
Sec. 11-1-1. Purpose and Intent.

The purpose of this Section is to present minimum standards for the installation of manufactured homes in appropriate Districts as well as Manufactured Home Parks, Subdivisions and RV Parks within the City of Truth or Consequences.

The City of Truth or Consequences encourages the installation of well-constructed aesthetically pleasing manufactured homes in the Districts in which they are permitted. The City realizes that most such installations will be more or less permanent, and will provide a permanent housing source for residents of the City. Therefore, this article attempts to create the proper standards for manufactured home installation, which are pleasing to the eye and lend to the improvement of the overall community.

Sec. 11-11-2. Manufactured Homes (MH'S).

- A. *DISTRICT RESTRICTIONS.* A manufactured home located in a District as a single-family house shall conform to specific standards in that District. Individual MH's are permitted by right in the R-1, R-2, R-3, RR-1 and T-1 Districts; by right and by special use in specified portions of C-1 Districts, and allowed by right in Manufactured Home Parks and Subdivision. MHP's are permitted by right in R-3 Districts and are permissible by special use in R-2, C-1 and T-1 Districts. RVP's are permissible by special use in R-3, RR-1, C-1, M-1 and T-1 Districts.
- B. *MANUFACTURED HOMES ON INDIVIDUAL LOTS.* The following provisions apply to manufactured homes placed on individual lots or located within MHP's, MHS's or RVP's and are in addition to the General Conditions stated in Article 11-11-2.E.
1. *Placement in R-1 Districts:*
 - a. Home must be a minimum of one thousand, two hundred (1,200) square feet in heated area and twenty-four (24) feet in width.
 - b. Home must meet the definition for modular or prefabricated housing as defined in this Code and for manufactured housing as defined in the New Mexico Manufactured Housing and Zoning Act of 1987, and shall not be a home built on permanent chassis for towing.
 2. *Placement in Other Districts:*
 - a. *R-2 District:* Home must be a minimum of nine hundred (900) square feet in heated area and twenty-four (24) feet in width.
 - b. *R-3, C-1 or T-1 Districts:* Home must be a minimum of five-hundred fifty (550) square feet.
 - c. *RR-1 District:* Home must be a minimum of eight-hundred (800) square feet.
 - d. *R-4 District:* Home must be a minimum of one thousand, two hundred (1,200) square feet.
 3. *For all Districts, except within MHP's:* Homes must be on a permanent foundation as specified by the New Mexico Manufactured Housing Division Regulations (MHD 93-1) as now adopted and hereafter amended.
- C. *DEVELOPMENT REQUIREMENTS.* Development standards and additional requirements are provided in Articles X, and XII through XIV of this Code.
- D. *MANUFACTURED HOME INSTALLATION PERMIT REQUIRED.* In addition to any permits required by the state for moving and placement, or foundation/other construction, a Manufactured Home Installation Permit must be obtained from the City before placement of a manufactured home within the City limits. Permit application forms may be obtained from the designated Zoning Administrator's Office.

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- E. **GENERAL CONDITIONS.** Except for installations in MHP's, all manufactured homes within the City are required to be set up on permanent foundations in accordance with the State Manufactured Housing Division Rules and Regulations. Installations in MHP's can be on non-permanent foundations in accordance with the State Manufactured Housing Division Rules and Regulations.
1. **Wheels to be removed:** Since MH's are considered to be permanent housing units, the City requires that the wheels of the MH's, if present, shall be removed during the installation process.
 2. **Non-Exposure of Undercarriage:** MH undercarriages, if present, shall be concealed by either:
 - a. An appropriate skirting installed in accordance with the 1993 Manufactured Housing Act of the state as now adopted and hereafter amended. If the tongue is not removed from the MH, it must be skirted in like manner and material as the MH.
 - b. Entrenching the home to a depth equal to the height of the undercarriage. Any such entrenching shall have provisions for drainage away from the unit.
 - c. Concealment of the undercarriage must be completed within sixty (60) days of placement of the unit.
 3. **Damaged Units:** The City will not allow damaged units to be installed within the City limits.
 4. **Steps:** All MH units shall have permanent steps affixed to all exits.
 5. **Maintenance:** all manufactured housing units shall meet all existing City Codes related to proper appearance and maintenance of buildings and properties.
 6. **Standards:** All MH units shall be constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401. et seq. as amended or carry NMBC state approval. Additionally, all MH Units that are installed at any particular location within the City limits shall not be twenty (20) years or older at the time of installation. Any unit to be used for non-residential purposes shall meet all NMBC standards and shall be in full compliance with requirements for access to the disabled as required by State Rule MHD 90-1 as amended.
 7. **Removal:** If a MH is removed the site shall be restored to original or better condition.
- F. **OTHER CONSTRUCTED IMPROVEMENTS.** All porches, patios, permanent steps, accessory buildings, additional to a manufactured housing unit and any other constructed improvements shall be required to comply with the New Mexico Building Code and the building permit obtained in accordance with City ordinances.
- G. **OTHER REQUIREMENTS.** All other requirements not covered herein shall be as required by the State Manufactured Housing Act and Regulations.

