

**CITY OF LOVINGTON
PLANNING & ZONING COMMISSION CALLED MEETING
MONDAY, MAY 6, 2013 @ 4:00 P.M.
TO BE HELD AT 214 S. LOVE STREET**

AGENDA

OPEN MEETING

Call to Order

NON-ACTION ITEMS

Discussion to Review/Change Ordinances

TAB 1

ACTION ITEMS

Consideration of Approval of Dean Addition Final Plat

TAB 2

Consideration of Approval of Sunrise Addition Final Plat

TAB 3

PUBLIC COMMENT

OTHER BUSINESS

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 575-396-2884 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk at 575-396-2884 if a summary or other type of accessible format is needed.

Chapter 17.22 Standards

DIVISION 1. - GENERALLY

DIVISION 2. - MOBILE HOME SUBDIVISION

DIVISION 3. - MOBILE HOME PARKS

DIVISION 4. - TRAVEL TRAILER PARKS

Division1. In General

Sec. - Purpose.

Sec.- Definitions.

Sec.- Nonconforming clause.

Sec - Exceptions.

Sec. - Approval, disapproval and appeals.

Sec. - Penalties.

Sec. - Location outside a mobile home subdivision, park, etc.

Secs. - Reserved.

Sec.Purpose.

(a)

This chapter is intended to assure compliance with the zoning ordinance of the city and the various elements of the city's comprehensive plan. The regulations, restrictions and requirements of this chapter are designed to promote the general health, safety, morals, convenience and welfare of the people of the city. Such regulations, restrictions and requirements are deemed necessary in order to provide adequate open spaces for light and air; to prevent undue concentration of population and the overcrowding of land; to secure safety from fire, panic and other dangers; to lessen congestion on the streets; to facilitate adequate provisions for community utilities, such as transportation, water, sewer, schools, parks and other public requirements; and to conserve and stabilize the value of buildings and land.

(b)

The regulations, restrictions and requirements of this chapter shall be held to be the minimum standards necessary to carry out the purpose of this chapter. This chapter is not intended to interfere with, abrogate or annul any easement, covenant, other agreement between parties or other valid ordinances. Where this chapter imposes a greater restriction upon the use of land or buildings, requires a greater setback or requires larger open space than is imposed by other rules, regulations, easements, covenants, agreements or ordinances, the provisions of this chapter shall control.

Sec. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Manufactured housing shall mean a manufactured home or modular home that is a single-family dwelling with a heated area of at least 36 feet by 24 feet and at least 864 square feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standard Act of 1974 (42 U.S.C. 5401 et seq.) and the Housing and Urban Development Zone Code II or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the regulations made pursuant thereto relating to ground level installation and ground anchors. A manufactured home shall meet the same zoning requirements as site-built housing within that specific-use district so long as the manufactured housing meets this definition.

Mobile home shall mean a movable or portable housing structure larger than 40 feet in body length, eight feet in width or 11 feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes, but does not include a structure built to the standards of any municipal building code and other technical codes.

Mobile home park shall mean a parcel or lot designed and developed for long-term residential use and intended for rent or lease where the residents are in mobile homes exclusively.

Mobile home subdivision shall mean a subdivision designed and developed for long-term residential use and intended for sale or lease where the residents are in mobile homes exclusively.

Trailer site shall mean that portion of a mobile home subdivision, mobile home park and travel trailer park, set aside and designated for the occupancy of a mobile home or trailer, including the areas set aside for vehicular parking and accessory buildings or structures.

Travel trailer shall mean any vehicle or similar portable structure without motive power, designed to be drawn or placed upon a vehicle and to be used as a short-term temporary dwelling unit.

Travel trailer park shall mean a plot or parcel of land designed and developed specifically for the short-term, temporary occupancy of travel trailers, motor homes, pick-up campers, converted buses, tent-trailers or similar devices used for temporary portable housing.

Unit shall mean a travel trailer, motor home, pick-up camper, converted bus, tent-trailer or similar device used for temporary, portable housing.

Unit, self-contained, shall mean a unit which can operate independently of connections to external sewer, water and electrical systems, and contains water storage facilities, a toilet and holding tank for liquid waste.

Unit, dependent, shall mean a unit other than a self-contained unit.

Sec. - Nonconforming clause.

(a)

Any nonconforming mobile home subdivision, mobile home park, or travel trailer park, damaged by fire, flood, explosion, earthquake, war, riot or act of God, may be reconstructed and used as before, if it can be done within six months of such calamity, unless damaged by more than 50 percent of the value of the improvements, at the time of such damage, in which case reconstruction shall be in accordance with the provision of this section.

(b)

No building, structure or premises where a nonconforming use has been or may be discontinued for more than six months, shall again be devoted to a nonconforming use.

(c)

This section shall affect every building, structure and use, and except as hereinafter specified, no building, structure or land shall be used and no building or structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations herein specified for the district in which it is located.

Sec. - Exceptions.

Mobile homes and trailers may be used under the following circumstances and may be granted as a special use permit by the city commission:

(1)

As a sales office for products sold on the property in connection with mobile home sales.

(2)

As a construction shack for office use while the building is under construction.

(3)

For use as a business by the owner or lessee during the time of construction of a new building on the same site.

(4)

One trailer may be used in the industrial zone to serve as quarters for the night watchman or caretakers. No such trailer shall be used for residential purposes.

(5)

One trailer may be used as office space in the industrial zone.

Sec. - Approval, disapproval and appeals.

(a)

The approval of any mobile home subdivision, mobile home park or travel trailer park shall not constitute or waiver compliance with any other applicable provisions of this chapter, nor shall any approval authorize or be deemed to authorize, a violation or failure to comply with other applicable provisions of this or other chapters of this Code.

(b)

In the event the mobile home subdivision, mobile home park or travel trailer park is disapproved, the disapproval shall be in writing, shall set forth reasons and clearly indicate wherein the proposed mobile home subdivision, mobile home park or travel trailer park would be contrary to any provisions of these regulations, and a copy of such action shall be transmitted to the applicant.

(c)

Appeals may be taken by any person aggrieved by or any officer, department or bureau of the city affected by any decision of the building official or planning and zoning commission. The appeal procedure to be followed is the same procedure prescribed for appeals in Chapter 17.08 of this Code.

Sec. - Penalties.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 17.08.190.

Sec. - Location outside a mobile home subdivision, park, etc.

