

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
AGENDA
MONDAY, MARCH 9, 2026**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, March 9, 2026 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member
Molly Hammer, Member

1. APPROVAL OF AGENDA:

2. APPROVAL OF MINUTES:

- a. February 9, 2026

3. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies):

4. DISCUSSION/ACTION

- a. Variance Request at 312 N Joffre St
- b. Conditional Use Permit at 809 Juniper St

5. DISCUSSION/UPDATE

- a. Review of Zoning Map and Districts

6. WORKSHOP:

- a. Special Use Permit
- b. Variance Request
- c. Conditional Use Permit

7. REPORTS FROM THE BOARD

8. REPORTS FROM STAFF

9. ADJOURNMENT

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, FEBRUARY 9, 2026**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, February 9, 2026 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman Via Phone
Esther Luchini, Member
Lisa Kent, Member Absent
Molly Hammer, Member Absent

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy Clerk
Tyler Knull, Code Compliance

1. APPROVAL OF AGENDA:

Chairman Sisney made a motion to approve the agenda with the changes of tabling items 4a and 5a 5b 5c. Vice-Chairman Buhler seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) January 12, 2026.

Chairman Sisney made a motion to approve the minutes. Member Luchini seconded the motion. Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)

There were no comments from the public.

This Item was Tabled

4. DISCUSSION/UPDATE:

a) Review of Zoning Map and District

This Item was Tabled

5. WORKSHOP:

- a) Special Use Permit**
- b) Variance Request**
- c) Conditional Use Permit**

6. REPORTS FROM THE BOARD:

No reports from the Board.

7. REPORTS FROM STAFF:

Assistant City Manager Alvarez: On Wednesday the 11th at 9 am at the City Commission meeting I will be giving an update on all current city projects. Our projects that are in the works now. Our projects that we did the last year and a half. Projects that are in application process as well as our fiscal projects. I would encourage you to attend the meeting. In the packet the spreadsheet is really large I don't know how easy it is to read but if anyone would like a larger sheet you can reach out to me and I will get you one.

8. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 4:03 p.m.

PASSED AND APPROVED ON THIS 9th DAY OF MARCH, 2026.

Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 3-9-2026

ITEM: Public Hearing/Discussion/Action – Variance request 312 N Joffre St. pursuant to setback requirements

BACKGROUND:

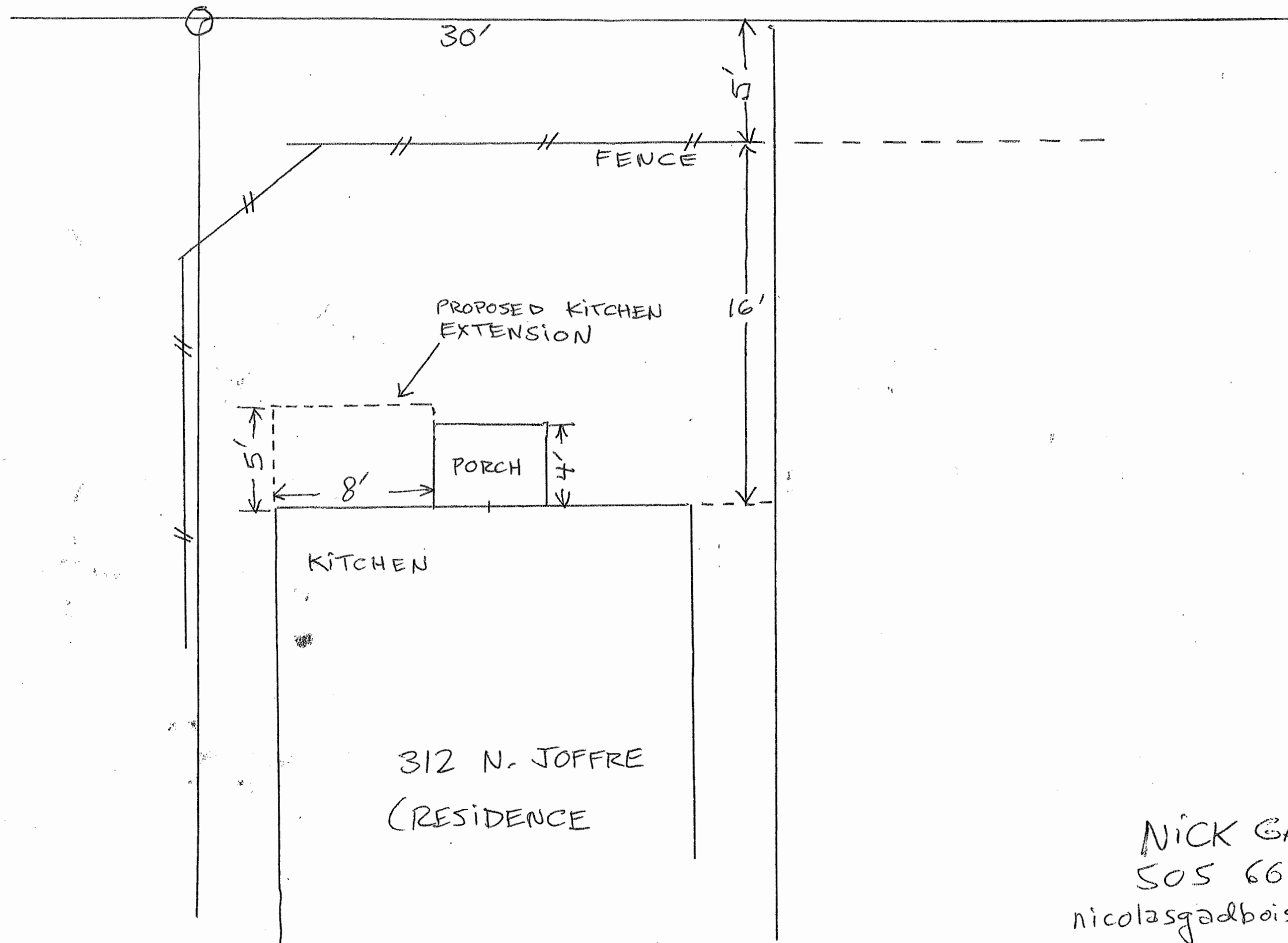
Applicant is requesting a variance to allow for 11ft setback for a remodel kitchen extension. Property is located in the R-3 District – requires 20ft. setback.

SUPPORT INFORMATION:

Site Plan
Parcel Map
Public Hearing Notice
Applicable Code

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	

N JOFFRE ST. (GRAVEL)



