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LEA COUNTY COM. 1 PAGE 16

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20926

ORDINANCE NO. 1

EXTRATERRITORIAL ZONING AUTHORITY

ADOPTED FEBRUARY 26, 1980

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LOVINGTON - LEA COUNTY

EXTRATERRITORIAL ZONING

ORDINANCE

BOOK 1 PAGE 19

AN ORDINANCE TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS, AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS, OTHER PURPOSES; AND FOR SAID PURPOSES TO DIVIDE THE EXTRATERRITORIAL AREA INTO DISTRICTS OF SUCH NUMBER, SHAPE, AREA AND FORM BEST SUITED TO CARRY OUT THE PURPOSES OF THIS ORDINANCE; AND WITHIN SUCH DISTRICTS TO REGULATE OR RESTRICT THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, OR USE OF BUILDINGS, STRUCTURES OR LANDS; TO PROVIDE FOR THE ADMINISTRATION, AND INTERPRETATION OF SAID REGULATIONS, TO PROVIDE FOR APPEALS, TO PROVIDE FOR AMENDMENTS, TO PROVIDE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND TO PROVIDE FOR ITS ENFORCEMENT: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith; AND, PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY OF LOVINGTON - LEA

COUNTY JOINT ZONING AUTHORITY:

ARTICLE I

Section 1. TITLE

This ordinance shall be called the City of Lovington-Lea County Extraterritorial Zoning Ordinance.

Section 2. ADOPTING AUTHORITY

This ordinance is to establish and carry into effect the several powers, duties, and privileges conferred upon the municipality known as the City of Lovington, and the County of Lea, in, under, and by an Act of the New Mexico State Legislature, New Mexico Statutes Annotated, (1978), being laws 1972, ch. 279, Section 20, together with acts amendatory thereof, and supplementary thereto, including the designation of the municipality which shall be hereinafter referred to as the City of Lovington, and the County of Lea as zoning authorities.

Section 3. PURPOSES

A. This ordinance is intended to promote health, safety, morals, and the general welfare, and may regulate and restrict the following:

1. height, number of stories and size of buildings and structures;
2. percentage of a lot that may be occupied;
3. size of yards, courts, and other open spaces;
4. density of population; and
5. location and use of buildings, structures, and land for trade, industry, residence or other purposes.

B. For said purposes shall:

1. divide the territory under Joint Lovington-Lea County Zoning Authority jurisdiction into districts of such number, shape, area and form as is necessary to carry out the purposes of Sections 3-21-1 through 3-21-26 N.M.S.A. '78
2. regulate or restrict the erection, construction, reconstruction, alteration, or use of buildings, structures or land in each district. All such regulations shall be uniform for each class or kinds of buildings within each district, but regulation in one district may differ from regulation in another district.
3. provide for the administration and interpretation of said regulations;
4. provide, subject to the restrictions of Section 3-21-4 N.M.S.A. 1978 for the manner in which zoning regulations, restrictions and the boundaries of districts are:
 - a. Determined, established and enforced; and
 - b. amended, supplemented or repealed.

1. This ordinance is in accordance with recommendations of the Lea County 1973 Comprehensive Land Use Planning and Zoning Report, and the City of Lovington 1973 Comprehensive Plan, and is designed to:
 - a. lessen congestion in the streets or public ways;
 - b. secure safety from fire, flood water, panic, and other dangers;
 - c. promote health and general welfare;
 - d. provide adequate light and air;
 - e. prevent the overcrowding of land;
 - f. avoid undue concentrations of population;
 - g. facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements; and
 - h. control and abate the unsightly or undesirable use of buildings or land.
2. Reasonable consideration shall be given, among other things, to the character of the zoning areas and districts, and their peculiar suitability for particular uses, and to conserving the value of buildings and land, and encouraging the most appropriate use of land throughout the jurisdiction.

Section 4. JURISDICTION

A. This ordinance shall cover all the territory within one mile of the boundary of the City of Lovington.

B. The boundary of the Extraterritorial Zone shall change automatically when municipal boundaries are changed. Zoning of property included by a boundary change shall be as determined by the Zoning Authority.

Section 5. APPLICATION OF ZONING CODE

All property, except that property owned or controlled by the Federal Government, the State of New Mexico, the County of Lea, and the City of Lovington and their subdivisions or agencies, is governed according to the zone in which it is located. Any use not designated a permissive or conditional use in a zone is specifically prohibited from that zone, except as otherwise provided herein.

No building or land shall be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations specified for the zone in which it is located. No building shall be erected or altered to exceed the height, number of stories or size, or density of population, occupy a greater percentage of land area, have smaller front, rear or side yards, or open space, than is specified for the district. Such building, structure, or land for trade, industry, residential or other purposes shall be in conformity with the regulations of the district in which the land, building or structure is located.

Section 6. INTERPRETATIONS AND CONFLICTS

The regulations of this ordinance are held to include the minimum standards necessary to carry out the purposes of this ordinance. This ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties or other valid ordinances. The provisions of this ordinance which are in conflict with other ordinances prevails where this ordinance imposes a greater restriction than is imposed by other rules, regulations, easements, covenants, agreements, or ordinances.

Section 7. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase or part hereof for any reason is declared unconstitutional or invalid, the validation of the remaining portions hereof shall not be affected since it is the express intent of the City of Lovington-Lea County Joint Zoning Authority to pass each section, subsection, paragraph, clause, phrase, and every part hereof separately and independently of every other part.

Section 1. APPEALS

BOOK 1 PAGE 21

A. A Board of Appeals is hereby established and shall consist of the members of the Lovington-Lea County Zoning Authority hereafter called Zoning Authority.

B. Meeting of the Zoning Authority shall be held at the call of the Chairman and at such other times as the Zoning Authority may determine. All meetings of the Zoning Authority shall be open to the public. The Zoning Authority shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the Office of the Zoning Authority and shall be a public record.

C. Appeals to the Zoning Authority may be taken by any person aggrieved or by any officer, department, board or bureau of the LLCZA affected by any decision of the Enforcement Officer. Such appeal shall be taken within a reasonable time, not to exceed thirty (30) days from the date of the decision complained of, unless otherwise prescribed or extended by the Zoning Authority, by filing with the Enforcement Officer and with the Zoning Authority a notice of appeal specifying the grounds thereof. The Enforcement Officer shall forthwith transmit to the Zoning Authority all the papers constituting the file or record upon which such action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Enforcement Officer shall certify to the Zoning Authority after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Authority, or by a court of record on application or notice to the Enforcement Officer and on due cause shown.