(a)

It shall be unlawful, within the limits of the city for any person to park any manufactured home, mobile home, trailer home or travel trailer on any street, alley, highway or other public place, or on any tract of land owned by any person, occupied or unoccupied, within the city, except as provided in this Code.

(b)

Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than two hours, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations and ordinances for that street, alley or highway.

(c)

No person shall park or occupy any mobile home, travel trailer or boat, on the premises of any occupied dwelling or on any lot situated outside an approved trailer park, except as provided in this section.

(1)

Outside storage of a travel trailer or boat, within the required side yard or rear yard setback of a lot containing a dwelling, provided:

a.

The travel trailer or boat stored in the side yard is placed on the lot behind the front building line of any existing dwelling or behind the front yard setback line, whichever is farther from the street, and cannot be placed within a side yard setback area.

b.

The travel trailer or boat is not used as a dwelling or as accessory living quarters.

c.

The travel trailer or boat is not connected to utilities, except for temporary electrical connection.

d.

The travel trailer or boat is not used for the storage of goods, materials or equipment other than those items considered to be a part of the trailer or boat or essential for its immediate use.

(2)

Temporary parking or use of a travel trailer or cargo trailer on a lot containing a dwelling without regard to area or setback regulations, provided:

a.

The trailer may be used for temporary dwelling purposes and be served by electricity for lighting purposes only, but no other utility connection is permitted.

b.

Temporary parking and use of the trailer is limited to a maximum period of two weeks in any calendar year. A temporary use permit must be purchased at city hall for a fee of twenty dollars. The permit shall be displayed in the window next to the door at all times.

(3)

No manufactured home shall be occupied, located or used for residential purposes in any zone unless it meets all requirements applicable to single family site-built housing in that zone.

a.

Every lot shall contain an area devoted to each person living on said lot of not less than a minimum area of seven thousand square feet.

b.

The yard regulations shall be the same as in the "A" single family dwelling district.

(3)

Single wide trailers are only permitted in Zone "B" "C" and "D"

(4)

No manufactured home, mobile home, or trailer house may be placed upon any lot within the city prior to submitting a site plan and receipt of subsequent approval of said site plan by the city.

a.

Each home must bear an insignia which attests that the construction of the mobile home meets Regulation A 119.1 of the American Nations Standards Institute (adopted by the U>S> Department of Housing and Urban Development and Federal Manufactures Home Construction and Safety Standards.)

b.

Standard mobile home skirting must be provided around the entire perimeter of the mobile home between the bottom of the body of the mobile home and the ground within 60 days of the permit being issued.

c.

Each mobile home must be anchored and stabilized to the ground according to state regulations.

d.

The yard regulations shall be the same as in the "A" single family dwelling district.

(5)

All manufactured homes, mobile homes, and trailer houses must meet the minimum housing standards in Chapter 8.32 of the City municipal code within 60 days of being set on any lot located within city limits.

Division 2 Mobile Home Subdivision

Sec. - Compliance generally.

Sec. - Location.

Sec. - Minimum size.

Sec. - Site occupancy.

Sec. - Off-street parking.

Sec - Accessory uses.

Sec. - Area of lot.

Sec. - Front yards.

Sec. - Side yards.

Sec. - Rear yards.

Sec. - Fences.

Sec.- Mobile home units.

Sec. - Manufactured housing unit.

Sec. - Reserved.

Sec. - Compliance generally.

All mobile home subdivisions established within the corporate limits of the city shall be prepared in accordance with this section, the state code and other applicable ordinances. All mobile homes must meet the specifications of the state code. No accessory building permit shall be issued and no buildings or structures shall be constructed until the code enforcement department has approved such buildings or structures, as complying with this section.

Sec - Location.

Mobile home subdivisions may only be located in the "B" multiple dwelling district, or "C" Commercial district.

Sec - Minimum size.

A mobile home subdivision shall consist of not less than 24 contiguous sites for the parking of mobile homes for residential occupancy only.

Sec - Site occupancy.

No more than one mobile home shall be placed on each site in a mobile home subdivision.

Sec - Off-street parking.

Off-street parking for two vehicles shall be provided for each mobile home in the mobile home subdivision.

Sec - Accessory uses.

(a)

Carports, garages, storage buildings, other additions and fences in a mobile home subdivision shall be constructed in accordance with all provisions of this Code and all other applicable city ordinances.

(b)

No detached accessory buildings shall be used for human occupancy in a mobile home subdivision.

Sec - Area of lot.

There shall be provided a minimum of _____ square feet for each lot or site in a mobile home subdivision.

Sec - Front yards.

Front yards shall be provided on every lot or site in a mobile home subdivision, the minimum depth shall not be less than 25 feet.

Sec - Side yards.

Side yards shall be provided on every lot or site in each mobile home subdivision, the width shall not be less than ten feet. On any corner lot, the width of any side yard along the street lot line shall be a minimum of fifteen feet.

Sec - Rear yards.

Rear yards shall be provided on every lot or site in a mobile home subdivision, the minimum depth shall be ten feet.

Sec - Fences.

No fence in a mobile home subdivision shall exceed three feet in height in any front yard and shall not exceed seven feet in height on side or rear yards.

Sec - Mobile home units.

All mobile home units in a mobile home subdivision shall meet the requirements of the state standards for mobile homes as to construction and tie-down requirements plus all units are to be skirted (enclosed around base).

Sec - Manufactured housing unit.

All manufactured housing units in a mobile home subdivision shall meet the requirements of state standards for manufactured housing as to construction and tie-down requirements plus all units are to be skirted (enclosed around base).

Division 3 Mobile Home Parks

Sec. - Special use permit.

Sec. - Minimum number of spaces.

Sec. - Residential occupancy.

Sec. - Special external setback requirement.

Sec. - Management offices and common facilities.

Sec. - Site conditions.

Sec. - Access to the site.

Sec. - Design of entrances and exits.

Sec. - Internal streets.

Sec. - Driveways.

Sec. - Parking space.

Sec. - Electrical requirements.

Sec. - Space area and setbacks.

Sec. - Recreation area.

Sec. - Pedestrian circulation.

Sec. - Refuse collection.

Sec. - Mobile home pad.

Sec. - Reserved.

Sec. - Special use permit.

A special use permit will be required for all mobile home parks with the recommendation and approval of the planning and zoning commission and final approval by the city commission.

Sec. - Minimum number of spaces.

Each mobile home park shall contain at least ___ mobile home spaces.

