKING LOT	MINIMUM DESIGNATED DISABLED PARKING SPACES
1 to 25	1
16 to 35	2
36 to 50	3
51 to 100	4
101 to 300	8
301 to 500	12
501 to 800	16
801 to 1,000	20
more than 1,000	20, plus 1 for each 100 over 1000

The designated disabled parking spaces shall be located so as to provide the most convenient access to entryways or to the nearest curb cut. Every parking lot shall have at least one designated disabled parking space designed to accommodate a motor vehicle passenger van and there shall be a minimum of one such space for every eight designated parking spaces. No building permit shall be issued for the construction of substantial improvement or renovation of a commercial building inviting public access unless the parking lot has designated disabled parking spaces as delineated herein.

- M. SNOW STACKING** – Adequate additional space for snow stacking shall be provided on the same property that contains the off-street parking spaces.
- N. COMPUTING THE NUMBER OF OFF-STREET PARKING SPACES REQUIRED** – The following criteria shall govern:
 1. Where fractional spaces result, the parking spaces required shall be constructed to be the next higher whole number.
 2. The parking space requirements for a use not specifically mentioned here in shall be the same as required for a use of similar nature as determined by the Commission.
 3. In case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses. Parking facilities provided for one use shall not be considered as providing the required parking facilities for any other uses unless specifically approved by the Commission, with the sole exception of disabled parking.

ARTICLE 18. USES NOT LISTED

Any land use not a Permissive Use shall be considered a Conditional Use if approved by the Commission and Council.

ARTICLE 19. NON-CONFORMING USES

- A. NON-CONFORMING USE OF BUILDING OR STRUCTURES** –
 1. Any building or structure non-conforming as to use shall be removed or converted to a conforming building or structure when such building or structure has reached the age measured from JUNE 1, 1975, such age computed as follows:

CLASS*	TYPE OF CONSTRUCTION	MAXIMUM ALLOWABLE LIFE IF NON-CONFORMING
I	Steel, iron. Concrete or Masonry including pre-cast Concrete slab	60 years
II	Steel and wood	60 years
III	Block, stucco, brick	50 years
IV	All metal	50 years
V	Wood, frame stucco	40 years

*These classes are based on varying degrees of safety and resistance to fire.

Exceptions to the above allowable lives if non-conforming are as follows:

- a. Any existing trailer, mobile home, trailer park, or mobile home park may remain until removed by the owner, but once removed may not be replaced unless into a zone in which it is conforming use.

- b. Any sign, billboard, commercial advertising structure non-conforming as to use shall be removed as provided in ARTICLE 21 of this Ordinance.
- 2. Any non-conforming building or structure may be maintained, repaired, or altered provided that any building or structure non-conforming as to use shall not be structurally added to, or substantially improved except as required by law.
- 3. Any building or structure non-conforming as to use shall not be added to, enlarged, or substantially improved unless such building or structure is thus converted to a conforming use.
- 4. Any building or structure non-conforming only as to height regulations shall not be added to nor enlarged unless such addition or enlargement conforms to all the regulations of the zone in which it is located.
- 5. Any building or structure non-conforming as to yard requirements shall not be added to nor enlarged except as insofar as said addition or enlargement is in compliance with the following requirements:
 - a. The total aggregate floor area included with in all such separate additions or enlargements shall not exceed fifth percent of the floor area or the original non-conforming building or structure.
 - b. No additions, enlargements or substantial improvements may be non-conforming to the current zone requirements for yards.
 - c. If demolition is required of structures for additions, enlargements, or substantial improvements, then all current zone requirements for yards must be complied with.
- 6. Any non-conforming building or structure may be moved in whole or in part to another location on the lot, provided that every portion of such building or structure which is moved is made to conform to all regulations of the zone in which it is located.
- 7. Any building or structure non-conforming to use which hereafter becomes vacant and remains unoccupied or is not used for a continuous period of one year or more shall not there after be occupied except by a conforming use.
- 8. The non-conforming use of use of any non-conforming building or structure may be changed to another use permitted in the same or more restrictive zone.