The Zoning Authority shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. The concurring vote of four-fifths of all the members of the LLCZA shall be required to revise any order, requirement, decision or determination of the Enforcement Officer or to decide a case in favor of the applicant.

D. The Zoning Authority shall have the following powers:

1. Powers Relative to Administration Errors: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
2. Powers Relative to Variation: See Article XV
3. Powers Relative to Exception: Upon appeal, the Zoning Authority is hereby empowered to permit the following exceptions:
 - a. To permit the extension of a district where the boundary line of a district divides a lot of record.
 - b. To permit the erection and use of a building or the use of premises on any location for public service corporations for public utility purposes which the Zoning Authority deems reasonably necessary for the public convenience or welfare.
 - c. To interpret the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made part of this ordinance.

E. Any person or persons aggrieved by any decision of the Zoning Authority may present to a court of competent jurisdiction a petition for court review of such decision within the time and in the manner as by state law in such case made and provided.

A. Powers Relative to Extraterritorial Zoning Commission and the duties of the Extraterritorial Zoning Commission are as follows:

1. Powers Relative to Extraterritorial Zoning Commission, established by the Joint Powers Agreement between the City of Lovington-Lea County, shall be the initial hearing body for all proceedings requesting variations from existing zoning requirements, applications for changes of zoning, and appeals from determinations of the Enforcement Officer. In all such situations the Extraterritorial Zoning Commission shall conduct a public hearing at a regularly scheduled meeting and shall thereafter submit its findings and recommendations to the Extraterritorial Zoning Authority, as further provided herein.
2. The Extraterritorial Zoning Commission shall act in an advisory capacity to the Zoning Authority in any appeal taken under the provisions of this ordinance, but shall exercise no judicial or legislative authority in so doing. For that purpose it shall be the duty of the Commission to hold an open hearing on all matters appealed to the Zoning Authority in advance of such hearing. Each party to the appeal shall be given three days notice in writing of such hearing.
3. It shall be the duty of the Enforcement Officer to present a statement of the controversy being appealed to the Commission. Any aggrieved person, any officer, department, board, or bureau of the Extraterritorial Zone affected by the decision appealed shall have the right to be heard before the Commission.
4. The Extraterritorial Zoning Commission shall have the power to promulgate rules and regulations governing hearings held by it under this Article. At the conclusion of the hearing, the Commission shall by a majority vote recommend to the Zoning Authority that the action appealed from either be sustained, reversed, or reversed in part. Such recommendation shall be advisory only and may be considered by the Zoning Authority in considering the appeal but shall not be binding upon it.
5. Nothing herein contained shall prevent the Zoning Authority from hearing and determining any appeal taken under this ordinance without having received the recommendation of the Extraterritorial Zoning Commission, if a report by the Commission has not been submitted to the Zoning Authority within sixty (60) days from filing of the notice of appeal as provided in paragraph 2, of this section.

Section 3. ENFORCEMENT

- A. Duty to Enforce - it shall be the duty of the Extraterritorial Zoning Enforcement Officer to enforce the provisions of this zoning code.
- B. Inspections - inspections shall be made by the Extraterritorial Enforcement Officer or a duly appointed agent.
- C. Rules - The Extraterritorial Enforcement Officer may adopt rules for carrying into effect the provisions of this ordinance. Said rules must be consistent with this ordinance, subject to review by the Extraterritorial Zoning Authority.

Section 4. PENALTIES FOR NON-COMPLIANCE

- A. Any person, firm, or corporation violating any of the provisions of this ordinance shall be punished by a fine not exceeding three hundred dollars (\$300) or imprisonment in the County jail not to exceed ninety (90) days, or both such fine and imprisonment. Each day's violation shall be considered a separate offense.
- B. In the case that any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this ordinance the proper authorities of the Extraterritorial Zone, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said buildings, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

Section Y. AMENDMENTS AND CHANGES

BOOK 1 PAGE 23

A. Procedures - The City of Lovington-Lea County Zoning Authority may on its own motion or on signed petition therefore, made and filed with the Extraterritorial Zoning Ordinance Enforcement Officer, after published notice of public hearing and public hearing held, amend, supplement, modify or otherwise change the regulations, restrictions and boundaries herein established. Every such proposed change or amendment shall first be heard by the Extraterritorial Zoning Commission which shall submit its report and recommendation to the LLCZA. Any such proposed change or amendment which has failed to receive the approval of the Extraterritorial Zoning Commission shall not be passed by the LLCZA except by the favorable vote of four-fifths of the members of the Zoning Authority.

A four-fifths favorable vote of all the members of the LLCZA shall be required to pass an amendment or change of the zoning ordinance to effect a change of zoning classification to a less restrictive use; or to supplement, modify or otherwise change the regulations, restrictions or boundaries therein provided, where a valid protest is filed in the office of the Enforcement Officer at least five (5) days prior to the published date of public hearing therein. Said filed petition of protest shall reflect the protesting property owner's name and mailing address with lot, block, and subdivision description of property owned by said protestor, shall be subscribed by the bona-fide owner of legal or equitable title thereto and shall constitute in the aggregate not less than twenty (20) percent of:

1. the land or area proposed to be rezoned; or
2. the land adjacent to and within one hundred (100) feet of the area proposed to be rezoned or otherwise transformed, excluding public rights-of-way in measuring such one hundred (100) feet.

B. Any person or persons aggrieved by any such decision of the LLCZA may present to a court of competent jurisdiction a petition for court review thereof within the time and in the manner as provided herein.

C. Application for a requested change of zoning classification, amendment, modification, alteration, variance, or otherwise changing of the regulations, restrictions, boundaries, zones or districts, herein or hereafter established, including applications for requested special use permits shall be made in writing to the duly authorized Enforcement Officer upon the prescribed application form therefore, and signed by the applicant.

ARTICLE IV

Section 1. DEFINITIONS

For the purpose of this ordinance, certain words, terms, and phrases are hereby defined and shall be construed as hereinafter set forth, unless it shall appear from the context that a different meaning is intended. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural, the singular. The word "building" shall include the word "structure". The word "shall" is mandatory and the word "may" is permissive.

ALLEY: Any public space of thoroughfare of not less than twenty (20) feet, which provides a secondary means of access to abutting property which has been dedicated or deeded to the public for public use.

APARTMENT: Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building.

BASEMENT: A story having part but not more than one-half ($\frac{1}{2}$) its height below grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by other than a janitor employed on the premises.