Sec. - Residential occupancy.

No space in a mobile home park shall be rented for any other than residential use in a mobile home park. No mobile unit shall be admitted to any mobile home park unless it conforms to the standards set forth in this division.

Sec. - Special external setback requirement.

Where a mobile home park adjoins at a space line (without an intervening street or alley), the boundary of a more restrictive or less restrictive zone district, a setback of 25 feet in least dimension shall be provided. The planning commission shall require walls, fences or vegetative screening at the outer edges of such setbacks to protect park occupants against intrusion or adverse environmental conditions, and to protect the neighbors against possible adverse effects of the park.

Sec. - Management offices and common facilities.

The structure or structures containing the management office and other common facilities in a mobile home park shall be conveniently located for the uses intended. Consolidation of management, laundry, recreation and other common facilities in a single building and location is acceptable if the single location will adequately serve all mobile home spaces. All structures shall meet the requirements of the state building code.

Sec. - Site conditions.

Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health and safety of the occupants in a mobile home park.

Sec. - Access to the site.

Direct vehicular access to the mobile home park shall be provided by means of an abutting approved public street, or improved and permanently maintained private street. The width and construction of the access streets shall be suitable for the vehicular traffic requirements of the properties serviced. Sole vehicular access shall not be by an alley.

Sec. - Design of entrances and exits.

Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the mobile home park. All traffic into and out of the park shall be through such entrances and exits. Radii of curbs and pavement at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No object or material impediment to visibility shall be created, placed or maintained which obscures the view of an approaching vehicle in the right lane of the street.

Sec. - Internal streets.

Streets shall be provided in the mobile home park where necessary to furnish principal traffic-ways for safe and convenient access to all spaces and to facilities for common use by park occupants. Streets shall be privately owned, constructed and maintained.

(1)

Street alignment and gradient. Street alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated and to satisfactorily control surface water and groundwater.

(2)

Street surfacing and maintenance. A sound all-weather paved driving surface, constructed in accordance to city specifications, shall be provided and maintained.

(3)

Street widths. Surfaced streets shall be a minimum of 20 feet paved surface for two traffic lanes. If streets are to be used for parking, streets must be widened. Street widths at access points where general traffic enters or leaves the park, shall be sufficient to permit free movement from or to the stream of traffic on the public streets, and no parking shall be permitted which in any way interferes with such free movement.

Sec. - Driveways.

Driveways shall be provided on the mobile home park site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other materials. Driveways serving a single facility or single mobile home space shall have a minimum full width of eight feet or ten feet where it is also used as a walk.

Sec. - Parking space.

Parking space in a mobile home park shall be provided at a rate of at least two spaces for each mobile home space.

Sec. - Electrical requirements.

(a)

Adequate exterior lighting shall be provided for all streets, walkways, buildings and other facilities in a mobile home park subject to nighttime use. All exterior lights shall be so located and shielded as to prevent direct illumination of sleeping area within the park and any contiguous property of a more restrictive zone district.

(b)

The trailer shall pass an electrical safety check by the electrical inspector and be connected with a minimum of 100-ampere service that is permanently mounted.

(c)

All electrical service, phone and cable television shall be underground.

Sec. - Space area and setbacks.

The space area established for each mobile home in a mobile home park shall be at least 3,000 square feet, including the area of the mobile home pad, and shall have a minimum width of 32 feet. The minimum side to side spacing between mobile homes or any permitted building or structure shall be at least 20 feet. The minimum end to end spacing between mobile homes shall be at least 20 feet. Any mobile home shall be at least 25 feet from the right-of-way of any public street and at least 15 feet from any property line.

Sec. - Recreation area.

Not less than five percent of the gross site area of a mobile home park shall be devoted to open space for recreational purposes. The open space should have a central location.

Sec. - Pedestrian circulation.

The pedestrian circulation system in a mobile home park shall be designed, constructed and maintained for safe and convenient movement from all spaces to principal destinations within the park and, if appropriate, shall provide access to pedestrian ways leading to destinations outside the park. Minor streets and collector streets, which are privately owned, may be used as pedestrian ways except where the concentration of either pedestrian or vehicular traffic appears likely to lead to congestion or hazards.

Sec. - Refuse collection.

The refuse collection system in a mobile home park must be approved by the city director of public works.

Sec. - Mobile home pad.

The mobile home pad shall provide for the practical placement or the removal from the space of both the mobile home and its appurtenant structures and the retention of the home on the space in a stable condition and in satisfactory relationship to its surroundings. A pad shall be provided for every mobile home in the park.

(1)

Size. The size of the pad shall be suitable for the general market to be served by the individual proposal, and it shall fit the dimensions of the mobile homes anticipated, including their appurtenant structures or appendages.

(2)

Location. The location of each mobile home pad shall be such elevation, distance and angle in relation to the access street and the mobile home access way that placement and removal of the mobile home is practical.

(3)

Gradient. The pad shall have zero percent to five percent longitudinal and adequate down- or cross-gradient for surface drainage.

(4)

Construction. The pad shall be constructed of appropriate materials, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons.

(5)

Skirting. Each mobile home shall have skirting around its perimeter to screen its wheels and undercarriage, or the mobile home shall be placed in an excavation specifically designed to hide the wheels and undercarriage from view. Any such excavation shall have provisions for drainage approved by the city engineer.

Permits

Sec. - Required.

Sec. - Application.

Sec. - Fee.

Sec. - Codes and requirements.

Secs. - Reserved.

Sec. - Required.

It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned or controlled by him, a mobile home subdivision, mobile home park or travel trailer park, within the city without first having secured a preliminary approval by the planning and zoning commission and a permit therefor and for each of such uses from the city, and after first having complied with the condition of this section, and other applicable ordinances. All improvements (street, curb, sewer, water and other utilities) shall be completed prior to a final approval of plot or a posted bond will be required sufficient to guarantee completion.

Sec. - Application.

Application for a permit required by this article shall be made on a form provided by the city. The type of development shall be designated one of the following:

(1)

Mobile home subdivision. The application shall meet all the requirements set forth for the development of a subdivision in the land subdivision regulations for the city except for variations as outlined in section 30-71 et seq.

(2)

Mobile home park. The application shall be accompanied by six prints of the plot plans which shall comply with all other applicable provisions of this Code or laws of the state.

(3)

Travel trailer park. The application shall be accompanied by six prints of the plot plans which shall comply with all the requirements of this chapter and other applicable provisions of this Code or laws of the state.