NICK GADBOIS
505 660 0972
nicolasgadbois@yahoo.com

Original Townsite of Hot Springs City of Truth or Consequence New Mexico

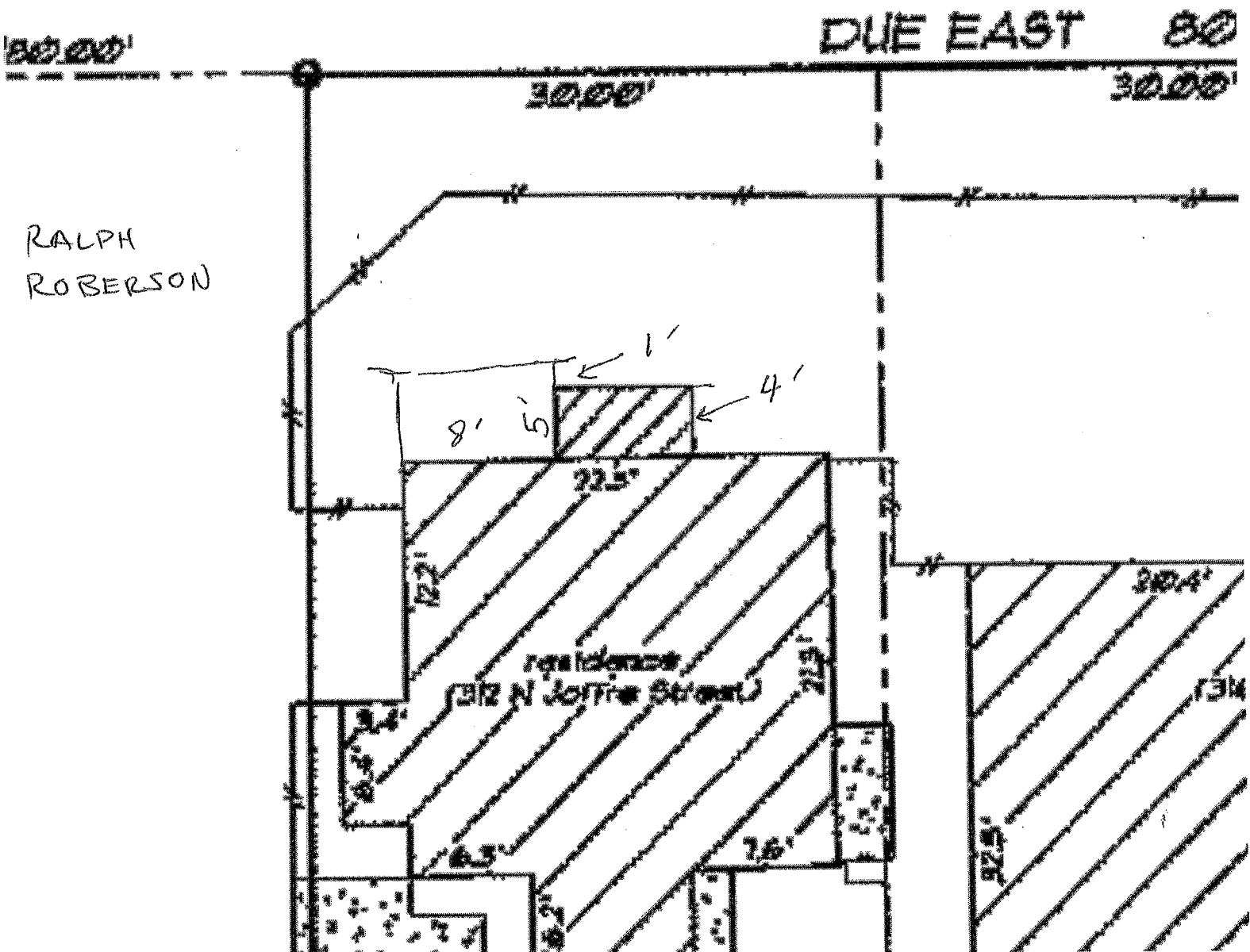
1/1



N Joffre Street

(formerly a 20' alley)

RALPH
ROBERSON





16

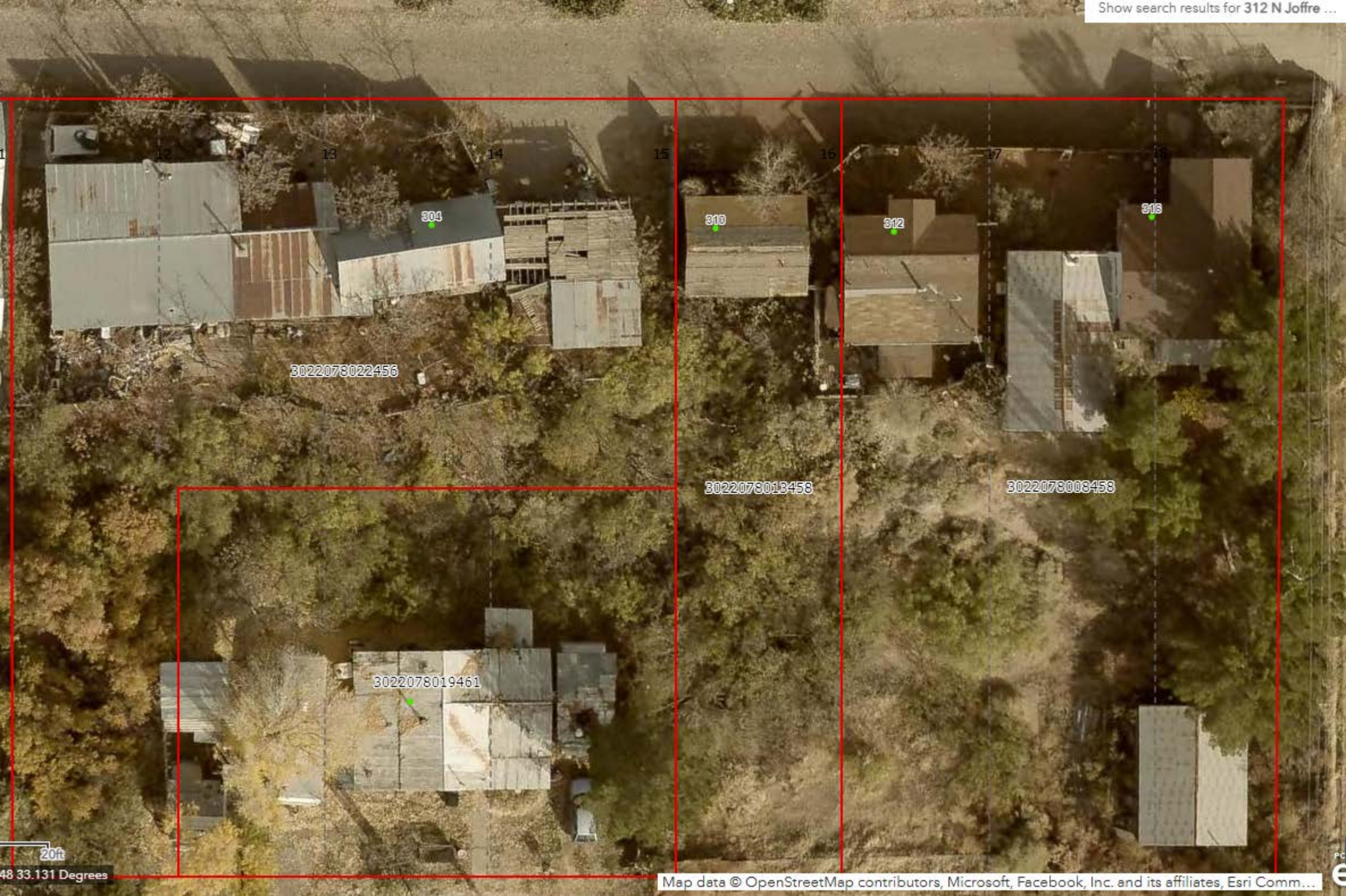
17

18

312

316

3022078008458



Rolf Hechler
Mayor

Destiny Mitchell
Mayor Pro-Tem

Amanda Forrister
Commissioner



505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673
www.torcnm.gov

Ingo Hoeppner
Commissioner

Chaz M. Glines
Commissioner

Gary Whitehead
City Manager

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, March 9, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Variance Request at 312 N Joffre St. Applicant is requesting a variance from Chapter 16 - Article XIV - Sec. 11-14-2 – Standards for Districts. Applicant is in the R-3 District and Request a Variance to allow for a 11ft setback remodel.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, March 6, 2026 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Thursday, February 19, 2026

Sec. 11-14-1. General Development Standards.

All lots, tracts, buildings and structures in the City shall be developed in accordance with this Article and other related provisions of this Code. All development standards of this Code shall apply to each lot, tract, or parcel independent of all other lots, tracts, or parcels.

Sec. 11-14-2. Standards For Districts.

District	Lots: Minimum Front Setback	Yards: Minimum Rear Setback	Yards: Minimum Side Setback
R-1	25'	25'	8'
R-1	25'	20'	6' or 0'*
R-3	20'	15'	5' or 0'*
R-4	25'	25'	5'
RR-1	25'	15'	5'
C-1	20'	15'	5' or 0'*
M-1	25'	25'	5' or 0'*
T-1	25'	25'	15'

* As permissible per Section 11-14-3 and 11-14-4.