BOARDING HOUSE: A building other than a hotel, where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, having a roof

supported by columns or walls.

Accessory building or use: A subordinate building or use which is incidental to and customary in connection with the principal building or use.

Height: The vertical distance from the "grade" to the highest point of the coping of a flat roof or to the average height of the highest gable of a pitched roof.

CELLAR: A story having more than one-half ($\frac{1}{2}$) its height below grade.

DAY CARE CENTER: A structure where three or more children are kept and where supplemental parental care is provided, including day nursery, day care home for children, and kindergarten.

DISTRICT: Any section of the Extraterritorial area for which the regulations governing the use of buildings, premises, or the height, area and density of buildings are uniform.

DUPLEX: A two-family dwelling. See dwelling: two families.

DWELLING: Any building, or portion thereof, of which is designated and used exclusively for residential purposes.

Dwelling, single family: A building designated for occupancy by one family.

Dwelling, Two families: A single building designated for occupancy by two families. Also known as a duplex.

Dwelling, multiple: A single building or portion thereof designed for occupancy by three or more families.

Dwelling unit: One or more livable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

EXTRATERRITORIAL ZONING ORDINANCE ENFORCEMENT OFFICER: For the purpose of this ordinance, the person designated by the LLCZA to enforce this ordinance.

FAMILY: An individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

FARM: An area which is used for growing, raising, producing, and storage of agricultural products on a commercial basis, such as timber, livestock, poultry and foodstuffs.

Farm irrigated: An area of land utilized as defined under farm and having a valid decreed water right in excess of three acre feet.

The term farm includes the following operations:

1. dairy farms
2. treatment and storage of produce as a secondary function
3. residences of those conducting and engaged in the operation
4. roadside stands for sale of farm products
5. sale and distribution of farm products other than agricultural machinery.

A farm shall not include the following:

1. commercial feed lots
2. utilizing garbage for feeding as a means of disposal
3. commercial sanitary landfill

Excluded - Any building, structure or premises used for the retail sale of motor vehicle fuels, oils, accessories or for servicing or lubricating motor vehicles or installing and repairing parts and accessories. This does not include the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, and excluding public garages.

FRONT OF LOT: The front boundary line of a lot bordering on the street, and in the case of a corner lot may be either frontage.

FRONTAGE: Property on one side of a street measured along the line of the street.

GARAGE: Private - An accessory building designed or used for the storage of not more than three (3) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. No more than one (1) of the vehicles may be a commercial vehicle and of no more than two (2) ton maximum gross cargo weight.

Commercial - A building or portion thereof, other than a private or storage garage, designed or used for parking, servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles. The term "repairing" shall include automotive body repair but not the rebuilding, dismantling, or storage of wrecked or junked vehicles.

Storage - A building or portion thereof designed or used exclusively for housing four (4) or more motor-driven vehicles.

GRADE: (a) For buildings having walls adjoining one street only the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings having walls adjoining more than one street the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

(c) For buildings having no wall adjoining the street the average level for the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.

GUEST: Any person hiring or occupying a room for living or sleeping purposes.

GUEST ROOM: Any room or rooms used, or intended to be used by a guest for sleeping purposes.

HOME OCCUPATION: Any occupation or profession carried on by a member of a family residing on the premises, in connection with which there is used no sign other than one nonilluminated name plate attached to the building entrance which is not more than one square foot in area; provided, that no commodity is sold upon the premises, except that which is prepared upon the premises; provided, that no person is employed other than a member of the immediate family residing on the premises; provided, that no mechanical equipment is installed or used except such that is normally used for domestic or household purposes; provided that no structural, plumbing or electrical additions or installations are necessary for the operation or establishment of such occupation; provided, that no state, county or city licenses are necessary or required to conduct such occupation; and provided, that such occupation is one which is customarily carried on in the home.

HOTEL: Any building containing six or more guest rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

HOUSE TRAILER: See mobile home.

INSTITUTION: A building occupied by a non-profit corporation or non-profit establishment for public use.

INTERIOR COURT: An open space that is more than half surrounded by a single building.

JUNKYARD: The use of a lot or portion thereof for the storage, keeping or abandonment of junk, dismantled automobiles, or other vehicles, or machinery, or parts thereof, including scrap metals, rags, or other scrap materials.

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LLCZA: Lovington-Lea County Zoning Authority. Consists of three (3) Commissioners from the Lea County Commission and two (2) Commissioners of the Lovington City Commission.

LAUNDROMAT: A building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their own laundry.

LODGING HOUSE: A building where lodging only is provided for compensation to three or more, but not exceeding twenty (20) persons, in contradistinction to hotels and motels.

LOT: A parcel of land adequate for occupancy by a use herein permitted, providing yards, building area, and off-street parking as herein provided. This parcel of land, which is a part of a subdivision or described by metes and bounds, shall have a map or other legal description which is recorded in the Lea County Clerk's office.

Corner lot: A lot abutting upon two (2) or more streets at their intersection. A lot shall be considered to be in that block in which the lot fronts.

Depth: The mean horizontal distance between the front and rear lot lines.

Interior lot: A lot other than a corner lot.

Lot of record: A lot as defined in this ordinance and recorded in the office of the Lea County Clerk prior to the effective date of this ordinance.

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

Width: The shortest distance between the side lot lines measured at the mean distance of the side lot lines.

MOBILE HOME: A dwelling unit built on a chassis with a body width exceeding eight (8) feet and body length exceeding forty (40) feet, designed to be used as living quarters, with or without a permanent foundation, when connected to the required utilities.

MOBILE HOME PARK: Shall mean a subdivision designated and developed for long term residential use and intended for rent or lease exclusively for mobile homes.

MOBILE HOME SUBDIVISION: Shall mean a subdivision designated and developed for long term residential use and intended for sale where the residences are comprised of mobile homes.

MOTEL: (see hotel).

NON-CONFORMING USE: The use of any premises contrary to the use provision of this ordinance for the district in which the premises are located.

NURSING HOME: A home for the aged or infirm in which three or more persons are received, kept, or provided with shelter and/or care for compensation; but not including hospitals, clinics or similar institutions.

OFFICE: A place where consulting, record keeping, the work of a professional person such as a physician or lawyer is done; or a headquarters of an enterprise or organization. The sale on premises of commodities is not included.