(4)

Manufactured housing or mobile home. The application to place a manufactured home or mobile home outside a mobile home park shall be accompanied by a plot plan showing accurately the legal description, size and exact location of the housing unit on the property. Manufactured home applications shall show proof that unit meets the definition of manufactured housing.

Sec. - Fee.

The applicant shall, at the time of filing the application, pay to the city the current fees to cover the cost of examining and processing his application. This fee is in addition to a building permit and shall be required for the following:

(1)

Mobile home subdivision.

(2)

Mobile home park.

(3)

Travel trailer park.

(4)

Manufactured housing or mobile home.

Sec. - Codes and requirements.

(a)

The mobile home park and travel trailer park shall comply with the provisions and requirements of the plumbing code and electrical code of the state.

(b)

Each applicant for the establishment of a mobile home park or travel trailer park shall submit to the city code enforcement the following information and drawings:

(1)

A plot plan shall be drawn to scale at which all necessary details may be clearly shown, on a 24-inch by 36-inch reproducible sheet showing the following:

a.

Name of park, ownership, name of developer, scale, north arrow, date and key map showing location of the development.

b.

At least two corners of the development shall be tied by course and distance to establish city or county survey monuments, and the plot plan must include a description of the corner markers, and indicate how the bearings were determined.

c.

Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, with accurate dimensions and bearings on each line and the radius, arc, length, semitangent and central angle for each curve.

d.

Rights-of-way width of each private street, location, dimensions and purpose of any easements, fully described with the development.

e.

Identification of each lot or space by letter or number.

f.

Location and description of monuments, lot corners and other survey points in place.

g.

Reference to recorded plats of adjoining land by record name, date, book and page number.

h.

Certification by a registered professional civil engineer or land surveyor to the effect that the plot plan represents a survey made or certified by him, that all the monuments shown thereon actually exist and their location, size and materials are correctly shown.

i.

The plot plan shall show the existing contours and proposed finish grade contours for the entire development. The existing contours for the adjacent property and streets shall be shown to the extent required to indicate the existence and solution of drainage problems. The contour interval shall be selected with regard to the relative slope of the land, but in no event exceed two feet.

j.

Simultaneously with the filing of the plot plan and as a condition precedent to its acceptance by the proper city officials, the applicant shall agree in writing that all buildings, development, fire protection and maintenance shall be done on the development and in accordance with appropriate and applicable ordinances, resolutions, codes and regulations of the city.

(2)

Approval of the city code enforcement officer shall be required before issuance of a permit.

(3)

The applicant shall provide the city with ___# of the plot plan at the time of application of a mobile home or travel trailer park within the zone district. After final approval of the plot plan by the proper city officials, the applicant shall furnish the city two prints of his development.

Division 4. RV Park

Location.

Travel trailer parks are permitted in Zone C

Minimum size.

The tract for a travel trailer park shall contain at least _____ spaces.

Use of spaces.

(a)

Spaces in travel trailer parks may be used by travel trailers equivalent facilities constructed in or on automotive vehicles, tents or other short-term housing or shelter arrangements or devices.

(b)

The wheels of a travel trailer shall not be removed except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the travel trailer to prevent movement of the springs while the trailer is parked and occupied

Minimum specifications for spaces.

The space established for each travel trailer or camp site shall be at least 1,400 square feet with a minimum width of 28 feet. The minimum spacing between trailers or between a trailer and any building shall be at least 15 feet. No trailer shall be located closer than 25 feet from the right-of-way of the street or ten feet from any property line.

Special external setback requirements.

Where a travel trailer park adjoins at a space line (without an intervening street or alley), the boundary of a more restrictive or less restrictive zone district, a setback of 25 feet in least dimension shall be provided. The planning commission shall require walls, fences or vegetative screening at the outer edges of such setbacks to protect park occupants against intrusion or adverse environmental conditions, and to protect the neighbors against possible adverse effects of the park.

Accessory uses.

Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a travel trailer park are permitted as accessory uses in any district in which travel trailer parks are allowed.

Site conditions.

Condition of soil, ground water level, drainage and topography in a travel trailer park shall not create hazards to the property or the health and safety of the occupants.

Location and access.

No travel trailer park shall be located except with direct access to an arterial street with right-of-way width of 80 feet or more and with appropriate frontage thereon to permit appropriate design of entrances and exits. No entrance or exit from a trailer park shall be through a residential district, nor require movement or traffic from the park through a residential district.

Design of entrances and exits.

Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the travel trailer park

Internal streets.

Streets shall be provided in the travel trailer park where necessary to furnish principal traffic ways for safe and convenient access to all spaces and to facilities for common use by park occupants. Streets shall be privately owned, constructed and maintained.

(1)

Street alignment and gradient. Street alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated and to satisfactorily control surface water and groundwater.

(2)

Street surfacing and maintenance. A sound all-weather paved driving surface, constructed in accordance to city specifications, shall be provided and maintained.

(3)

Street widths. Surfaced streets shall be a minimum of 20 feet paved surface for two traffic lanes. If streets are to be used for parking, streets must be widened. Street widths at access points where general traffic enters or leaves the park, shall be sufficient to permit free movement from or to the stream of traffic on the public streets, and no parking shall be permitted which in any way interferes with such free movement.

Driveways.

Driveways shall be provided on the site of the travel trailer park where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other materials. Driveways serving a single facility, a travel trailer space or camp space shall have a minimum full-width of eight feet or ten feet where it is also used as a walk. It is preferred that driveways be designed as a drive-through space to eliminate backing.

Parking spaces.

One off-street parking space shall be provided for each travel trailer space and each camp space in a travel trailer park.

Disposal of waste, sewage, garbage and trash.

No unit in a travel trailer park, self-contained or dependent, shall dispose of wastewater, sewage, garbage or trash except in approved facilities.

Electrical requirements.

(a)

Adequate exterior lighting shall be provided for all streets, walkways, buildings and other facilities in a travel trailer park subject to nighttime use. All exterior lights shall be so located and shielded as to prevent direct illumination of sleeping area within the park and any contiguous property of a more restrictive zone district.

(b) All electrical service, phone and cable television shall be underground.

Cooking shelters, barbeque pits, fireplaces.

Any cooking shelter, barbeque pit or fireplace provided in a travel trailer park shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the property of which used and on neighboring property. No open fire shall be permitted except in the facilities provided. No open fire shall be left unattended, and all open fires shall be extinguished before occupants of spaces retire or leave the area. No fuel or material shall be used or burned which emits dense smoke or objectionable odors.