District	Lots: Minimum Area	Lots: Minimum Width	Dwelling: Minimum Area	Maximum Height
R-1	9,000 s. f.	60'	1,200 s. f.	26'
R-2: Single-Family	5,000 s. f.	60'	900 s. f.	26'
R-2: Two-Family	4,000 s. f./unit	60'	650 s. f./unit	35'
R-2: Multiple-Family	3,500 s. f./unit	60'	600 s. f./unit	35'
R-2: Apartments	3,500 s. f./unit	60'	500 s. f./unit	35'
R-2: MH*	5,000 s. f.	60'	900 s. f.	26'
R-3: Single-Family	4,500 s. f.	45'	700 s. f.	35'
R-3: Two-Family	3,000 s. f./unit	45'	500 s. f./unit	35'
R-3: Multiple-Family	3,000 s. f./unit	45'	450 s. f./unit	35'
R-3: Apartments	2,000 s. f./unit	45'	400 s. f./unit	35'
R-3: NM*	4,500	45'	550 s. f.	26'
R-4	1 acre	75'	1,200 s. f.	26'
RR-1	5,000 s. f.	50'	800 s. f.	26'
C-1	5,000 s. f.	60'	" "	35'
C-1: MH*	4,000 s. f.	45'	550 s. f.	26'
M-1	" "	60'	" "	35'
T-1	21,780 s. f.	100'	800 s. f.	35'
T-1: MH*	21,780 s. f.	60'	550 s. f.	26'

* Not located within MHP

Sec. 11-14-3. Residential and Transition Districts: Additional Provisions and Exceptions.

The following provisions shall apply to all development in a residential or transition District:

A. *SETBACK EXCEPTIONS:*

1. A minimum side yard setback of zero (0) feet in a residential District only, providing all the following requirements are met:
 - a. The setbacks are authorized by the City Commission as part of an approved development.
 - b. There shall be no less than ten (10) feet, including roof overhang, between structures, except approved condominium and townhouse developments with common wall construction.
 - c. All zero (0) lot lines shall be on the same side of all lots in a development.
2. The minimum setback distance shall be maintained for both front yards of a corner lot. A lesser setback for one front yard of a triple frontage lot shall be considered upon application for variance to the Planning and Zoning Commission.
3. New dwellings may be erected as closed to a front property line as the average distance established by existing dwellings on that side of the block, provided the lots on the same side of the block are fifty (50) percent developed.
4. An addition to a main dwelling shall be permitted as an extension of existing building lines, which have non-conforming setbacks. Setbacks for such addition shall be the same as the main dwelling.
5. There shall be a minimum setback of one (1) foot for each foot in height of any building, other than a single or two family dwelling, abutting on R-1 or R-2 District.

B. *FRONT-YARD PARKING.* Parking areas shall not cover over one-third ($\frac{1}{3}$) of any open area between the front of a dwelling and the front property line; except in cases of a cul-de-sac, two-thirds ($\frac{2}{3}$) of a front yard can be used; and on existing lots less than fifty (50) feet, a twenty (20) feet parking area is permitted. Townhouses and apartment lots may use three fourths ($\frac{3}{4}$) of the front yard for parking.

C. *MINIMUM DISTANCE BETWEEN STRUCTURES.* There shall be no less than ten (10) feet between buildings or structures located on the same lot, tract, or parcel.

D. *EASEMENT ENCROACHMENTS.* There shall be no permanent structures located on easements without written approval of the City Commission.

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date_____ Address_____

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone* and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

***Spot Zoning:** The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 3-9-2026

ITEM: Public Hearing/Discussion/Action – Conditional Use Permit 809 Juniper

BACKGROUND:

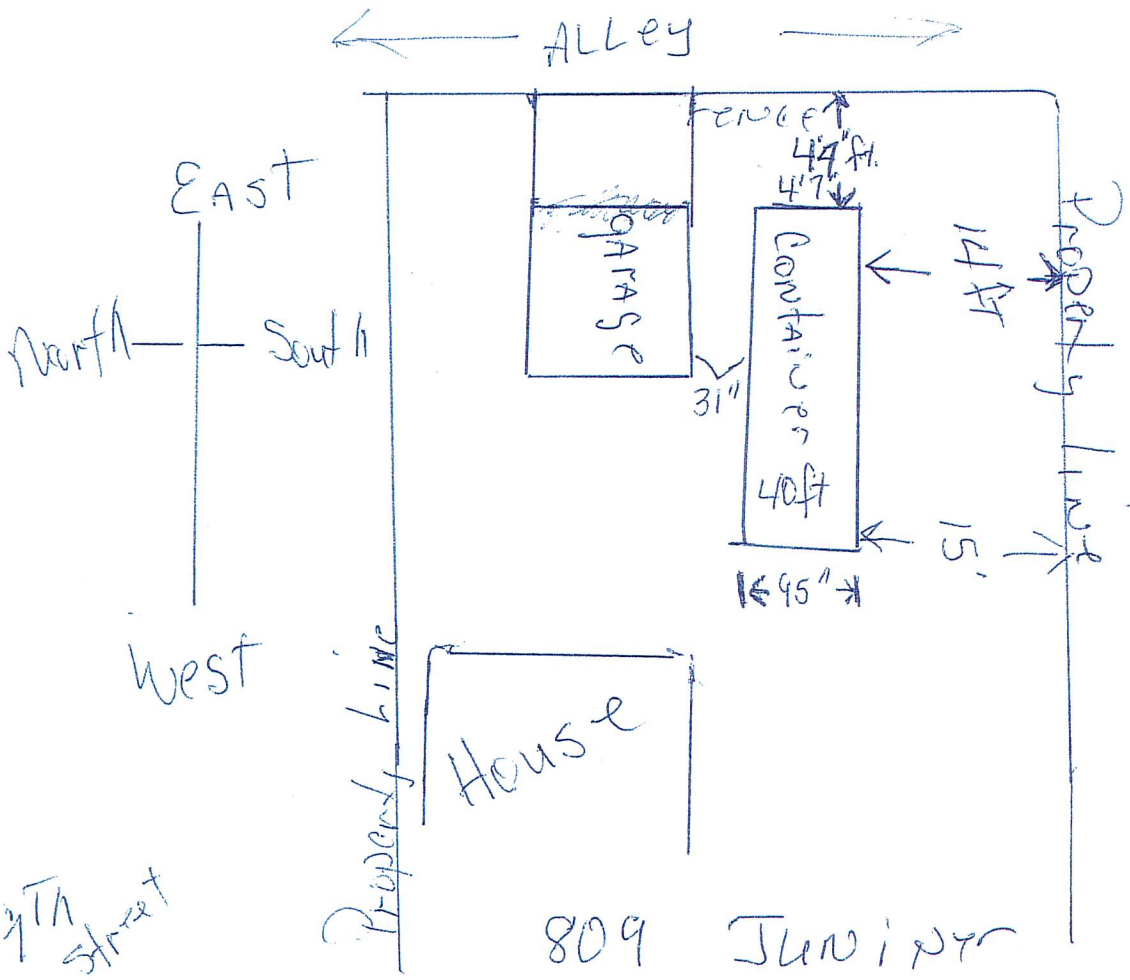
Applicant is requesting a conditional use permit for shipping container. Property is located in the R-2 District.

ARTICLE X. - ACCESSORY BUILDINGS - Sec. 11-10-4. - Storage Units/Shipping Containers. - B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions: 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.

SUPPORT INFORMATION:

Site Plan
Parcel Map
Public Hearing Notice
Applicable Code

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	



8TH STREET

3022078312156

9

809

3022078312165

665

685

3022078317174

3022078310174



*Rolf Hechler
Mayor*

*Destiny Mitchell
Mayor Pro-Tem*

*Amanda Forrister
Commissioner*



*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673
www.torcnm.gov*

*Ingo Hoeppner
Commissioner*

*Chaz M. Glines
Commissioner*

*Gary Whitehead
City Manager*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, March 9, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Conditional Use Permit at 809 Juniper St.