B. NON-CONFORMING USE OF LAND – In any zone where a parcel of land in non-conforming as to use and such is the principal use and not accessory to the main use conducted in a building, such use shall be discontinued. Such non-conforming use shall not be extended or enlarged either on the same or adjoining property. Any building accessory to such use of land, such as a shed, tool house, storage building, or office shall be removed, or if such building is so constructed as to permit the issuance of permit for use not excluded from the zone, such building may remain as a conforming use; thereafter both land and building shall conform as to use. Such non-conforming uses of open land and building shall conform as to use. Such non-conforming uses of open land shall specifically include automobile wrecking yards, stockyards, feed pens, batch plants and all non-conforming land used for outdoor storage of materials.

C. NON-CONFORMING USE DUE TO AMENDMENT – This subsection also shall apply to any building, structure, or use which becomes non-conforming due to any amendments to the

text or the Ordinance or the Zone Map, provided however, that where a period of three (3) years is specified by this subsection for the removal of non-conforming buildings, structures, or uses, said period shall be computed from the date such amendment became effective.

ARTICLE 20. DRAINAGE CHANNELS AND AREA SUBJECT TO FLOODING

As a condition precedent to issuance of any building permit, the Administrator shall review the information submitted pursuant to Article 5 of the Ordinance and if necessary, inspect the property to determine if Ordinance No. 2001-03 applies. If the Administrator determines such Ordinance applies because the site is located either wholly or partially in a flood hazard area, floodway, flood fringe area or flow line area, then all of the provisions in Ordinance No. 2001-03 and this Ordinance must be complied with prior to issuance of a building permit. (as amended by 2004-05)

ARTICLE 21. SIGNS

A. SIGN PERMIT REQUIRED – It shall be unlawful for any person to erect within the Town of Red River any sign of other advertising structure without first obtaining a sign permit from the Administrator and signing an affidavit stating the individual or business understands and will comply with the sign ordinance.

Sign permit shall contain the following:

1. Name, address and phone number of applicant.
2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
3. Position of sign in relation to nearby building structures.
4. Two blue prints or drawings of the plans and specifications and method of construction and attachment to the building or on the ground.

B. GENERAL – Except for Home Businesses, as defined in ARTICLE 6, a sign may be either Internally lit or Wooden in nature.

1. **Internally Lit Sign:**

- a. Structural supports for free-standing, internally lit signs shall be made of wood, such as rough sawn, peeled or treated timber, stripped aspen poles or some material compatible with the area. Steel poles may be used but painted to blend with the area in which they are used.
- b. Rigid steel framework, if used for internally lit signs, shall be painted so as to blend in with the natural look of the sign, preferably earth tones. Rating company signs are permissible. If possible, use decals common to this type of sign and mount flat against window or against the side of the building or structure.
- c. Other materials besides the above may be used for internally lit signs if they meet with the approval of the Planning and Zoning Commission.

2. **Wooden Sign:**

- a. Design of wooden sign or wooden advertising structure shall conform with the Frontier or Alpine architecture existing in Red River.
- b. Wooden signs shall be constructed of any of the following materials:
 1. Backgrounds of wood – redwood, cedar, pine etc. planking or exterior grade plywood.
 2. Letters cut out or painted on or routed with contrasting color.
 3. Separate raised letters of wood or black iron applied to building walls or rooftops or gables.
 4. Anchorage of wooden signs should be simple and inconspicuous as possible, compatible with necessary strength.
 5. Structural supports for free-standing signs made of wood, such as rough sawn, peeled or treated timber, stripped aspen poles or some material compatible with the area. Steel poles may be used but painted to blend with the area in which they are used
 6. Rigid steel framework, if used, will be painted so as to blend in with the natural look of the sign, preferably earth tones. Rating company signs are permissible. If possible, use decals common to this type of sign and mount flat against window or against the side of the building or structure.
 7. Other materials besides the above may be used for internally lit signs if they meet with the approval of the Planning and Zoning Commission.
 8. Natural stone or timber planters can be used to provide greater protection for the sign and give an opportunity for landscaping.