Add to 17.16 Zoning Ordinance

Off Street parking

- A. Parking certain vehicles in residential districts prohibited. No truck tractor and semitrailer, the truck tractor individually, or the semitrailer individually, to park anywhere within any residential zone of the city.
- B. No commercial vehicles are to be parked and/or stored in the front yard, side yard or rear yard setbacks. Commercial vehicles are defined as vehicles with 2 axels, a vehicle used to transport hazardous materials, construction vehicles designed for off road usage, and vehicles requiring the driver to have either a Class A or Class B driver's license or the equivalent. A non-commercial vehicle has a gross weight rating of not more than 10,000 pounds and can be legally parked in a standard 8.5 by 20 feet parking space.
- C. Exceptions are Public Utility vehicles.

13.08.160 Fats, Oil, and Grease (FOG) Traps/Interceptors, and Sand Traps required when.

Fats, oil, and grease traps/interceptors shall be provided by any establishment that introduces wastewater containing grease, fats or oil into the sewage system is required to install an interceptor or in limited cases, an interior grease trap (point source). Interceptors are usually for high volume fast food or full menu establishments and large commercial establishments such as hotels, hospitals, factories, or school kitchens. In some instances, interior grease traps may be allowed for small volume fast food or take out restaurants with limited menus, paper plate service, minimum dishwashing, and/or minimal seating capacity.

Sand traps shall be required of all vehicle wash or vehicle maintenance establishments to prevent flammable wastes, sand or other harmful ingredients from entering the wastewater or storm water collection systems.

13.08.240 FOG BPM's required

It is unlawful for any establishment that introduces grease, fats, oil, flammable waste, sand or other harmful ingredients into the wastewater or storm collection system to not have a Best Management Practice (BPM) in place.

13.08. 250 Enforcement

It shall be the duty of the Pretreatment inspector or the code enforcement division of the city to examine all places of business subject to the provisions of this chapter to determine if this chapter has been complied with and to enforce the provisions of this chapter against any person found to violating such provisions.

13.08. 260 Violations-Penalty

Anyone found guilty of violating the provisions of this chapter shall be punished by a fine of up to five hundred dollars or imprisonment of up to ninety days, or by both such fine and imprisonment.

Subsequent to (MONTH DAY YEAR), the effective date of the ordinance codified in section 18.08.160 and 13.08.240, preexisting establishments requiring grease interceptors or trap and FOG BPM will have one year to be in compliance of this ordinance.

9.20.190 FENCES

A. Definitions:

FENCE: A wall or other structure erected to bar passage.

PERMANENT FENCE: A fence having or possessing a permanent foundation consisting of anchor poles to allow for wood, chain link, vinyl, metal, or other fence material and/or a concrete foundation for brick, or cinder block.

TEMPORARY FENCE: A fence having a decorative border no higher than thirty inches (30") (2.5 feet) in height which does not require the use of any permanent material(s) such as anchor poles, concrete foundation, or any other solid masses; or any fence erected around construction sites which does not exceed eight feet zero inches (8'0") in height and which is removed immediately upon completion of the construction project.

B. Permits Required: It shall be unlawful and a violation of this section for any person to erect, construct, enlarge, materially alter, increase the height or composition of, or replace any permanent fence regulated by this section without first obtaining a separate permit for each such fence from the building inspector/code enforcement officer of the city of Lovington. A fence permit shall not be required if it is determined by the building inspector/ code enforcement officer that only minor repair or painting or repainting of the fence is necessary.

C. Application for Permit: To obtain a permit required by this section, the applicant shall first file an application for permit on a form furnished by the building inspector/code enforcement officer.

Two (2) sets of plans, including a drawing of the proposed location for the fence on the lot, and any other data reasonably deemed necessary by the building inspector/code enforcement officer shall be submitted with each application for a permit. Information on plans shall further include:

1. Building location and area to be fenced.
2. Legal description of land to be fenced.
3. Height of fence and type of materials to be used.
4. Intersections of nearest streets, roads, highways, alleys and driveways in immediate proximity to the fence.
5. Existing zoning classification.
6. Corner "visibility range" for any street impacted by the proposed fence.

7. All easements and rights of way which may be in existence and which may be encroached and/or affected by the fence.
8. Distance measurements of all fences to be erected.

One set of approved plans shall be retained by the building inspector/code enforcement officer and one set of the approved plans shall be returned to the applicant.

The plans shall be endorsed by the building inspector/code enforcement officer in writing or stamped "approved" and initialed, and shall not be changed, modified or altered without authorization from the building inspector/code enforcement officer, and all work shall be done in accordance with the approved plans.

The application, plans and other data filed by an applicant for a permit under this section shall be reviewed by the building inspector/code enforcement officer. If the work described in an application requesting a permit and the plans and other data filed therewith conform to the requirements of this section, together with all other applicable laws and ordinances, and the fees specified for the permit and inspection have been paid, the permit shall then be issued to the applicant.

- D. General Requirements And Restrictions: Fences deemed temporary as defined herein shall not require a permit.