ARTICLE X. - ACCESSORY BUILDINGS - Sec. 11-10-4. - Storage Units/Shipping Containers. - B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions: 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, March 6, 2026 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Thursday, February 19, 2026

Sec. 11-10-4. Storage Units/Shipping Containers.

The regulation of storage units/shipping containers within the city limits of the City of Truth or Consequences shall be controlled by and shall conform to the regulations prescribed in this section. A storage unit/shipping container means a unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by container ships, rail, commercial trucks, or other types of transportation.

- A. Placement of storage units/shipping containers within C-1, M-1 and T-1 districts are permitted as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the boundaries of the Metropolitan Redevelopment Area (MRA) and Historic MainStreet District Area defined in the Downtown Master Plan.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.
- B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.
- C. Temporary placement of storage containers within Conditional Use Areas are allowed through written approval of the Designated Zoning Official as long as they are not used for dwelling purposes for:
 - 1. The purpose of moving household contents in to or out of a house are allowed for up to 30 days in any 12-month period and can only be on the property or driveway.

-
2. The purpose of construction projects are allowed up to 3 months in any 12-month period from the time it's put on the construction site. The designated zoning official or designee may grant an extension but only if it is determined that:
- a. The storage unit/shipping container is located on a site with an active building permit
 - b. The storage container is necessary part of the construction process
 - c. Not be allowed in public right-of-way
 - d. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.

(Ord. No. 731, § 1, 8-10-22)

PLANNING AND ZONING COMMISSION FINDINGS OF FACTS CHECKLIST

Request Date_____ Address_____

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone* and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

***Spot Zoning:** The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.

ARTICLE IX. COMPREHENSIVE PLANNING AND ZONING DISTRICT

Sec. 11-9-1. Purpose.

General Districts are the residential, commercial, light manufacturing, and transitional planning and zoning Districts in the City. This Section outlines the intended purpose of each general District and states the permitted, special and conditional uses for each District.

- A. *PERMITTED USE DEFINED.* A permitted use, which is listed as permitted by right in a District. Non-specified uses which are similar to those specified are also permitted, by right, except as otherwise restricted within this Code.
- B. *SPECIAL USE DEFINED.* A special use is a use which is of an unusual or unique character and which may be offensive or compatible in some cases within a District. A special use requires review and approval by the City Commission, after a recommendation by the Planning and Zoning Commission to determine impacts on the surrounding area. See Section 11-5-6 for procedures governing a Special Use Permit.
- C. *CONDITIONAL USE DEFINED.* A conditional use is a use that is considered compatible to a permitted use and is described as conditional in specific Districts. A conditional use permit requires review and approval by the Planning and Zoning Commission to determine if the use is desirable or essential to the public welfare, safety, health, morals or convenience of the residents in that District. See Section 11-5-3 for procedures governing a conditional use permit.

Sec. 11-9-2. R-1 Single Family, Low Density Residential District.

- A. *PURPOSE.* The R-1 District is intended to accommodate detached single-family dwelling units and to maintain and protect a low-density residential character of development. Accessory uses, which are incidental to and customarily found within the R-1 District are also permitted.
- B. *DEVELOPMENT REQUIREMENTS.* Development standards and other requirements are provided in Articles X through XIV.
- C. *R-1 PERMITTED USES.* The following uses are permitted by right in R-1 Districts.
 - 1. Accessory Building.
 - 2. Accessory Dwelling Unit: Subject to meeting all setback, building and development standards of this Code.
 - 3. Construction Yard or Building (Temporary): Such yard or building shall be removed upon completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in fences at least six (6) feet in height. However, there shall be no fence or wall more than three (3) feet in total height above street-curb level located within the clear sight triangle of a street intersection as defined in Article 8 of this Code.
 - 4. Detached Single Family Dwellings.
 - 5. Dish Antennas: These shall be for the non-commercial reception of satellite signals.
 - 6. Garage or Yard Sale or Similar Use: Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.

-
7. Greenhouse (Non-Commercial), Garden Sheds, Tool Sheds: When detached from the main dwelling such structures are subject to the provisions of Accessory Buildings.
 8. Home for Handicapped, Disabled, Retarded, or Retired: Subject to requirements of the New Mexico Statutes, 1978, Section 3-21-1, Paragraph C, as amended. There shall be no more than five (5) persons in one home, and a minimum of two (2) parking spaces must be provided.
 9. Home Occupation.
 10. Kennel (Private, Residential).
 11. Manufactured Homes.
 12. Public Park, Playground, Ball Fields or Tennis Courts:
 13. Real Estate Office (Temporary): Permitted only in conjunction with a residential subdivision, provided such use shall be discontinued upon the completion of the development or within three (3) years from date permit issued, whichever is sooner.
 14. Storage, Residential Vehicles: Storage of personal recreational vehicles, boats, trailers or similar uses shall be limited to a maximum of one (1) per dwelling unit in the side yard, with no limit in the rear yard separated by at least five (5) feet from any property line.
 15. Swimming Pool (Private): Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line and approval from all utilities is required to insure overhead safety.
 16. Tennis Courts (Private for Residential Use).
- D. *R-1 SPECIAL USES.* The following uses require a public hearing and approval of the City Commission after a recommendation by the Planning and Zoning Commission. Specific conditions and provisions for special uses may be referred to in Section 11-5-6.
1. Cemetery: Shall contain at least ten (10) acres and shall provide landscaping, screening and buffering.
 2. Child Care Center (six or more children).
 3. Church.
 4. Community Building.
 5. Gas Regulation Station (Public Utility).
 6. Golf Course and Country Club.
 7. Offices in Historic Structures.
 8. Schools (public, private, university, junior college and parochial).
 9. Telephone Exchange Stations.
 10. Telephone and Radio Towers and all other Free-standing Towers (Public and Private Use): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.

Sec. 11-9-3. R-2 Medium Density Residential District—(Maximum of 15 Dwelling Units Per Acre)

- A. *PURPOSE.* The R-2 District is intended for single and multi-family dwellings, residential condominiums, townhouses, and apartment units in which a medium-density residential character is protected and maintained. Manufactured housing is permitted with specific conditions.
- B. *DEVELOPMENT REQUIREMENTS.* Development standards and other requirements are provided in Articles X through XIV.
- C. *R-2 PERMITTED USES.* The following uses are permitted by right in R-2 Districts:
1. Accessory Buildings.
 2. Apartments: Maximum of four (4) attached units.
 3. Boarding Houses.
 4. Condominiums (Residential): Maximum of four (4) attached units.
 5. Construction Yard or Building (Temporary): Such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion, and open yards shall be enclosed by a sight obscuring fence at least six (6) feet in height. However, there shall be no fence or wall more than three (3) feet in total height above street-curb level located within the clear sight triangle of a street intersection as defined in Article 8 of this Code.
 6. Dwellings: Maximum of four (4) dwelling units, not to exceed a maximum density of fifteen (15) dwelling units per acre.
 7. Garage or Yard Sale or Similar Use: Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
 8. Greenhouses (Non-Commercial), Garden Sheds, Tool Sheds: When detached from the main dwelling such structures are subject to the provisions of Accessory Buildings.
 9. Home for Physically or Mentally Handicapped, Disabled, or Retired: Subject to requirements of the New Mexico State Statutes, 1978, Section 3-21-1, Paragraph C, as amended. There shall be no more than ten (10) persons in one home, and a minimum of four (4) parking spaces must be provided.
 10. Home Occupation.
 11. Manufactured Homes.
 12. Public Park, Playground, Ball Field or Tennis Court.
 13. Kennel (Private, Residential).
 14. Real Estate Office (Temporary): Permitted only when used in conjunction with a residential subdivision provided such use shall be discontinued upon the completion of the development or within three (3) years from date permit issued, whichever is sooner.
 15. Storage (Recreational Vehicles): Storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling unit in the side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.
 16. Swimming Pools (Private): Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

-
17. All Uses Permitted by Right in the R-1 Zoning District.
- D. *R-1 SPECIAL USES.* The following uses require a public hearing and approval of the City Commission after a recommendation by the Planning and Zoning Commission. Specific conditions and provisions for special uses are described in Section 11-5-6.
1. Athletic Clubs or Bathhouses.
 2. Cemetery: Shall contain at least ten (10) acres and shall provide landscaping, screening and buffering.
 3. Child Care Center: For six (6) or more children.
 4. Church.
 5. Community Building (Public or Private).
 6. Gas Regulating Station (Public Utility).
 7. Golf Course and Country Club.
 8. Manufactured Home Subdivisions.
 9. Nursing or Retirement Home: (Eleven (11) or more residents).
 10. Offices in Historic Structures.
 11. Schools (Primary, Secondary and Parochial).
 12. Swimming Pools (Public, Commercial, Private).
 13. Telephone Exchange Station.
 14. Television and Radio Towers, and all other Free-standing Towers (Public and Private Use): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.
 15. All Uses Permitted by Special Use Permit in the R-1 District.