OPEN SPACE: Land without structures, i.e. with no man made spatial enclosures, or alternatively, may include large tracts with only minor structures. Open space includes parks, areas used for farms or forestry, and open areas in gradual transition towards the local

timber vegetation. It also includes open areas on the same tract with low density residential, commercial, and industrial development. Moreover, under the alternative definition above, open space may also include the open areas on large tracts which are reserved, but not fully used for other purposes, for example airports.

PARKING: Off-Street Parking - An on-the-property space for the standing, loading and unloading of vehicles. For district requirements, check the specific article for applicable district.

Off-Street Loading - A surfaced area, enclosed, or unenclosed, together with a surfaced driveway connecting the parking space with a street or alley and permitting egress and ingress of an automobile. For district requirements, check the specific article for applicable district.

PARKING LOT: A parcel of land devoted to unenclosed parking spaces.

PARKING SPACE: A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile, together with a surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

PERSON: Shall be construed to include a person, entity, partnership, firm, company, corporation, tenant, owner, lessee, or agent, heir, or assignee.

PLACE: An open unoccupied space other than a street or alley permanently reserved as the principal means of access to adjoining property.

RANCH: A farm or irrigated farm utilized for the primary purpose of raising and producing livestock. Livestock includes: horses, cattle, sheep, and other animals.

RESIDENTIAL PURPOSE: The intent to use and/or the use of a room or group of rooms for the living, sleeping, and housekeeping activities of persons on a permanent or semi-permanent basis.

STABLE: A structure for the purpose of sheltering and feeding livestock.

Public - A stable of which the stalls and/or livestock are for rent.

STORAGE UNITS: (see warehouse).

STORY: That portion of a building included between the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper of the topmost floor and the ceiling or roof above. UBC

Half-story - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent living quarters or apartments shall be counted as a full story.

STREET: All property dedicated or intended for primary public or private right-of-way purposes or subject to public easements therefore.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

TEMPORARY LIVING FACILITIES: One or more structures designed to be used as temporary living facilities of two or more families and intended primarily for automobile transients, or providing spaces where two or more tents or auto trailers can be parked.

TOWNHOUSE: One residential unit of a contiguous series of two or more single-family residences which are joined by party walls.

TRAVEL TRAILER: Any vehicle or similar portable structure with or without motive power, designed to be drawn or placed upon a vehicle and to be used for a short-term temporary dwelling unit. Such units shall be eight (8) feet or less in width and be less than forty (40) in length.

Dependent unit - Shall mean a unit other than a self contained unit.

Self-contained unit - A travel trailer or recreational vehicle which can operate independent of connections to external sewer, water, electrical systems, and contains water storage facilities, a toilet and holding tank for solid waste.

TRAVEL TRAILER PARK: Any lot, tract, or parcel of land licensed and rented or offered for rent for the temporary parking of travel trailers.

UBC: Uniform Building Code, latest edition.

WAREHOUSE: A place for storage of merchandise or commodities.

YARD: An open space at grade, between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used.

Front - The yard extending across the front of a lot between the side lot line and being the minimum distance between the property line and the main building or any portion thereof, other than steps.

Rear - A yard extending across the rear of a lot between the lot lines and being the minimum distance between the rear property line and the rear of the main building or any projections, other than steps.

Side - A yard between the building and the side line of the lot and extending from the front line to the rear yard line.

ZONING AUTHORITY: See LLCZA.

ZONING COMMISSION: An advisory commission, three (3) Commissioners being duly appointed by the Mayor and three (3) Commissioners appointed by the Lea County Commission and one (1) additional member appointed by the Extraterritorial Zoning Commissioners; whose duty is to initially review and recommend action to the Lovington-Lea County Zoning Authority.

ZONING MAP: A map indicating the officially approved and designated zoning districts.

ARTICLE V

Section 1. BOUNDARIES AND DISTRICTS

A. Rules Where Uncertainty May Arise. Where uncertainty exists with respect to the boundaries of the various districts as shown on the district map accompanying and made a part of this ordinance, the following rules apply:

1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the district map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

2. Where a district boundary is indicated as approximately following the center line of street, the lot line of lots, the center line of alleys, or the center line of railroad tracks, or the right-of-way line of highways, then such lines shall be construed to be the district boundaries.
3. Where a district boundary is indicated as approximately parallel to the center line of streets, the center line of alleys, or the center lines or rights-of-way lines of highways, the district boundary shall be construed as being parallel thereto and at a distance therefrom as indicated on the zoning map. If no distance is given, the distance shall be determined by the use of the scale shown on the zoning map.
4. Where the district boundaries are not otherwise indicated, and where the property has been or may hereinafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where the districts designated on the district map accompanying and made part of this ordinance are bounded approximately by lot lines, section lines, or other legal subdivision lines, such lines shall be construed to be the boundary of the district.
5. Whenever any street, alley, or other public way is vacated as provided by law, the district adjoining each side of such a street, alley, or public way shall be automatically extended to the center of such vacation, and the area included in the vacation shall be subject to regulations of the extended districts.

ARTICLE VI

Section 1. ESTABLISHMENT OF ZONES

A. For the purpose of this ordinance the area within the extraterritorial limits of the City of Lovington is divided into five (5) zones or use districts as follows:

1. R-1 SINGLE FAMILY RESIDENTIAL
2. R-2 MULTIPLE FAMILY RESIDENTIAL
3. R-3 COMMERCIAL
4. R-4 INDUSTRIAL
5. R-5 RURAL SUBURBAN

B. The boundaries of these zones or use districts are hereby established as shown on a map entitled ONE MILE EXTRATERRITORIAL ZONING MAP, on file in the office of the City and County Clerk; which map with all explanatory matter thereon is hereby made a part of this ordinance. See Exhibits A-1, A-2 and A-3.

ARTICLE VII

R-1 SINGLE FAMILY RESIDENTIAL DWELLING

DISTRICT REGULATIONS

A. The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are "R-1" single family residential district regulations.

B. Use regulations. A building or premises shall be used only for the following purposes:

1. Single family residences
2. Municipally owned or operated parks or playgrounds
3. Churches
4. Public schools, elementary and secondary, and educational institutions having a curriculum the same as ordinarily given in public schools.