(Ord. No. 684, § 1, 7-12-17)

Sec. 11-11-4. Manufactured Home Subdivisions (MHS).

- A. **PURPOSE.** Special use permits are required for MHS in R-2, C-1 and T-1 Districts and are intended to provide for the development of such subdivision at standards consistent with the health, safety, and welfare of the community. MHS's are permitted by right in R-3 Districts. Special use permits must be acquired in accordance with Article V of this Code.
- B. **DEVELOPMENT REQUIREMENTS.** Development standards and other requirements are provided in Article X, and II through XIV of this Code. Subdivision must meet all applicable provisions of the Municipal Subdivision Regulations. A site plan, landscaping plan and a drainage plan must be approved by the City Commission for any MHS.

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- C. *MHS STREET ORIENTATION.* Street layouts shall be designed for preservation of natural features and to follow topography to the greatest extent possible and to encourage the orientation of homes in such a manner as to permit the use of solar energy systems.
 - D. *UTILITIES.* All utility placement shall be underground and shall be approved by the City.
 - E. *LANDSCAPING.* A landscaping concept, as provided by the City Commission shall be required for all areas not devoted to structures, streets, alley, drives, walks and paths.
 - F. *GARDENS.* Gardens, non-commercial nurseries and greenhouses are permitted in MHS's provided:
 - 1. Such uses are private and non-commercial; and
 - 2. Greenhouses meet setback requirements for Accessory Buildings.

Sec. 11-11-6. Recreational Vehicles, Boats, Camping and Travel Trailers, Truck Campers and Vehicles as Dwellings.

Recreational vehicles, boats, camping and travel trailers, truck campers and vehicles shall not be used as permanent or temporary dwellings or immobile living quarters on any private or city owned property or easement, except in a lawfully operated Recreational Vehicle Parks (RVP's) as approved by special use permit per Sec. 11-11-5. Utility connections are permitted for said units only within recreational vehicle parks (RVP's). The use of said units as temporary living quarters must be approved and permitted by the designated zoning official, may not be permanently connected to sewer lines, water lines, or electrical lines and shall not exceed the timeframe as approved by the designated zoning official and be restricted to a lot upon which a permanent dwelling is being constructed pursuant to 11-3-2 Building Permits and Plans and construction is moving forward in a timely manner. Transit travelers passing through the City may be allowed temporary parking on a commercial privately owned property with property owner or management consent, but such parking shall be limited to a period of not more than 12 hours unless a vehicle emergency maintenance, roadway hazard, medical emergency or inclement weather incident exists where the parking timeframe may be extended to a reasonable time necessary to resolve the incident. Special event attendees may be allowed temporary parking on a public or privately owned property with the consent of the property owner or manager. Said parking may not exceed seven (7) consecutive days and will require written approval by City Management. Special events are defined as: pageants, fairs, carnivals and large athletic events, religious or entertainment events, or large community gatherings that typically have one or more of the following characteristics: outdoor amplified music, a stage or staging, event lighting, tents, additional parking accommodations, traffic restrictions, and other characteristics consistent with larger gatherings that are not consistent with occasional residential parties.

(Ord. No. 726, 3-9-22)

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.

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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. 11-14-2. 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

- D. Section R104 - Duties and Powers of Building Official.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.
- E. Section R105 - Permits.** Delete this section of the IRC and see 14.5.2 NMAC, Permits.
- F. Section R106 - Construction Documents.** Delete this provision of the IRC and see 14.5.2 NMAC, Permits.
- G. Section R107 - Temporary Structures and Uses.** Delete this section of the IRC and see 14.5.2 NMAC, Permits.
- H. Section R108 - Fees.** Delete this section of the IRC and see 14.5.5 NMAC, Fees.
- I. Section R109 - Inspections.** Delete this section of the IRC and see 14.5.3 NMAC, Inspections.
- J. Section R110 - Certificate of Occupancy.** Delete this section of the IRC and see 14.5.3 NMAC, Inspections.
- K. Section R111 - Service Utilities.** Delete this section of the IRC and see 14.5.3 NMAC, Inspections.
- L. Section R112 - Board of Appeals.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.
- M. Section R113 - Violations.** Delete this section of the IRC and see CILA 60-13-1 et seq., and 14.5.3 NMAC, Inspections.
- N. Section R114 - Stop Work Order.** Delete this section of the IRC and see 14.5.3 NMAC, Inspections.
- [14.7.3.9 NMAC - Rp, 14.7.3.9 NMAC, 11/15/2016; A, XX-XX-XX17]

14.7.3.28 APPENDIX V TINY HOUSES:

A. Section AV101 – GENERAL

(1) Section AV101.1 Scope. This appendix shall be applicable to tiny houses used as single dwelling units providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation and placed on a permanent foundation. Tiny houses shall comply with this code except as otherwise stated in this appendix. Tiny houses constructed in New Mexico or constructed outside New Mexico and transported into New Mexico shall be inspected to comply with New Mexico Residential Code requirements for in-state or out of state production of dwelling units. This shall include Appendix V of the New Mexico Residential Code. Tiny houses constructed on a chassis with permanent axle shall be considered recreational vehicles and shall meet codes for and be licensed as recreational vehicles so long as the axle remain in place. If axle are removed and the unit placed on supports (foundation) the unit must comply with code requirements for tiny houses placed on a permanent foundations. Tiny houses placed upon a permanent foundation shall be constructed to comply with New Mexico Building Residential Codes including Appendix V (Tiny Houses) of the Residential Code.