Sec. 11-9-4. R-3 High Density Residential District.

- A. *PURPOSE.* The R-3 District is intended to accommodate multiple family dwelling units and accessory structures and uses. The District is intended to maintain and protect high density residential development that is characteristic of apartment, townhouses, condominiums and manufactured home subdivisions. This District also permits one and two family homes, modular homes, and manufactured homes.
- B. *DEVELOPMENT STANDARDS.* Development standards and other requirements are provided in Articles X through XIV.
- C. *R-3 PERMITTED USES:* The following uses are permitted by right in R-3 Districts:
1. Accessory Buildings.
 2. Apartments.
 3. Boarding House.
 4. Condominiums (Residential and Professional).
 5. Child Care Center, Nursery or Similar Use: Play areas shall be in accord with state licensing requirements and enclosed with a solid wall or fence five (5) feet in height.
 6. Construction Yard or Building (Temporary Use): Such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner.

Construction yards and buildings shall be maintained in a neat and orderly fashion and open yards shall be enclosed by a sight-obscuring fence at least six (6) feet in height. However, there shall be no fence or wall more than three (3) feet in total height above street-curb located within the clear sight-triangle of a street intersection as defined in this Code.

7. Dwellings: Single or multi-family units, apartments, townhouses and condominiums.
 8. Garage or Yard Sale or Similar Use: Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
 9. Greenhouses (Non-Commercial), Garden Sheds, and Tool Sheds: When detached from the main dwelling, such structures are subject to the provisions of Accessory Buildings.
 10. Home for Handicapped, Disabled, Retarded or Retired: Subject to state requirements of the New Mexico Statutes, Section 3-21-1, Paragraph C, as amended. A minimum of two (2) parking spaces must be provided, in addition to one space for each five (5) persons.
 11. Home Occupation.
 12. Manufactured Home Subdivision.
 13. Manufactured Home Park.
 14. Manufactured Homes.
 15. Kennel (Private, Residential).
 16. Private Club or Lodge: Permitted when used in conjunction with non-profit organizations such as Lions Club, Elks Lodge, and the like. Building(s) shall not be located within one hundred (100) feet of an R-1 or R-2 District. Private clubhouses and game rooms are also permitted when used as a part of an apartment, condominium, or townhouse complex, provided such building(s) shall not be located within fifty (50) feet of an R-1 or R-2 District.
 17. Public Park, Playground, Ball Field and Tennis Courts.
 18. Real Estate Office (Temporary): Permitted only when used in conjunction with a residential subdivision provided such use shall be discontinued upon the completion of the development or within three (3) years from date of permit, whichever is sooner.
 19. Storage (Recreational Vehicles): Storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling unit in the side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.
 20. Swimming Pool (Private): Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.
 21. Tennis Courts (Private for residential use).
 22. Townhouses (Maximum of eight (8) attached units).
- D. *R-3 SPECIAL USES.* The following uses require a public hearing and approval of the City Commission after a recommendation by the Planning and Zoning Commission. Provisions for special use permits are stated in Section 11-5-6 of this Code.
1. Athletic Clubs and Bathhouses.
 2. Barber and Beauty Shops.
 3. Bed and Breakfast Inn.

-
4. Church.
 5. Community Building (Public or Private).
 6. Gas Regulating Station (Public or Private Utility).
 7. Golf Course and Country Club.
 8. Halfway House and Quasi-Institutional Houses.
 9. Offices in Historical Structures.
 10. Offices: Offices which provide health services such as medical, chiropractic, or rental and certain professional offices which have a low traffic volume such as attorneys or accountants, provided such offices maintain the residential character of the neighborhood where they are located.
 11. Residential Vehicle Park.
 12. School (Public, Private, or Parochial).
 13. Swimming Pool (Public or Commercial).
 14. Telephone Exchange Station.
 15. Television and Radio Towers, and all other Free-standing Towers (Private Use): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.

Sec. 11-9-5. R-4 Rural Residential District.

- A. *PURPOSE.* The R-4 District is comprised primarily of single-family frame, modular and/or manufactured dwellings. It is intended that the R-4 District provide a pleasant and fairly low-density rural setting for those who desire to live within the City limits of the City of Truth or Consequences and have a country atmosphere.
- B. *DEVELOPMENT STANDARDS.* All lots, tracts, buildings, structures and streets or alleys in the R-4 District will be developed in accordance with this Article and other related provisions of this Code and independent of all other Districts within this Code. Additional development standards and requirements are contained in Articles X through XIV of this Code.
- C. *PUBLIC RIGHT-OF-WAY REQUIREMENTS AND STANDARDS.* In order to maintain the integrity of the rural atmosphere, there shall be no curb or gutter and sidewalks in the R-4 District except as provided herein.

If eighty (80) percent of the property owners within the R-4 District desire City sewer hook-up, curb, gutters, and sidewalks, it shall be constructed at the expense of the property owners by means of an assessment. Votes by property owners shall be calculated at the rate of one vote per lot.
- D. *UTILITY REQUIREMENTS AND STANDARDS.* All utilities shall meet the current City and state codes and the cost of said utilities shall be the responsibility of the sub-divider and/or property owner by means of assessment. Utilities placed in public rights-of-way shall become the property of the City of Truth or Consequences. All underground services placed in public rights-of-way shall be extended to the private property line prior to street or alley construction. All lots shall be connected to City potable water system.
- E. *SEPTIC SYSTEMS.* Septic systems shall be governed by Section 14-67 and Section 14-68 of the City Code, except as follows:
 1. If within one hundred (100) yards of a sewer connection, the sub-divider can demonstrate to the City Commission that hook up to City sewer system would not be feasible or would create an undue hardship, and

-
2. The sub-divider, prior to lot sale, provides an engineers certificate stating that the soil is adequate for septic system installation; and
 3. The property owner provides a certificate from a qualified City employee stating that the septic system installation meets or exceeds all state and local requirements prior to occupancy of a dwelling.
- F. *FIRE PROTECTION.* Placement of fire hydrants and water volume requirements shall be determined by the State of New Mexico Uniform Fire Code and said costs for installation of fire hydrants and water supply lines shall be the responsibility of the sub-divider and/or property owners, except as provided in the City Subdivision Ordinance Section 10-1-6B.1.
- G. *MANUFACTURED HOMES REQUIREMENTS.* The home must be a minimum of twenty-four (24) feet in width and no more than five (5) yeas old. Damaged or deteriorated homes shall not be permitted. Requirements set forth in Article XI and Article XIV of this Code shall apply.
- H. *R-4 PERMITTED USES.*
1. Accessory Buildings: Greenhouses (non-commercial), Garden Sheds, Tool Sheds and Garages or similar structures, when detached from the main dwelling are subject to the provisions of Article 10 and shall not exceed an accumulative total of two thousand (2,000) square feet.
 2. Construction Yard or Building (Temporary): Such yard or building shall be removed upon completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and building shall be maintained in a neat and orderly fashion and open yards shall be enclosed by a fence at least six (6) feet in height. No fence shall be permitted within the site triangle of street corners or alleys.
 3. Detached Single Family Dwellings.
 4. Garage or Yard Sale or Similar Use: A maximum of three (3) sales permitted in a one (1) year period at a single address and shall not exceed three (3) consecutive days.
 5. Home Occupation.
 6. Horses: No more than two (2) horses per acre.
 7. Manufactured Homes.
 8. Public Parks and Playgrounds.
 9. Storage (Recreational Vehicle): Storage of personal recreational vehicles shall be limited to a maximum of three (3) per dwelling unit in the rear yard only. Additional recreational vehicles are allowed, if stored in an enclosed structure.
 10. Swimming Pool (Private): Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line and approval from all utilities is required to insure overhead safety.
 11. Tennis Courts: Private for residential use only.
- I. *R-4 SPECIAL USES.* No Special Uses are allowed.