C. SIZE – The main sign shall not exceed fifty (50) square feet. Any additional signs shall be limited to a total square footage of one (1) square foot of sign for each linear front foot of business property or linear front footage of the building, whichever is smaller, not to exceed fifty (50) square feet on any one sign.

D. LOCATION AND POSITION WITH RESPECT OT BUILDINGS AND PREMISES – When signs are located on buildings or on roofs, the sign must be within the silhouette of the building to which it is attached. A free-standing sign shall not exceed the building height and no sign shall block visibility of any intersection or roadway.

E. LIGHTING – No flashing or moving forms of illumination are permitted. Lighting shall be in conformance with Article 22, Night Sky Protection.

F. DIRECTIONAL AND TRAFFIC CONTROL – Directional and traffic control signs such as VACANCY, PARKING, OPEN, shall be exempt from the Ordinance and shall not exceed three (3) square feet per sign. No flashing or moving forms of illumination are permitted.

G. MAINTENANCE – All signs will be kept in good repair and painted or maintained in an appropriate and safe manner. Any sign deemed in disrepair by the Planning and Zoning Administrator or Commission will be considered to be non-conforming to this Ordinance and the owner will, after receipt of a written notice from the Administrator or Commission, make the necessary repairs or remove the sign within 30 day s of said notice.

- H. OFF PREMISES SIGNS** – No free-standing signs shall be erected or maintained off the premises of the advertised business unless approved by the commission, with the following exception:
 A business that is located adjacent to Main Street may request a directional sign from the Town of Red River. The sign shall be ordered by the Town of Red River only, and sold to the business for a fee that is consistent with the actual cost to the Town. Under no circumstances shall a sign be placed on a stop sign post or any street marking post. The Town shall have the authority to remove any sign related to a business that is not currently licensed by the Town of Red River.
- I. REMOVAL OF OBSOLETE BUSINESS SIGNS** – Any sign now or hereafter existing (including its supports) which no longer advertise a bona fide business conducted or a product sold, on the premises, shall be taken down or removed by the owner, agent or person having the beneficial use of the building or structure or land upon which such sign may be found within ten (10) days after written notice from the Administrator or Commission. Failure to comply with such notice within the time specified in such order, the Administrator or commission is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.
- J. ADVERTISING BANNERS, PLACARDS, PENNANTS, STREAMERS, OR TEMPORARY SIGNS** – Advertising banners, tent placards, pennants, streamers or signs of a temporary nature shall be allowed for a period not to exceed 15 days in any one season (November – April) (May – October) of the year.
1. A permit, documenting the days of use for each season, not to exceed 15 days, shall be submitted to the Administrator upon a form provided by the Administrator prior to use of the banner. Only one permit per business, per season, shall be allowed.
 2. Advertising banners, tent placard, pennants, streamers, or signs of a temporary nature must comply with Size, Maintenance, and Off Premises Signs within ARTICLE 21.
 3. There shall be only one advertising banner, tent placard, pennants, streamers, or sign of a temporary nature per business in use per season.
 4. Advertising banners, tent placards, pennants, streamers, or signs of a temporary nature may not be attached to or leaned against trees, utility poles, or street furniture, and may not obstruct the free flow of pedestrian or vehicular traffic.
 5. Signs of a temporary nature located within, and interior to a window, are exempt from these regulations.
- K. EVENT BANNERS** – Event banners that generically advertise town-wide events may be displayed without permit. Event banners shall comply with Maintenance as set forth in ARTICLE 21.
- L. REAL ESTATE SIGNS** – Any sign advertising the sale, rental or lease of the premises upon which they are located shall not require a sign permit provided they meet the following requirements:
1. Signs shall conform to the existing maintenance and off premise regulations as set forth in ARTICLE 21.
 2. Signs shall not exceed six (6) square feet in size.

3. There shall be only one (1) sign per advertised property.
4. Signs shall not be attached to or leaned against trees, utilities, poles or street furniture.
5. Signs may be constructed of sheet metal.

M. NEON – Neon shall be permitted up to 25% of the total square footage of the additional signage (not including “open” and “vacancy” signs), as allowed in C. SIZE.

N. PENALTY – Any person violating any provision of this ordinance shall be punished by a fine not to exceed \$500 and imprisonment not to exceed 90 days. Each day this Ordinance is violated is a separate offense.