5. Golf courses, excepting commercially run miniature courses and driving ranges, and putting greens
 6. Home occupation
 7. Accessory structures, non-commercial uses and uses customarily incidental to the above uses for garage, storage, recreation, hobby, greenhouse, bathhouse, accessory living quarters, or for the keeping or housing of domestic animals, but not involving the conduct of a business, including a private garage. Any accessory structure that is not a part of the main structure shall be in compliance with year restrictions provided herein.
 8. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
 9. Church or public building bulletin board not exceeding ten (10) square feet in area.
 10. Temporary signs not exceeding six (6) square feet in area pertaining to the lease, hire, sale of a building or premises provided, however, that there shall be no more than one such sign on any lot except a corner lot where two (2) such signs may be located.
 11. Real Estate sales office for use in conjunction with the development of a residential subdivision in any R-1 district; provided, use of the sales office shall be discontinued upon completion of the development in which the office is located or upon discontinuance of the development for a period of one (1) year.
- C. Area, height, and setback requirements are set forth in Articles XII, XIII.

ARTICLE VIII

R - 2 MULTIPLE FAMILY RESIDENTIAL

DISTRICT REGULATIONS

A. The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the "R-2" Multiple Family Dwelling District Regulations.

B. Use regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the R-1 Single Family dwelling district.
2. Two family dwellings or duplexes.
3. Multiple dwelling or apartment house complex
4. Townhouses
5. Boarding and Lodging Houses
6. Hospitals & Clinics but not animal hospitals or mental treatment facilities.
7. Kindergartens and Nurseries for children
8. Non-Profit religions, educational and philanthropic institutions excluding penal or alcoholic treatment centers
9. Nursing homes
10. Mobile homes - single family homes

11. Mobile home parks
12. Professional offices

ARTICLE IX

R-3 COMMERCIAL

DISTRICT REGULATIONS

BOOK 1 PAGE 31

A. The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are "R-3" Commercial District Regulations.

B. Use regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in R-1 or R-2
2. Automobile sales and service and filling stations
3. Bakeries - retail
4. Banks
5. Barber and beauty shops
6. Business and commercial schools
7. Catering
8. Clothing repair - tailors, shoe repair, millinery, cleaners
9. Cold storage lockers - meat processing being incidental thereto
10. Commercial recreation facilities - pool, bowling, theatres, games, golf
11. Florists.
12. Hospitals and clinics for animals
13. Hotels - motels
14. Mortuaries
15. Paint and decorator stores
16. Parking lots
17. Photography and artists supply
18. Plumbing shops
19. Private clubs and lodges
20. Public garages
21. Restaurants
22. Retail sales
23. Small appliance repair shops
24. Sign shops, excluding construction and storage of billboards
25. Sheet metals
26. Travel Trailer park

C. Shops for custom work or manufacture to be sold at retail only on the premises; provided, that in such manufacture the total mechanical power shall not exceed five horsepower for the operation in any one shop; and, provided, that the space occupied by the manufacturing use permitted herein shall not exceed 50% of the total floor area thereof; and, provided further, that such manufacturing use is not noxious or offensive by reason of vibration noise, odor, dust as to be a nuisance or unsanitary.

D. Area, height, and setback requirements are set forth in Articles XII, XIII.

ARTICLE X
R-4 INDUSTRIAL
DISTRICT REGULATIONS

A. The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the "R-4" Industrial District Regulations.

B. Use regulations. A building or premises shall be used only for the following purposes as each individual and subsequent use is approved by the Zoning Authority. In the case of a mixed use proposal, each and every specified use must be approved.

1. Assembly and manufacture of:
 - a. appliances
 - b. Books
 - c. clothing,
 - d. drugs,
 - e. electrical components,
 - f. fibers,
 - g. glass - ceramics,
 - h. leather from pre-processed hides
 - i. paper products - from pre-processed wood pulp,
 - j. plastic products - from pre-processed material,
 - k. sheetmetal - light,
 - l. tools,
 - m. toys,
 - n. wood - assembly and finishing,
2. Bottling works,
3. Food processing and canning,
4. Foundry of lightweight nonferrous metal - excluding brass, manganese, bronze, zinc,
5. Grain elevator, cotton gins, compressors, feed processing and storage,
6. Iron works,
7. Junkyards,
8. Machinery sales and service:
 - a. farm equipment
 - b. oil well drilling equipment
 - c. diesel tractor and trailer,
 - d. water well drilling
9. Lumber yards,
10. Outdoor advertising signs - billboards, large scale,
11. Paint mixing and treatment,
12. Parcel delivery service,
13. Sanitary landfill - solid waste disposal,
14. Storage of petroleum products,
15. Tire retreading or rebuilding,
16. Transmitters for television and radio,
17. Warehouses,
18. Wholesale distribution center.

C. Area, height, and setback requirements are set forth in Articles XII, XIII.

A. The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article are the "R-5" Rural Suburban District Regulations.

B. Use regulations. A building or premises shall be used for the following purposes:

1. Accessory structures.
2. Airports and landing fields with prior approval from the Federal Aviation Agency.
3. Cemeteries, including mausoleums.
4. Churches, Sunday School buildings and parish houses.
5. Farms and ranches.
6. Home occupations.
7. Mobile homes by special use permits.
8. Nurseries, truck gardening, greenhouses.
9. Open spaces.
10. Parks, playgrounds, golf courses, and recreational uses, except miniature golf courses or commercial practice driving tees.
11. Public elementary and high schools, or private school with curriculum the same as ordinarily given in public elementary and high schools.
12. Public owned or operated properties.
13. Pump or booster stations along a pipeline or substations along an electric transmission line.
14. Railroad tracks and yards and similar railroad facilities.
15. Single family dwellings.
16. Signs and bulletin boards, billboards pertaining to the lease, hire, or sale.
17. Stables.
18. Any use permissible in R-1, R-2, R-3, or R-4 Districts.

C. Area, height, and setback requirements are set forth in Articles XII, XIII.

ARTICLE XII - AREA AND PARKING REQUIREMENTS

Zoning District	Minimum Lot Size	Setback Requirements			Height
		Front Yard	Rear Yard	Side Yard	
R - 1 Single Family Residential	6,000 sq. ft.	25 ft.	30 ft.	7 1/2 ft.	35 ft.
R - 2 Multiple Family Residential					
A. Multiple Family Residential	5,000 sq. ft. +1,250 sq. ft.	25 ft.	30 ft.	7 1/2 ft.	" "
B. Townhouse Type Residential	each unit 24 ft. wide 3,000 sq. ft.	10 feet between buildings		0" party walls 5 ft.	" "
C. Residential-Mobile Home Subdivision	6,000 sq. ft.	25 ft.	20 ft.	8 ft.	35 ft.
D. Residential Home Park	3,000 sq. ft. 30 ft. lot width	25 ft.	20 ft.	20 ft.	None
E. Offices - Professional	None	0	10 ft. abutting an alley	0	35 ft.
R - 3 Commercial - General	None	0		0	
R - 4 Industrial	None	0		0	
R - 5 Rural Suburban	5 acres	50 ft.	50 ft.	20 ft.	