Sec. 11-9-6. RR-1 Riverside Residential District.

- A. *PURPOSE.* The RR-1 District is a low density residential District comprised primarily of single family frame and/or manufactured dwellings. It is intended that the RR-1 District provide a pleasant and fairly low density setting for those who desire to live near the Rio Grande.

-
- B. *DEVELOPMENT STANDARDS.* Development standards and other requirements are provided in Articles X through XIV of this Code.
- C. *RR-1 PERMITTED USES.* The following uses are permitted by right in RR-1 District.
1. Accessory Building.
 2. Construction Yard or Building (Temporary): Such yard or building shall be removed upon completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion, and open yards shall be enclosed by a sight obscuring fence at least six (6) feet in height. However, there shall be no fence or wall more than three (3) feet in total height above street-curb level located within the clear sight triangle of a street intersection as defined in this Code.
 3. Detached Single Family Dwellings.
 4. Garage or Yard Sale or Similar Use: Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
 5. Greenhouse (Non-Commercial), Garden Sheds, Tool Sheds: When detached from the main dwelling such structures are subject to the provisions of Accessory Buildings.
 6. Home Occupation.
 7. Horses: Permitted only on lots or parcels of one (1) acre or more; provided that the total number of such animals not exceed three (3) per acre.
 8. Manufactured Homes.
 9. Public Park, Playground, Ball Fields or Tennis Courts.
 10. Kennel (Private, Residential).
 11. Storage (Residential Vehicles): Storage of personal recreational vehicles. Storage of personal recreational vehicles, boats, trailers or similar uses shall be limited to a maximum of one (1) per dwelling unit in the front yard, with no limit in the side or rear yard separated at least five (5) feet from any property line.
 12. Swimming Pool (Private): Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line and approval from all utilities is required to insure overhead safety.
 13. Tennis Courts: Private for residential use.
- D. *RR-1 SPECIAL USES.* The following uses require a public hearing and approval of the City Commission after a recommendation by the Planning and Zoning Commission. Specific conditions and provisions for special uses are described in Section 11-5-6.
1. Athletic Clubs or Bathhouses.
 2. Community Building (Public or Private).
 3. Gas Regulating Station (Public or Private Utility).
 4. Manufactured Home Park.
 5. Recreational Vehicle Park.
 6. Swimming Pools (Public and Commercial).
 7. Telephone Exchange Station.

-
8. Television and Radio Towers and all other Free-Standing Towers (Public and Private Use): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code.

Sec. 11-9-7. C-1 General Commercial District.

- A. *PURPOSE.* The intent of the C-1 District is to provide for certain commercial/retail uses which serve both transient and local trade. The District is intended for areas surrounding major arterial or collector streets where a wide range of automobile-related service facilities, convenience goods and personal services are desirable and appropriate as a land use.
- B. *DEVELOPMENT STANDARDS.* Development standards and other requirements are provided in Articles X through XIV of this Code.
- C. *C-1 PERMITTED USES.*

• Accountant Office	• Arts and Crafts Studio
• Advertising Services	• Auditoriums
• Animal Hospital and Clinic	• Automobile Parking Lot
• Auto and Camper Sales, Service and Rental	• Gasoline Pumps
• Automotive Equipment	• Gasoline Stations
• Bakery	• Gift Shop
• Banking and Financial Institution	• Glass Cutting and Finishing
• Barber Shop and Beauty Parlor	• Golf Course
• Bathhouse or Spa	• Grocery Store
• Bicycle Sales and Service	• Gymnasium
• Boat and RV Storage	• Hardware Store
• Bookstores and Stationery Shops	• Heavy Equipment Sales
• Building and Other Construction-Contractor: office only	• Hobby Shop
• Business Service Establishment	• Hospital or Overnight Clinic
• Butcher Shop and Meat Sales	• Hotel and Motel
• Catering	• Household Appliance Sales and Service and Repair
• Cigarette and Cigar Shop	• Insurance Services
• Clinic	• Institutions, Public and Quasi-Public
• Clothing Store and Apparel Shop	• Jewelry Store
• Coffee Shop	• Kennel, Commercial
• Columbarium	• Laboratory (medical, dental or engineering)
• Community Center or Public Office Building	• Liquor Store - Taverns and Package Stores
• Convenience Store	• Pet Shop or Grooming Parlor
• Convention or Exhibition Hall	• Photographic Studio and Supply Store
• Country Club	• Plant Nursery
• Dance Hall or Music Academy	• Plumbing and Heating Shop
• Dentist Office	• Pool and Billiard Room
• Department Store	• Post Office
• Dressmaking Shop	• Private Club or Lounge
• Drugstore	• Public Park, Playground and Recreational
• Dry-cleaning and Steam cleaning Establishment	• Radio, Television Broadcasting Studios, Music Store
• Electrical Shop and Electricians	• Real Estate Services

• Farm Machinery	• Restaurant
• Farm and Ranch Products and Supplies	• Retail Sales
• Fast Food Sales including Drive-In Sales	• Roofing and Sheet Metal Shop
• Firewood Sales	• Shoe Repair
• Florist Shop	• Show and Sales Room for Business Products
• Food Store	• Skating Rink
• Frozen Food Locker	• Sporting Goods Store
• Funeral Home, Mortuary (including crematorium)	• Tailoring
• Furniture and Home Furnishings	• Taverns and Cocktail Lounges
• Taxicab Transportation	• Travel Agency
• Telephone Exchange Station	• Upholstery
• Telegraph and Messenger Service	• Variety Store
• Tire Sales and Service	• Warehousing and Storage
• Title and Abstracting Services	• Watch and Clock Sales and Service

D. *PERMITTED USES—WITH CONDITIONS.* The following C-1 uses are permitted in accordance with stated conditions and upon approval by the Planning and Zoning Commission.

1. Adult Entertainment Uses: Uses such as adult bookstores, adult movie theaters, and adult news racks, as defined in Article 8 of this Code, shall be permitted provided such use is located a minimum of three hundred (300) feet from a property line of any:
 - a. School;
 - b. Church;
 - c. Public park or recreational facility;
 - d. Residential District;
 - e. Another adult entertainment facility.

There shall be no public display visible outside of the building. In addition, display of adult pictures of other materials within a grocery store, bookstore, or other retail or wholesale store shall be concealed from public view.

2. Amusement Park or Enterprise: Subject to any other provisions and requirements of the Municipal Code. Temporary amusement enterprises are prohibited within three hundred (300) feet of any residential zoning District. Permanent amusement enterprises are prohibited within five hundred (500) feet of any residential zoning District.
3. Automobile Body and Repair Shop: Not permitted with one hundred (100) feet of any residential District.
4. Bank Drive-up Windows: Stacking lane(s) of one hundred eighty (180) feet by ten (10) feet for each drive-up must be provided and designed to insure that no bank traffic backs onto the street giving access. Banks must be located on a collector or arterial streets as shown on the City Street Plan.
5. Bowling Alley: Subject to approval of site and related plans. Bowling alleys are prohibited within three hundred (300) feet of any residential zoning District.
6. Bus or Motor Freight Terminal: Only when located on an arterial street as designated on the City Street Plan.