O. EXCEPTIONS-APPROVAL BY COMMISSION AND COUNCIL – Any outdoor figure, display, painting, poster/billboard, or similar things designed, intended or used to attract attention to an advertising structure or to the premises for which the advertising structure is designed and which is not specifically covered in other sections of the ARTICLE 21 must be approved by the Commission and Council. Exceptions include:

1. Flags or governmental insignia, excepting when used in commercial display.
2. Illustration of names of occupants, post office box numbers and property numbers when smaller than one square foot.
3. Posting legal notification, traffic and other directional signs erected or required to be erected by governmental bodies.

P. NON-CONFORMING SIGNS/REMOVAL/DETERMINING JUST COMPENSATION – Notwithstanding any other provision of this Ordinance, the Town Council may determine to remove any advertising structure or sign not conforming to this Ordinance. The council shall make such determination by adoption of a Resolution. The Resolution shall identify generally the advertising structure or sign by generally stating its location, the message on it or size and type.

Prior to adoption of the Resolution, the Administrator (at least 14 calendar days prior to consideration of the Resolution by the Council) shall mail a certified letter, return receipt requested, enclosing a copy of the proposed resolution to the owner or reputed owner or occupant or person in charge or reputed occupant or person in charge of the sign or premises on which it is located. The letter shall inform the person of the Resolution and inform him that he may appear and present any evidence he may desire on whether or not the Resolution will mean that the advertising structure or sign shall be required to be removed and that just compensation shall be paid therefore.

If the Council adopt the Resolution, and the Council shall select three bona fide sign companies in the State of New Mexico to appraise the sign in question. Council shall take the average of the three appraisals to be paid as just compensation. That amount shall be paid to the person and he shall remove the sign within five calendar days after payment. If not so removed, the Town may do so at the sign owner’s expense.

ARTICLE 22 NIGHT SKY PROTECTION

- A. PURPOSE** – The purpose of Night Sky Protection is to regulate outdoor night lighting fixtures, preserve and enhance the State’s dark sky while promoting safety, conserving energy and preserving the environment for astronomy.
- B. DEFINITIONS** –
1. **Outdoor Lighting Fixture:** An outdoor lighting fixture means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including search lights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting.
 2. **Shielded:** A fixture is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
- C. SHIELDING OF OUTDOOR FIXTURES** – All outdoor fixtures installed shall be shielded, except incandescent fixtures of 150 watts or less and other sources of 70 watts or less.
- D. NON-CONFORMING LIGHT FIXTURES** –
1. In addition to other exemptions, an outdoor lighting fixture not meeting these provisions shall be allowed, if the fixture is extinguished by an automatic shut off device between the hours of 11:00 pm and sunrise.
 2. No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 pm, except for a national or international tournament or to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 pm at a ballpark, outdoor amphitheater, arena, or similar facility.
- E. USE OF MERCURY VAPOR LIGHTING FIXTURES** – No new mercury vapor outdoor lighting fixtures shall be installed.
- F. EXEMPTIONS** –
1. The following are exempt from the requirements of the Night Sky Protection:
 - a. Outdoor lighting fixtures and advertisement signs on interstates and federal primary highways.
 - b. Outdoor lighting fixtures existing and legally installed prior to the effective date of this Ordinance; however, when existing lighting fixtures become un-repairable, their replacements are subject to all provisions of this section.
 - c. Navigational lighting systems at airports and other lighting necessary for aircraft safety.
 - d. Outdoor lighting fixtures that are necessary for worker safety at farms, ranches, dairies, feedlots or industrial, mining or oil and gas facilities.

G. VIOLATIONS; PENALTY – Any person, firm or corporation violating this Article shall be punished as follows.

- a. For a first offense, the offender may be issued a warning.
- b. For a second offense or offense that continues for 30 days from the date of warning. \$25.00 minus the replacement cost for each offending fixture.