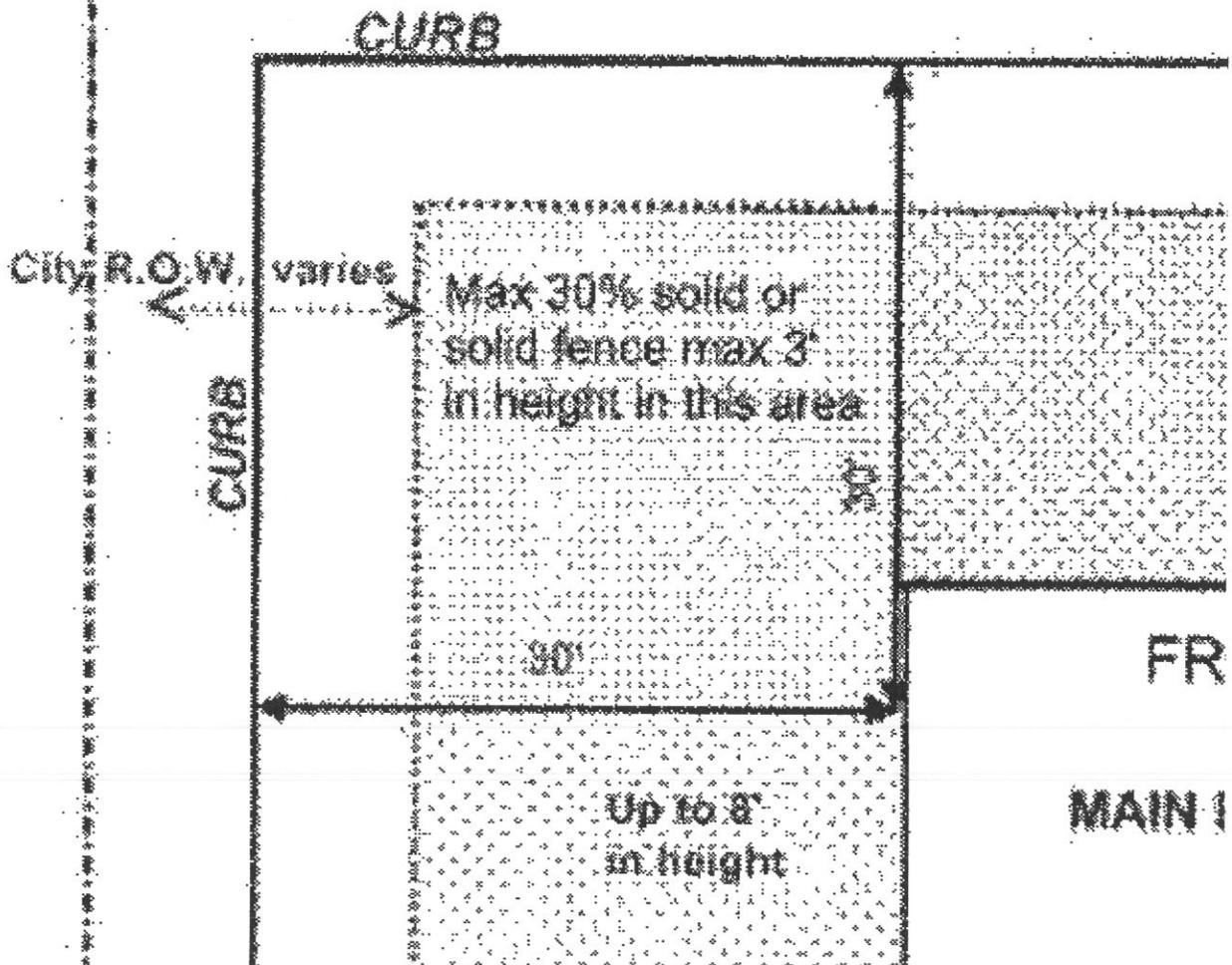
Front yard: Fences or plantings located within thirty feet (30') from the inside curb line of the street or street intersection must be less than thirty percent (30%) solid, or less than three feet (3') in height when the fence or planting is more than thirty percent (30%) solid.

Back yard: Fences or plantings up to eight feet (8') in height may be erected on any part of the lot, as long as the street side of the fence or planting does not extend beyond the front of the main building, and it is located more than thirty feet (30') from the inside curb of the street or street intersection.

Corner lots: The side yard fence or planting for a corner lot may be placed within thirty feet (30') of the side street, up to, but not including the right of way. See figure 1 of this section.

ALLOWABLE FENCE LOC

CENTER LINES



No fence, guy wire, brace or post shall be constructed upon or extend over any property of which the city or any private property owner, either owns or has legal control over, or which property contains an easement which may be impacted or otherwise encroached by the fence, guy wire, brace or post, unless the applicant first obtains the prior written consent of such owner or other person affected. No fence, guy wire, brace or post shall be constructed upon or extend over any utility easement without the applicant first obtaining the prior written consent of the owner or operator of the utilities.

No fence within the city limits shall be electrically charged in any manner, with the exception of a properly installed pet fence located within the interior and to not exceed the height of any fence.

No fence shall be constructed of barbed wire except on property zoned C- Commercial or D- Industrial zoning districts which are being used as such. Such barbed wire shall only be located on the top of a six foot (6') or greater fence with angle arms at the top and such angle arms may be armed with barbed wire. Such arms shall not extend over public or private property, city, county, or state rights of way, easements or private property.

E. Materials:

1. Permitted Materials: The following are permitted materials: wood, metal tubing or wrought iron, stone, masonry, stucco, chain link, and corrugated metal panels. Vinyl or fiberglass composite materials may be also utilized if the material is listed, designed and constructed for fencing materials.
2. Prohibited Materials: The following materials are prohibited: rope, string, all wire products, including, but not limited to, chicken wire, hog wire, wire fabric, barbed wire (except as otherwise allowed in this code), razor ribbon wire and similar welded or woven wire fabrics, netting, cut or broken glass, paper, metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels or any other materials that are not manufactured specifically for use as fencing materials. The building inspector/code enforcement officer may require the applicant to provide a sample of the manufacturer's standards to establish the intended use of a proposed fencing material.

Cumulative to the foregoing paragraph, no person shall construct a fence of wood, metal or plastic products that are designed specifically for uses other than fence construction.

No person shall construct a fence consisting of any damaged or unsafe materials. The building inspector/code enforcement officer may make a determination that certain materials are deemed unsafe for use as a fence.

Used materials of any type shall not be reused unless it can be determined by the building inspector/code enforcement officer that such used materials meet the requirement of the building code for new materials.

- F. Height Restrictions: No fence shall be constructed anywhere in the city to a height greater than eight feet (8') above the finished lot grade at the location of the fence.

- G. Inspections Required: There shall be a minimum of two (2) inspections during the progress of fence construction, which shall be: 1) when the foundation is dug or the poles are set, and 2) upon the completion of the fence. Additional inspections may be made at any time at the discretion of the building inspector/code enforcement officer.
- H. Gates Required: Any fence in which there is closure of the fence or closure of the fence combined with any other structure located on the property shall contain at least two (2) access gates constructed at least thirty six inches (36") each in width, to be located at the front and rear of the fence, except on corner lots, in which one gate may be located on the side of the property adjacent to the closest street, in lieu of the rear of the property. (See figure 2 of this section as example.)
- I. Structural Requirements: Masonry walls shall require reinforcement and a footing meeting the minimum standards established in figure 3 of this section unless the building inspector/ code enforcement officer authorizes changes based on site conditions.
- J. Fence Completion/Enforcement: All fences shall be diligently constructed and fully completed with one hundred eighty (180) days from date of commencement of construction.
- K. General Penalties: Any violation of this section or part thereof shall be subject to the penalties provided by 17.08.190 of this code.
- L. Graffiti: All fences, both existing and new, and all parts thereof, shall be maintained in a safe and aesthetically pleasing condition. Graffiti shall be removed in accordance with provisions of the city