-
7. Car Washes: There shall be no run-off onto neighboring properties or streets resulting from the use. Any discharge into public liquid waste disposal systems shall be approved by the administrator of the system prior to approval of the business. If the subject property is not served by a public waste disposal system, approval from the New Mexico Environmental Department shall be required.
 8. Child Care Center, Nursery or Similar Use: Play areas shall be in accord with State licensing requirements and enclosed by a solid wall or fence five (5) feet in height.
 9. Christmas Tree Sales: Temporary, not prior to November 15, provided lots are cleaned and removed by December 31.
 10. Church: Only when located on an arterial or collector street as designated on the City Street Plan.
 11. Construction or Contractor's Yard: Yard shall be maintained in a neat and orderly fashion and enclosed by a fence at least six (6) feet in height except that the height shall be limited to three (3) feet above street curb within a clear site triangle as defined in this Code.
 12. Drive-In Theater: Subject to approval of site and related plans.
 13. Firewood Sales: No more than twenty (20) cords stored on site.
 14. Flea Market: Subject to any other requirements of the Municipal Code.
 15. Furniture Assembly (Accessory Use): Permitted only as an incidental or accessory use to retail sales. Maximum floor area for assembly shall not exceed three thousand (3,000) square feet, not exceed thirty percent (30%) of the total business floor area, and shall be within the same building.
 16. Gas Pressure Control Stations: (Public or Private Utility.)
 17. Heavy Equipment Repair (Accessory Use): Permitted only as an incidental or accessory use to heavy equipment sales. Floor area for repair shall not exceed three thousand (3,000) square feet and not exceed thirty percent (30%) of the total gross floor area. Welding is permitted only in conjunction with repair and shall not be used for the purpose of heavy equipment assembly.
 18. Miniature Golf Course: Subject to approval of site and related plans. Not permitted within one hundred (100) feet of any residential District.
 19. Mini Storage Units: Units shall not be used for commercial sales of products, merchandise, service or repair. (This does not preclude a business from using storage units solely for storage of commercial or business related items provide that the actual commercial operation or business is conducted elsewhere, and there is no external evidence of the business at the storage unit.)
 20. School, Public, Private or Trade: Sites shall be located on an arterial or collector street as shown on the City Street Plan.
 21. Shopping Center: Providing site, drainage, and related plans for the entire development are approved.
 22. Storage of Wrecked or Dismantled Vehicles and Parts (Accessory Use): The storage of wrecked and dismantled vehicles and parts thereof shall be permitted only as an incidental accessory use to a vehicle repair establishment or a body shop:
 - a. Storage shall be within an enclosed building or within a sight-obscuring fence at least six (6) feet in height;
 - b. Vehicles and parts stored at the exterior of the building shall be owned by customers of the business and such storage shall be only for the purpose of repair and return to customer;
 - c. Exterior storage of vehicles shall not remain on the premises for a period exceeding three (3) months;

-
- d. A maximum of five (5) wrecked vehicles may be stored at the building exterior during any one time;
 - e. Exterior storage shall be a minimum of one hundred (100) feet from a residential District.
- 23. Swimming Pools: Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.
 - 24. Television and Radio Towers and all Other Free Standing Towers (Public and Private Uses): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.
 - 25. Welding (Accessory Use): Welding shall be permitted only as an incidental or accessory use necessary for the repair of vehicles or equipment permitted in the C-1 District. Welding uses shall be approved by the Fire Department and shall be in accord with any other provisions of the Municipal Code.
 - 26. Wrecker Service: In accord with storage of wrecked vehicle provisions of Item D.22 of this Section.
- E. *SPECIAL USES FOR C-1 DISTRICT.* The following uses require approval of the City Commission. Specific conditions and provisions for special use may be referred to in Article V.
- 1. Dwelling Unit: Special Use Permits are required for dwellings within the C-1 District upon lots or other parcels located directly adjacent to Broadway Avenue, Main Street or Date Street. Dwellings elsewhere within the C-1 District are permitted by right. Manufactured Homes (MH's) are permitted within the C-1 District subject to the provisions stated herein and in Articles 11 and 14.
 - 2. Apartments ten (10) unit minimum)
 - 3. Concrete Sales and Ready Mix
 - 4. Correctional Facilities and Institutions
 - 5. Heavy Equipment Repair and Service
 - 6. Kennel (Commercial)
 - 7. Manufactured Home Park or Subdivision: Subject to the provisions of Articles 11 and 14.
 - 8. Propane or Liquefied Petroleum Gas Distribution Point: Up to two thousand (2,000) gallons, not be located within three hundred thirty (330) feet of any residential zoning district, or within the area bounded by Date, Main and Austin Streets.
 - 9. Racetrack
 - 10. Residential Vehicle Park
 - 11. Recycle Purchase Center
 - 12. Stadium: Baseball, Football, Soccer or Track.
 - 13. Townhouses (R-2 Development Standards apply)
 - 14. Welding Shop

Sec. 11-9-8. M-1 Light Manufacturing District.

- A. *PURPOSE.* The M-1 District is intended to accommodate a wide variety of light packaging, compounding, wholesaling and distribution operations with no limitations on size. Such uses shall be constructed and operated to insure that there is no excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare, at or beyond any lot line of the parcel on which it is located.

Excessive is defined as a degree exceeding that caused in their customary manner of operation by uses permitted in the M-1 District, a degree injurious to the public health, safety, welfare or to a degree in which it is a nuisance by reason of excessiveness. Residential uses shall not be permitted except for a resident watchman, caretaker or proprietor of a commercial use.

B. *DEVELOPMENT REQUIREMENTS.* Development standards are provided in Articles 12, 13 and 14.

C. *M-1 PERMITTED USES.* The following uses are permitted by right in the M-1 District:

• Animal Hospital and Clinic	• Auto and Camper Sales, Service and Rental
• Arts and Crafts Studio	
• Auditoriums	• Automotive Equipment
• Automobile Repair or Body Shop	• Banking and Financial Institution
• Barber Shop and Beauty Parlor	
• Bathhouse	• Laboratory (medical, dental or engineering)
• Bicycle Sales and Storage	
• Boat Storage, Sales and Service	• Law Office
• Bowling Alley	• Lessons (art, music, dance and the like)
• Business Service Establishment	
• Butcher Shop and Meat Sale	• Liquor Store - Taverns and Package
• Child Care Center Sales	• Clothing Store and Apparel Shop • Lumber and Construction Materials
• Coffee Shop	• Medical Center
• Commercial or Trade School	• Metalwork and Machine Shop
• Community or Public Office Building	• Microwave Radio Relay Structure
• Concrete Sales and Ready Mix	• Miniature Golf Course
• Convention or Exhibition Hall	• Mining and Mineral Excavation
• Department Store Office	
• Drugstore	• Motion Picture Theater
• Dry Cleaning and Steam Cleaning	• Motorcycle Sales, Service and Repair Establishment
• Motor Freight Terminals	
• Electrical Shop and electricians	• Newspaper Establishment
• Fabrication Shop	• Paint Sales
• Farm Machinery	• Printing Shops
• Farm and Ranch Products and Supplies	• Pet Shop
• Firewood Sales and Storage	• Photographic Studio and Supply Store
• Food Store	• Plant Nursery
• Freight House or Truck Terminal	• Plumbing and Heating Shop
• Freight Warehouse and Dock	• Pool and Billiard Room
• Frozen Food Locker	• Printing and Publishing
• Funeral Home, Mortuary (including Crematorium)	• Public Park, Playground and Recreational
• Furniture and Home Furnishings	• Radio and Television Broadcasting Studios
• Gasoline Pumps	• Restaurant
• Gasoline Station	• Retail Sales
• Glass Cutting and Finishing	• Roofing and Sheet Metal Shop
• Golf Course	• Shoe Repair
• Grocery Store	• Schools: Public and Private
• Gymnasium	• Show and Sales Room for Business Products
• Hardware Store	• Skating Rink