ARTICLE 23. ADMINISTRATION

A. ZONE CHANGE PROCEDURE –

1. Application and Fees: Zone changes may be initiated by application to the Town of the prescribed form. The application must be accompanied by an accurate plat plan, site plan, building development plan, sketch, program of development or other related material and information as required by the Town. After an application for rezoning is advertised for public hearing by the Commission, another application for a change may not be filed on the same property within 12 months from the date of final action by the Town on the application. An application for zone change shall be paid as follows:
 - a. Less than one acre: \$50.00
 - b. 1 to 5 acres: \$60.00 for the first acre plus \$10.00 for each additional acre.
 - c. 5 to 20 acres: 100.00 for the first 5 acres plus \$3.00 for each additional acre.
 - d. 20 to 60 acres: \$175.00 for the first 20 acres plus \$3.00 for each additional acre.
 - e. 60 acres plus: \$295 for the first 60 acres plus \$1.00 for each additional acre.

When an application is withdrawn, the filing fee will not be refunded.

2. Hearings:
 - a. The Commission must consider each application and if approved, must promptly make a written recommendation to the Council. The Commission must fix a regular time and place for regular meetings. Special public hearing may be held at other than the established regular time or place provided public notice of the meeting is given at least 24 hours in advance. The Commission shall keep minutes of its proceedings, including a record of the vote of each member on each question, and the minutes shall be public records.
 - b. Zoning regulations, restrictions or boundaries shall not become effective, amended, supplemented or repealed until after a public hearing by the Town Council at which all parties in interest and citizens shall have an opportunity to be heard. Notice of time and place of the public hearing shall be published, at least 15 days prior to the date of hearing.
 - c. Whenever a change in zoning is proposed for an area, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the County Treasurer, of lots of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. If the notice by first class mail to the owner is returned undelivered, the Administrator shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address.

- d. If the owners of 20% or more of the area of the lots of land included in the area proposed to be changed by a zoning regulation or within 100 feet, excluding public right of way, of the proposed to be change by a zoning regulation protest in writing the proposed change in the zoning regulation, the proposed change n zoning shall not be come effective unless the change is approved by a majority vote member of the Town Council.
3. Expiration of Approval – An application of an amendment is void if not submitted to the Council within six (6) months after the date of recommendation by the Commission or if not approved by the Council within three (3) moth after receipt of a recommendation from the Commission, except that no application shall be voided by any delay caused by the Town.
4. Appeals – Appeal of a recommendation by the Commission shall be submitted in writing to the Town Council.
 - a. Written notice of appeal must be filed with the Office of the Administrator other representative authorized by Town Council.
 - b. Public notice of an appeal hearing must be given by legal advertisement in the manner prescribed for a change to the text of this Ordinance. The Town must give written notice of an appeal together with notice of the hearing date to the applicant, a representative of opponents, if any and the appellant. The appeal must be presented to the Council and any request for delay in hearing the appeal must be acted upon at a regular Council meeting.

ARTICLE 24. SPECIAL EXCEPTIONS

- A. CONDITIONAL USE** – May be approved provided the Commission and Town Council find that such use is desirable or essential to the public welfare, safety, health, morals or convenience or essential to the development of an undeveloped area. Such Conditional Use shall be limited to the enumerated as conditional in the various zones.
- B. VARIANCE** – Variance from the strict application of requirements of this Ordinance may be approved by the Commission or council in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, where strict application of the requirements of this Ordinance would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of his land or buildings, but in no other cases. Practical difficulty or unnecessary hardship shall not be found when financial gain or loss or monetary saving is the sole basis for the claim of hardship.
- C. NON-CONFORMING USE PLANS** – Application for expansion or enlargement of building, which is non-conforming, may be denied.

D. EXPIRATION AND EXTENSION OF SPECIAL EXCEPTION APPROVAL AND VIOLATION OF CONDITIONS

1. Expiration – Approval of any special exception application shall be void after six (6) months from date of approval if the rights and privileges granted thereby have not been executed or utilized, of if construction work is involved, such work has not actually been started the grounds or premises within the six (6) months. Such approval also shall be void if the right and privileges are discontinued for a period of six (6) months or longer. The Commission and Council may extend such expired approval or right to use, upon request and if it does, the request for extension shall be treated as an original application for purposes of notification, hearing and evaluation, and the original approval shall not in any way obligate the Commission and Council from imposing different or additional conditions.
2. Violations of any condition imposed by the Commission or Council in approving an application shall constitute a violation of this Ordinance and shall be subject to the same penalties as any other violation of this Ordinance. Any condition imposed by the Commission and Council shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the rights and privileges authorized by approval of an application.