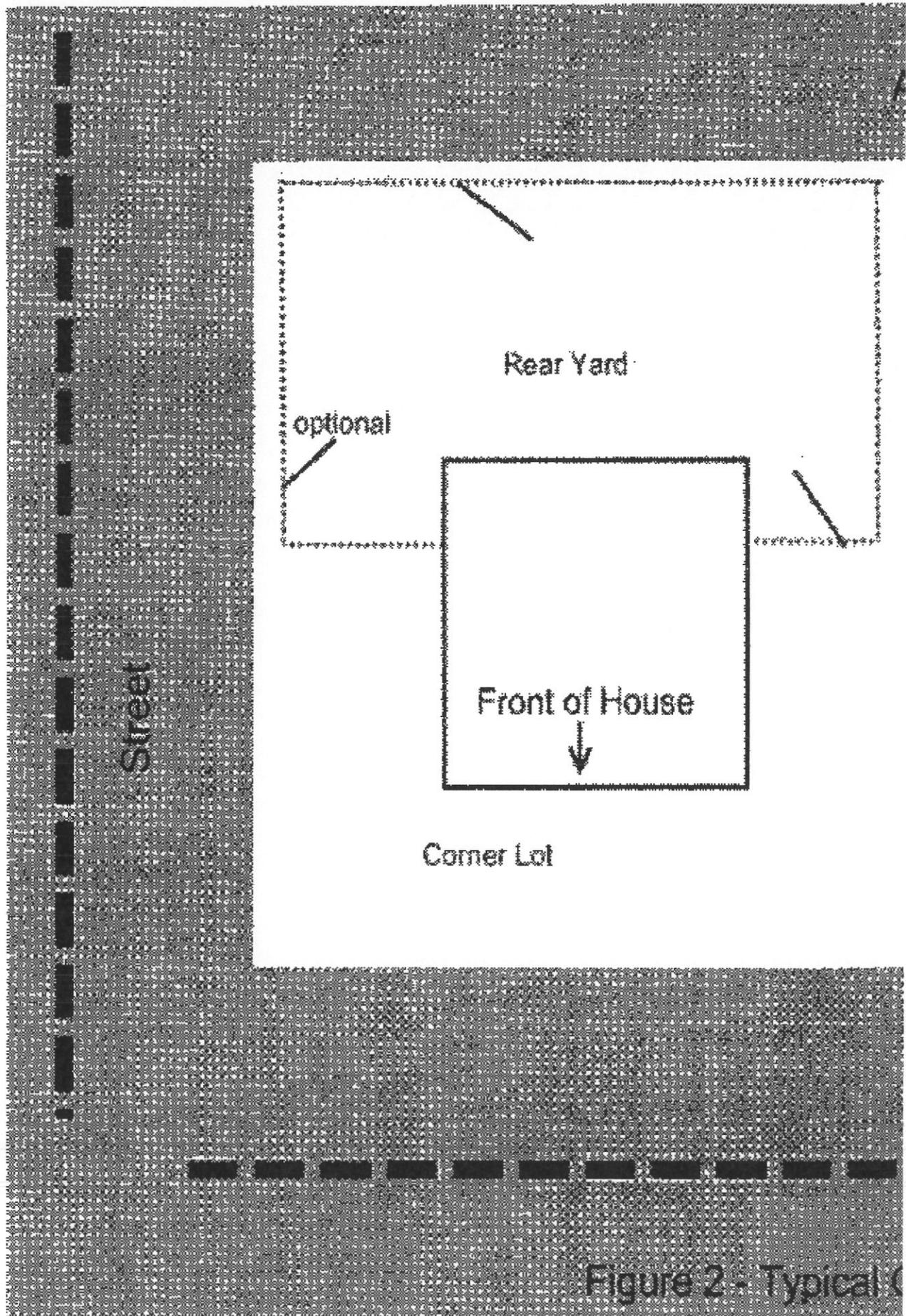
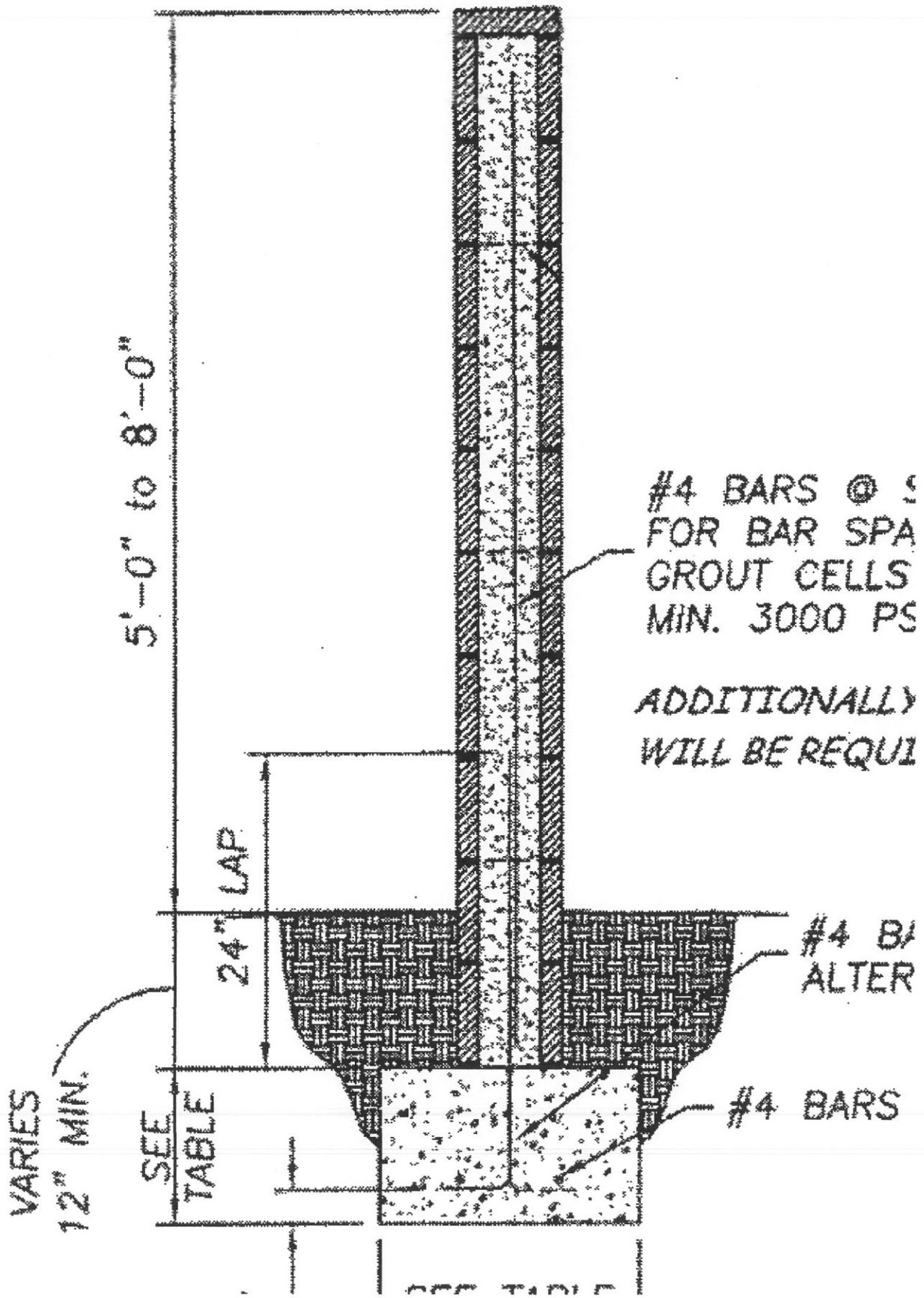
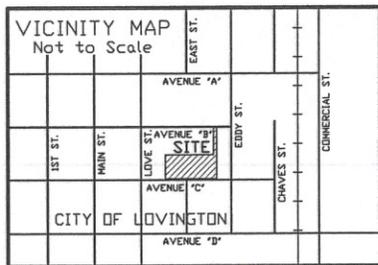
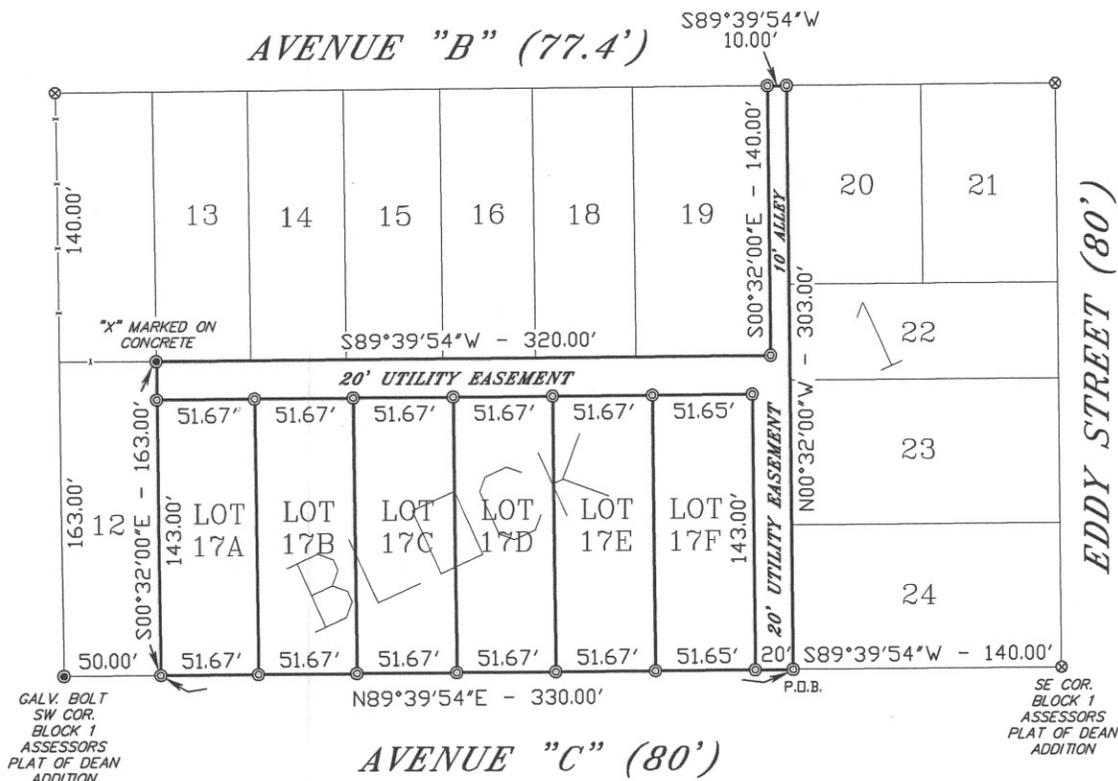