• Heavy Equipment Sales, Service and Repair	• Taverns and Cocktail Lounges
• Hotel and Motel	• Taxicab Transportation
• Household Appliance Sales, Service and Repair	• Telephone Exchange Station
• Laboratory	• Telegraph and Messenger Service
• Warehousing or Wholesale Distribution of Goods	• Upholstery Shop
• Warehousing and Storage	• Tires, Blocks and similar products
• Watch and Clock Repair	• Packaging of: Food Products, Cosmetics
• Welding Shop	• Pharmaceuticals, Toiletries
• Assembly of: Electronic or Mechanical Parts and Equipment	• Processing and Compounding of: Bakery Goods, Candy or Food Products
• Manufacturing of: Consumer goods such as: Appliances, Batteries, Furniture, Garments, (including distribution office)	• Storage of products: Merchandise, Domestic Goods, and Raw Materials

D. *CONDITIONAL USE*. The following M-1 uses are permitted in accordance with stated conditions and approval of the Planning and Zoning Commission.

1. Adult Entertainment Uses: Uses such as adult bookstores, adult movie theaters, and adult news racks, as defined in Article 8 of this Code, shall be permitted provided such use is located a minimum of three hundred (300) feet from a property line of any: a) school; b) church; c) public park or recreational facility; d) residential District and e) another adult entertainment facility. There shall be no public display visible outside of the building. In addition, display of adult pictures of other materials within a grocery store, bookstore, or other retail or wholesale store shall be concealed from public view.
2. Amusement Park or Enterprise: Subject to other provisions and requirements of the Municipal Code. Permanent amusement enterprises are prohibited within three hundred (300) feet of a residential District.
3. Automobile Washing Establishments: A waiting aisle of forty (40) feet in length shall be provided for each stall. All related traffic shall be contained off-street.
4. Bank Drive-Up Window: Stacking Lane(s) one hundred eighty (180) feet long and ten (10) feet wide for each drive-up window must be designed to insure that no bank traffic backs onto the street giving access. Banks must be located on a collector or arterial street as shown on the City Street Plan.
5. Body Shop: Buildings shall be located a minimum of three hundred (300) feet from a residential District boundary and shall have Fire Department approval.
6. Construction or Contractor's Yard: Yard shall be maintained in a neat and orderly fashion and enclosed by a sight obscuring fence a minimum of six (6) feet in height. However, there shall be no fence or wall more than three (3) feet in height within the clear sight triangle of a street intersection as defined in Article 8 of this Code.
7. Drive-In Theater.
8. Dwellings (Accessory Use) - Proprietor, Resident Watchman or Caretaker Only: Provided such use shall be a single-family dwelling located on the same property as the business.
9. Flea Market: Subject to other requirements of the Municipal Code.
10. Open or Exterior Storage and Display (Merchandise, Materials): Storage or display of materials on the exterior or a building shall be completely enclosed by a fence or wall of solid construction, no less than six (6) feet in height, except for manufactured homes, cars, trucks or motorcycles.

-
11. Paint Shop (Mixing, Treatment and Spraying): Buildings shall be located one hundred (100) feet from any residential zoning District and shall have Fire Department approval.
 12. Storage of Wrecked or Dismantled Vehicles and Parts Thereof: The storage of wrecked and dismantled vehicles and parts thereof shall be permitted only as an incidental or accessory use to a vehicle repair establishment or body shop, permitted in the M-1 District. Such use shall be in accordance with the following requirements.
 - a. Storage shall be within an enclosed building or within a sight obscuring fence at least six (6) feet in height.
 - b. Vehicles and parts stored at the exterior of a building shall be owned by customers of the business and such storage shall be only for the purpose of repair and return to customers.
 - c. Exterior storage of vehicles shall not remain on the premises for a period exceeding three (3) months.
 - d. There shall be a maximum of twenty (20) wrecked vehicles stored at the building exterior during any one time.
 - e. Exterior storage shall be a minimum of one hundred (100) feet from a residential zoning District.
 13. Swimming Pools: Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.
 14. Wrecker Services: Provided vehicle storage conforms to Item 2 (1) of this paragraph.
- E. *M-1 SPECIAL USES.* The following uses require approval of the City Commission. Specific conditions and provisions for special uses are included in Section 11-5-6.
1. Asphalt Materials Production Plant.
 2. Kennel: Commercial.
 3. Junk Yard.
 4. Metal or other used materials, Sales, Recycling, or Purchase Center.
 5. Racetrack.
 6. Recreational Vehicle Park.
 7. Sand and Gravel Pit.
 8. Stables: Commercial.
 9. Slaughter or Packing House.
 10. Television and Radio Towers and all other Free Standing Towers or Private Uses).

Sec. 11-9-9. T-1 Transition District.

- A. *PURPOSE.* The T-1 District is a low density semi-rural residential District comprised primarily of single family frame and manufactured housing units. This is a temporary classification intended to allow development of a predominantly undeveloped area.
- B. *DEVELOPMENT STANDARDS.* Development standards and other requirements are provided in Article 10 through 14 of this Code.
- C. *T-1 PERMITTED USES.* The following uses are permitted by right in the T-1 Districts:

-
1. Accessory Buildings.
 2. Detached Single Family Dwellings.
 3. Manufactured Housing on individual lots, tied down and skirted according to the provisions in Article 11 of the Comprehensive Planning and Zoning Code with one manufactured housing unit allowed per lot.
 4. Guest Dwellings or accessory living quarters.
 5. All types of Horticulture.
 6. 4-H or FFA animal raising in accordance with other applicable regulations.
 7. Keeping of small animals and fowl in accordance with other applicable regulations.
 8. Keeping of large animals in accordance with other applicable regulations.
 9. Recreational Courts, including but not limited to, tennis and other similar uses.
 10. Home Occupations.
 11. Produce stands for agricultural products.
 12. Greenhouse (commercial or non-commercial), garden sheds, and tool sheds. When detached from the main dwellings, such structures are subject to the provisions of Accessory Buildings.
 13. Private swimming pools five (5) feet from property lines and surrounded with four (4) feet fencing for safety.
 14. Garage or yard sale or similar use. There (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
 15. Real Estate Office (temporary.) Permitted only when used in conjunction with a residential subdivision, provided such use shall be discontinued upon the completion of the development or within three (3) years from date permit issued, whichever is sooner.
 16. Recreational Vehicles. Storage of personal recreational vehicles, boats, trailers or similar uses shall be limited to a maximum of one (1) per dwelling unit in the front or side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.
 17. Television and Radio Towers and all other Free Standing Towers (public or private.) Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.
 18. The sale of agricultural and farm products, nursery stock, poultry, rabbits, chinchillas, fish, frogs, earthworms and bees.
- D. *T-1 SPECIAL USES.* The following uses require a public hearing and approval of the City Commission:
1. Boarding Houses and Rest Homes.
 2. Cemetery.
 3. Child Care Center (Six (6) or more children).
 4. Church.
 5. Community and publicly owned recreational centers, clubhouses, and similarly, used buildings and structures open to the public.
 6. Manufactured Home Parks.

-
7. Manufactured Home Subdivision.
 8. Recreational Vehicle Park.
 9. Schools (Primary, Secondary, Private and Parochial).
 10. Veterinary Facilities.

Legend

City of Truth or Consequences
Planning Codes

- C-1 Commercial Zone
- M-1 Light Manufacturing
- R-1 Residential Zone 1
- R-2 Residential Zone 2
- R-3 Residential Zone 3
- R-4 Residential Zone 4
- RR-1 Riverside Residential
- T-1 Transition Zone

Municipal Limits

- City of Truth or Consequences
- Village of Williamsburg

Adopted by the Truth or Consequences
City Commission on