ARTICLE 25. ENFORCEMENT

- A. The Council may appoint an Administrator who shall have the authority and duty to enforce this Ordinance. Should the Council fail to appoint an Administrator, the Mayor or his designated representative shall perform the duties of the Administrator set forth in the Ordinance. Lack of knowledge or alleged lack of knowledge of the requirements of this Ordinance shall not justify violation of the Ordinance.
- B. Any application for permit, license, or certificate pertaining to the use of land or buildings shall be subject to the approval of the Administrator. Any such permits, license or certificates issued in conflict with the provisions of this Ordinance shall be void.
- C. The Administrator or his designated representative shall have the authority to enter any building or open any premises for the purposes of inspection, provided that no dwelling shall be entered without the consent of the occupant until the Zoning Administrator goes to the municipal court judge, shows probable cause that a violation exists and thereby obtains a search warrant for an administrative search.
- D. In the event any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any buildings, structure or land is used in violation of this Ordinance, the Administrator, in addition to other remedies, may institute any appropriate action to restrain, correct or abate such violation, to prevent the occupation of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 26. INFORMATION

The Administrator shall maintain an office to supply the public with information about this Ordinance, the Zone Map and his policy and shall maintain the only official Zone Map in its current form and shall issue certificates showing the official zoning of land when requested.

ARTICLE 27. PENALTY

Except as otherwise expressly provided herein , any person violation any proviso not this Ordinance shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars and imprisonment not to exceed Ninety (90) days. Each day this Ordinance is violated is a separate offense.

ARTICLE 28. INTERPRETATION, CONFLICT

This Ordinance embodies the minimum standards to carry out the purpose of this Ordinance. This Ordinance is not intended to interface with, abrogate, or annul any easement, covenant, or other agreement between parties, or other valid ordinances, however; where this Ordinance imposes a greater restriction upon the use of land or buildings, or upon the height of building or requires larger open space than is imposed by other rules, regulations, easements, covenants, agreements or ordinances, the provisions of this Ordinance control.

ARTICLE 29. VALIDITY

Should any part of this Ordinance be declared by the court of competent jurisdiction to be invalid, such ruling shall not affect the validity of the remainder of this Ordinance. If any paragraph or portion of this Ordinance is, by any interpretation, in conflict with any other portion, then interpretation of the part which is most restrictive shall apply and shall be enforced.

ARTICLE 30. REPEAL

Town Ordinances 1994-9, 1996-10 and 1999-7 are hereby repealed.

ARTICLE 31. EFFECTIVE DATE

This Ordinance shall become effective 5 days after its publication.

APPENDIX A

R1-A PROPERTIES IN RED RIVER, NEW MEXICO

The R1-A zoning for the following properties permits the same land use as R1 with additional use of nightly rentals. When a property is rented nightly, it will be subject to regular fire inspections. All other uses remain the same.

1. Block 15 Lots 6 through 18, Townsite of Red River, Taos County, New Mexico
2. Block 16 Lots 13 through 24, Townsite of Red River, Taos County, New Mexico
3. Block 38 Lots 7 through 12, Townsite of Red River, Taos County, New Mexico
4. Section 35, Township 25 North, Range 14 East, Lot 9 Lewis Addition
5. Part of High Street (Closed), Block 39, parts of lots 13, 14, 15, Townsite of Red River, Taos County, New Mexico
6. Section 26, Township 29 North Range 14 East, Parts of lots 1, 2, 3, 4, and 5, Block 20, and parts of the north ½ of Ravine Street (closed), Township of Red River, Taos County, New Mexico
7. Part of lots 1 and 2, block 20 and part of West 10th Street and part of Ravine Street, Township 29 North, Range 14 East, Section 26 being Townsite of Red River, Taos County, New Mexico