Figure 2 - Typical Corner Lot





AVENUE "B" (77.4')



AVENUE "C" (80')

EDDY STREET (80')

CERTIFICATE OF MUNICIPALITY

I, JAMES WILLIAMS, CITY MANAGER OF LEA COUNTY, NEW MEXICO, HAVE REVIEWED THE FOREGOING PLAT IN THE CITY OF NEW MEXICO AND THE MUNICIPAL SUMMARY PROCEDURE OF _____,

JAMES WILLIAMS, CITY MANAGER

ACKNOWLEDGEMENT:

STATE OF NEW MEXICO) SS
COUNTY OF LEA)

ON THIS _____ DAY OF _____
I, _____, APPEARED
BE THE PERSON(S) DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME AS MY FREE ACT AND DEED.

WITNESS MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2013.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

NOTES:
BEARINGS SHOWN ARE TRUE BEARINGS. MEASUREMENTS ARE IN FEET AND DECIMALS THEREOF. COORDINATE SYSTEM IS NAD 83. SURFACE VALUES ARE AS SHOWN.



SURVEYORS CERTIFICATE

I, TERRY J. ASEL, NEW MEXICO PROFESSIONAL SURVEYOR NO. 15079, DO HEREBY CERTIFY THAT I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEETS THE "MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO" AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND AFFIX MY OFFICIAL SEAL THIS 24th DAY OF APRIL, 2013.

Terry J. Asel N.M. P.L.S. No. 15079

LEGEND

- ⊙ - DENOTES: FOUND MONUMENT AS NOTED
- ⊙ - DENOTES: SET 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204"
- ⊙ - DENOTES: CALCULATED CORNER