(2) Section AV102.1 General Definitions. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

(a) Emergency egress A skylight, roof window, or other emergency egress opening designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2.

(b) Landing platform. A landing provided as the top step of a stairway accessing a loft.

(c) Loft. A floor level located more than 30 inches (762 mm) directly above the main floor and open to on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space. Lofts shall not exceed 40 percent of the floor area.

(d) Tiny house. A dwelling that is 400 square feet (37 m²) or less in floor area excluding lofts.

B. Section AV103 - CEILING HEIGHT

AV103.1 Minimum ceiling height. Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions. **Exception:** Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

C. Section AV104 LOFTS

(1) Section AV104.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AV104.1.1 through AV104.1.3.

(a) Section AV104.1.1 Minimum area. Lofts shall have a floor area of not less than 35 square feet (3.25 m²).

(b) Section AV104.1.2 Minimum dimensions. Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

(c) Section AV104.1.3 Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft. **Exception:** Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

(2) Section AV104.2 Loft access. The access to and primary egress from lofts shall be any type described in Sections AV104.2.1 through AV104.2.4.

(a) Section AV104.2.1 Stairways. Stairways accessing lofts shall comply with this code or with Sections AV104.2.1.1 through AV104.2.1.5.

(i) Section AV104.2.1.1 Width. Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

(ii) Section AV104.2.1.2 Headroom. The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm) as measured vertically from a sloped line connecting the tread or landing platform nosings in the middle of their width.

(iii) Section AV104.2.1.3 Treads and risers. Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas: (a) The tread depth shall be 20 inches (508 mm) minus 4/3 of the riser height. (b) The riser height shall be 15 inches (381 mm) minus 3/4 of the tread depth.

(iv) Section AV104.2.1.4 Landing platforms. The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) at the point where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

(v) Section AV104.2.1.5 Handrails. Handrails shall comply with Section R311.7.8.

(vi) Section AV104.2.1.6 Stairway guards. Guards at open sides of stairways shall comply with Section R312.1.

(b) Section AV104.2.2 Ladders. Ladders accessing lofts shall comply with Sections AV104.2.1 and AV104.2.2, including the requirements for handrails in section R311.7.8, and R308.4.6 glazing adjacent to stairs and ramps, and shall be permanently attached to the loft structure by a device that prevents movement during use. Attachment shall not be accomplished by use of toenails or nails subject to withdrawal.

(i) Section AV104.2.2.1 Size and capacity. Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm) and rungs shall be spaced with 10 inches (254 mm) minimum to 14 inches (356 mm) maximum spacing between rungs. Floor decking of lofts accessed by ladders shall be no more than 8½ feet above the main level floor. Ladders shall be capable of supporting a 200 pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

(ii) Section AV104.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

(c) Section AV104.2.3 Alternating tread devices. Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

(d) Section AV104.2.4 Ships ladders. Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

(e) Section AV104.2.5 Loft Guards. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

D. Section AV105— EMERGENCY ESCAPE AND RESCUE OPENINGS

AV105.1 General. Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings including sleeping lofts.

City of
Truth or Consequences
Sierra County, N.M.

City of Truth or Consequences Zoning 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



Sec. 11-5-5. Variance.

A Variance may be authorized by the City Commission after hearing the recommendation of the Planning and Zoning Commission. The variance shall provide relief from the strict application of dimension, distance, parking or setback requirements of this Code.

A. *Provisions for variance.*

1. The subject property must be irregular, narrow, shallow, or steep or otherwise, have physical conditions where application of the requirements of this Code would result in practical difficulty or unnecessary hardship to the owner in the use of his land or building.
2. The applicant shall notify all property owners of his/her intent in a manner specified in Section 11-7-2 and shall be subject to a public hearing as specified therein.
3. Variance shall not be granted in such cases where it would adversely affect adjoining properties, impair established property values, or endanger public safety.
4. Variances shall not be granted where spot zoning would occur.

B. *Fee.* A non-refundable application fee as set by City Commission Resolution must accompany each application.

C. *Submission requirements.* The application for variance shall be in the format stipulated by the City and shall contain plans and other information as required by the designated Zoning Administrator. The completed application for a variance, shall be submitted to the City Clerk for placement upon the agenda of the Planning and Zoning Commission.

D. *Revocation.* A variance shall be automatically revoked in the event of building permit for the approved Variance has not been obtained within ninety (90) days, or construction has not begun within one hundred eighty (180) days after the building permit has been issued. The Planning and Zoning Commission may grant ninety (90) days extension if deemed appropriate.

E. *Re-application for variance.* In the event of a denial decision by the City Commission, there shall be no re-application for the same variance for a period of one (1) year after the date of the decision of the Commission.