Section 1. ADDITIONAL HEIGHT, AREA AND USE REGULATIONS

BOOK 1 PAGE 35

A. The district regulations hereinafter set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

1. Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty feet, and churches and temples may be erected to a height not exceeding seventy-five feet, if that part of the building exceeding the height limit is set back from each yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

2. Single-family dwellings, two-family dwellings and multiple dwellings may be increased in height by not more than ten feet when the side and rear yards are increased over the yard requirements of the district in which they are located, by not less than ten feet, but they shall not exceed three stories in height.

3. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers, or necessary mechanical appurtenances, and farm buildings may be erected to a height in accordance with existing or thereafter adopted ordinances.

4. Accessory buildings which are to be used for storage purposes only may be erected upon a lot prior to the construction of the main buildings, but no accessory building shall be used for a dwelling purpose except by domestic or farm and ranch servants employed on the premises.

5. Accessory buildings and uses, not attached to the main building or structure, and is a use customarily incidental to the permitted uses in a residential dwelling district, but not involving the conduct of a business, shall be located not less than sixty (60) feet from the front lot line.

6. Accessory uses in a commercial district; exterior storage for display of products for rent or sale may occupy not more than fifteen (15%) percent of the interior display area. This excludes on site outside storage of materials for manufacture or assemblage and not for display.

7. Every part of a required yard or interior court shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, and ornamental features projecting not to exceed twelve (12) inches.

8. Open or lattice-enclosed fire escapes fireproof outside stairways, and balconies opening upon fire towers projecting into a rear yard not more than five (5) feet, and the ordinary projections of chimneys and flues may be permitted by the Enforcement Officer.

9. An open, unenclosed porch or paved terrace, may project into a required front or rear yard for a distance of not exceeding ten (10) feet.

10. For the purpose of the side yard regulations, a two-family or a multiple family dwelling shall be considered as one (1) building occupying one (1) lot.

a. Where the building farthest from the street provides a front yard not more than ten (10) feet deeper than the building closest to the street, then the front yard is and remains an average of the existing front yards.

b. Where condition a. is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.

c. Where neither condition, a or b. is the case and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.

- a. Corner lots shall have a side yard of ten (10) feet on the street side of the lot in all residential dwelling districts.
- b. On the street side of a corner lot in an industrial or a commercial district that adjoins a dwelling district there shall be a side yard of not less than 15 feet.

12. Front Yard:

- a. Where the structures within a single block in a residential area have observed a variation in the front yard line, but not more than ten (10) feet, a building may not project into the front setback more than the average of forty (40%) percent of the buildings in that block.
- b. Where lots have a double frontage, a front yard shall be required on both streets.
- c. In a commercial, industrial, or office district where the frontage on one side of the street between two intersecting streets is located partially in a dwelling district, the yard requirements of a dwelling district shall apply.
- d. Residential - Planned Unit Development shall not be required to have side or rear yard setbacks except those required for fire zones indicated in the Uniform Building Code and parking and subdivision criteria.

13. Side Yard:

- a. In a commercial or industrial district, on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than fifteen (15) feet.
- b. The side yard on the street side of a corner lot shall not be less than ten (10) feet.
- c. Where a commercial or industrial district rears a residential district, there shall be a side yard of not less than fifteen (15) feet.

14. Rear Yard:

- a. In a commercial district where a lot does not abut an alley there shall be a rear yard having a depth of not less than twenty (20) feet unless the lot is a lot of record at the time of the passage of this ordinance and is less than one hundred (100) feet in depth in which case the rear yard need not exceed twenty (20) percent of the depth of the lot.
- b. In an industrial or commercial district where the lot abuts on a dwelling district, there shall be a rear yard of not less than twenty (20) feet.

15. Interior Courts: All interior courts shall have a width equal to at least the height of the highest part of the building forming the court.

16. An industrial, commercial or office district which abuts a residential district at the rear or side yard shall be required to provide a maintained and landscaped buffer setback of fifteen (15) feet and a solid fence of brick, masonry, stone or wood.

ARTICLE XIV

NON-CONFORMING USE

DISTRICT REGULATIONS

BOOK 1 PAGE 37

A. The lawful use of land containing no building, which does not conform to the provisions of this ordinance shall be discontinued within five (5) years from the date of the approval of this ordinance and the use of land which becomes non-conforming by reason of a subsequent change in this ordinance shall also be discontinued within five (5) years from the date of the change.

B. The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be utilized throughout the building provided no structural alterations, except those required by law or ordinance, are made therein. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use, of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

C. A Use Certification shall be required for all lawful non-conforming uses of land or buildings created by the adoption of this ordinance. Application for such Certification for a non-conforming use shall be filed with the Enforcement Officer by the owner or lessee of the building or land occupied by such non-conforming use, within one (1) year of the effective date of this ordinance. It shall be the duty of the Enforcement Officer to issue a Use Certification for a lawful non-conforming use. Failure to apply for such Use Certification for a non-conforming use, or refusal of the Enforcement Officer to issue a Use Certification for such non-conforming use shall be prima facie evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this ordinance.

D. Improvements which have been damaged by fire, explosion, act of God, or the public enemy, to the extent of more than fifty percent (50%) of the total of the real property improvements, shall not be restored except in conformity with the regulations of this ordinance.

E. Discontinuance of Non-conforming Use. In the event that a non-conforming use of any building or premises is discontinued for one (1) year the use of the same shall thereafter conform to the use permitted in the district in which it is located.

F. No existing building or premises devoted to a use not permitted by this ordinance in the district in which such building or premises is located, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed, or structurally altered unless such use is changed to one permitted in the district in which such building or premises is located.

ARTICLE XV

VARIANCES

Section 1. POWERS RELATIVE TO VARIATION

A. Whereby reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions, or other extraordinary or exceptional situation or condition of a specific piece of property which condition is not generally prevalent in the neighborhood, the strict application of this ordinance would result in peculiar and exceptional and undue hardship upon the owner of such property, a variation from such strict application may be granted so as to relieve such difficulties or hardships.

B. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this zoning code relating to the use, construction or alterations of buildings or structures or the use of the land will impose upon him unusual difficulties or particular hardship, such variations of the strict application of the terms for this zoning code as are in harmony with its general purpose and intent, but only when the LLCZA is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the general plan as established by this zoning code, and at the same time, the surrounding property will be properly protected.

ARTICLE XVI

USE PERMITS

Section 1. EXCEPT AS OTHERWISE PROVIDED IN THIS ORDINANCE

A. No buildings or structures shall be erected, constructed, reconstructed or structurally altered, nor shall any building, structure or land be used for any purpose other than those permitted in the district in which such building, structure or land is situated.

B. No building or structure shall be erected, constructed, extended, enlarged, reconstructed or structurally altered to exceed the height or area limit herein established for the district in which such building or structure is situated.

C. No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner, except in conformity with the area regulations established herein.

D. When use has been commenced without the required permit, the Enforcement Officer is authorized to file court action for failure to obtain the required permit prior to the inception of such use.

Section 2. FORM

A. An application for a permit shall be submitted in such form as the Enforcement Officer shall require.

B. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed use. If such application is made by a person other than the owner in fact, it shall be accompanied by a duly verified affidavit of the owner in fact that the person making the application is authorized to make such an application.

C. Such application shall contain the full names and addresses of the applicant and of the owner (and if the owner is a corporate body, of its responsible officers.)

D. Such application shall describe briefly the proposed use and shall give such additional information as may be required by the Enforcement Officer for an intelligent understanding of the proposed use.

Section 3. PLANS

A. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such sections, elevations and structure details, as the Enforcement Officer may require.

Section 4. PLOT DIAGRAMS

A. There shall also be filed a plot diagram showing the lot in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction or in the case of demolition, of such construction as is to be demolished and of all existing buildings and structures that are to remain.

A. Nothing in this section shall prohibit the filing of amendments to an application or to a plan or other record, accompanying the same at any time before the completion of the use for which the permit was sought. Such amendment, after approval, shall be filed with and be deemed a part of the original application.

Section 6. COMPLETION OF EXISTING BUILDINGS

A. Nothing in this ordinance shall require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or which has been otherwise lawfully authorized, and the construction of which shall have been actually begun with ninety (90) days after this ordinance becomes effective and which entire building shall be completed, as authorized, within two years thereafter.

Section 7. ACTION ON APPLICATION

A. It shall be the duty of the Enforcement Officer, to examine applications for use permits, within a reasonable time after filing. If, after examination, he finds no objection to the same and it appears that the proposed use will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a permit for the proposed use as soon as practicable. If his examination reveals otherwise, he will reject such application, noting his findings in a report to be attached to the application and delivering a copy to the applicant.

Section 8. CONDITIONS OF THE PERMIT

A. All uses performed under a permit issued by the Enforcement Officer shall conform to the approved application and plans, and approved amendments thereof.

B. The location of all new construction as shown on the approved plat diagram or an approved amendment thereof, shall be strictly adhered to.

C. It shall be unlawful to reduce or diminish the area of a lot or plat of which a plat diagram has been filed and has been used as a basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved, providing that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

Section 9. SIGNATURE TO PERMIT

A. Every use permit issued by the ETZ Enforcement Officer under the provisions of this ordinance shall have his signature affixed thereto; but this shall not prevent him from authorizing an agent to affix such signature.

BOOK . 1 PAGE 40

This Ordinance should take effect and be enforced from and after its passage and publication according to law.

PASSED, ADOPTED AND APPROVED this 26 day of February, 1980.

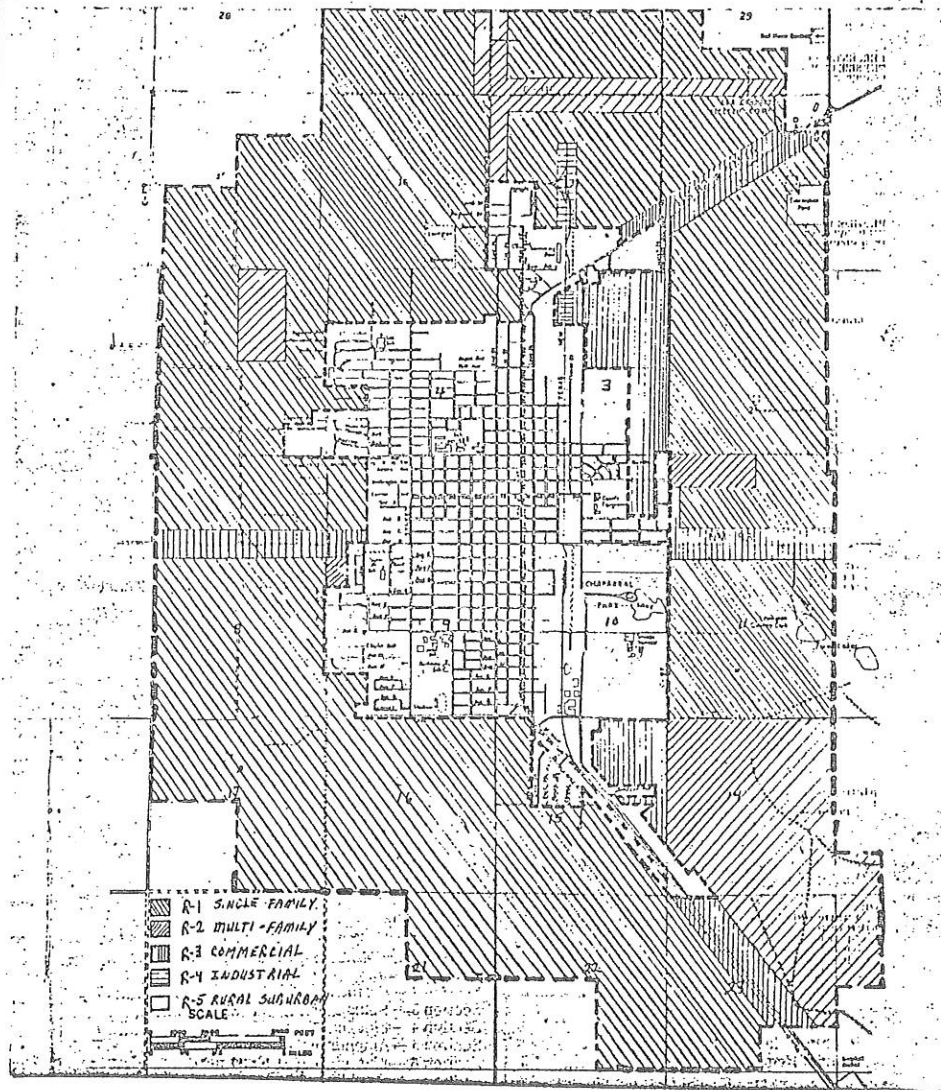
EXTRATERRITORIAL ZONING AUTHORITY

By: *Edith Baker*
CHAIRMAN

ATTEST:

Frank Harris

PUBLISH:
EFFECTIVE: Five (5) days after publication



Area approximately one mile in width around the City boundaries of the City of Lovington, Lea County, New Mexico

Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter (SW/4SW/4) of Section 24, Township 16 South, Range 36 East, thence North 1320 feet to the Southwest corner of the Northwest Quarter (NW/4) of Section 24, thence East 1320 feet to the Southeast corner of the West Half of the Northwest Quarter (W/2NW/4) of Section 24, thence North 2640 feet to the Northeast corner of the West Half of the Northwest Quarter (W/2NW/4) of Section 24, thence West 1320 feet to the Southeast corner of Section 14, thence North 18,480 feet along the East line of Sections 14, 11 and 2 to the Northeast corner of said Section 2; Thence East 330 feet to the Southeast corner of Section 32, Township 15 South, Range 36 East, Thence North 3960 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter (SE/4NE/4) of said Section 32; Thence West 1320 feet to the Northwest corner of the Southeast quarter of the Northeast Quarter (SE/4NE/4) of said Section 32; Thence North 2640 feet to the Northeast corner of the Southwest Quarter of the Southeast Quarter (SW/4SE/4) of Section 29; Thence West 2640 feet to the Southeast corner of the Northwest Quarter of the Southwest Quarter (NW/4SW/4) of said Section 29; Thence North 1320 feet to the Northeast corner of the Northwest Quarter of the Southwest Quarter (NW/4SW/4) of said Section 29; Thence West 11,880 feet to the Northwest corner of the Southwest Quarter (SW/4) of Section 25, Township 15 South, Range 35 East; Thence South 3,960 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter (SE/4NE/4) of Section 35, Township 15 South, Range 35 East, thence West 2640 feet to the Northwest corner of the Southwest Quarter of the Northeast Quarter (SW/4NE/4) of Section 35, thence South 1320 feet to the Northeast corner of the Southwest Quarter (SW/4) of Section 35, thence West 2640 feet to the Northwest corner of the South Half (S/2) of Section 35;

thence South 2640 feet to the Southwest corner of said Section 35; Thence East 330 feet to the Northwest corner of Section 5, Township 16 South, Range 36 East, Thence South 13,100 feet along the West lines of Sections 5, 8 and 17 to the Southwest corner of the Northwest Quarter (NW/4) of said Section 17; Thence East 2680 feet to the Southeast Corner of the Northwest Quarter (NW/4) of Section 17; Thence South 2680 feet to the Southwest corner of the Southeast Quarter (SE/4) of said Section 17, Township 16 South, Range 36 East, Thence East

5280 feet to the Northwest corner of the Northeast Quarter (NE/4) of Section 21, Township 16 South, Range 36 East, Thence South 2640 feet to the Southwest corner of the Northeast Quarter (NE/4) of Section 21; Thence East 5280 feet to the Southeast corner of the Northwest Quarter (NW/4) of Section 22; Thence South 2640 feet to the Southwest corner of the Southeast Quarter (SE/4) of Section 22; Thence East 5280 feet to the Southeast corner of the Southwest Quarter (SW/4) of Section 23; Thence North 1320 feet to the Southwest corner of the North Half of the Southeast Quarter (N/2SE/4) of Section 23; Thence East 2640 feet to the point of beginning.

Said Zone shall contain Sections 31, 32, and the South Half (S/2) of Sections 29 and 30, Township 15 South, Range 36 East. It shall also include Section 36 and the South Half (S/2) of Section 25 and the South Half (S/2), plus 80 acres, of Section 35 in Township 15 South, Range 35 East. Said Zone shall also include Sections 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16 and all but the South Half of the Southeast Quarter (S/2SE/4) of Section 23, Township 16 South, Range 36 East. The Section shall also include all but the Southwest Quarter (SW/4) of Section 17; shall include the Northeast Quarter (NE/4) of Section 21 and all but the Southwest Quarter (SW/4) of Section 22, Township 16 South, Range 36 East and shall include the West Half of the Northwest Quarter (W/2NW/4) of Section 24, Township 16 South, Range 36 East.

The Extraterritorial Zone shall extend beyond said described boundaries in the event that said boundary is currently less than one mile from the City boundaries as described and in the event that the City boundaries shall extend out in the future, making the stated boundary less than one mile from the City boundary, said boundary shall automatically extend said distance to provide an extraterritorial boundary of at least one mile. Said boundary shall follow or run parallel to Section lines and be at least one mile.

EXHIBIT A-2

All areas within said zone shall be zoned "R-1, Single Family Dwelling" except and until modified by the Extraterritorial Zoning Authority and except for the following parcels of land within said zone:

R-2, MULTIFAMILY DWELLING

A 330' strip along the eastern edge of the Southeast Quarter of Section 25, Township 15 South, Range 35 East.

A 330' strip of land along the western edge and along the southern edge of the South Half of Section 30, Township 15 South, Range 36 East.

A 330' strip along the western edge and along the northern edge of the North Half of Section 31, Township 15 South, Range 36 East.

A 330' strip along the southern edge of that part of Section 29 within said zone.

The West Half of the Northeast Quarter of Section 5, Township 16 South, Range 36 East.

An area in Section 9, Township 16 South, Range 36 East, bordered on the south and east of the Lovington City Limits and bordered on the west by Seventeenth Street and on the north by the R-3, Commercial Zone extending along D Street.

An area bordered on the west by the Lovington City Limits, on the north by the southern boundary of Section 2, extending east 2640', thence south 1320', thence west 2640', thence north 1320' to the point of beginning.

All of Section 13 and 24 within the zone.

All of Section 14.

All of Section 23 within the zone and located on the east side of Commercial strip running along the Hobbs-Lovington Highway.

R-3, COMMERCIAL

That part of Section 15 not presently in City, south of Avenue R and east of Commercial and Hobbs Highway.

Strip 330' wide on north and 330' wide on south of Avenue D from City Limits out to western boundary of Exterritorial Zone and from City Limits out to eastern boundary of Exterritorial Zone.

All of Sections 3 and 10, Township 16 South, Range 36 East, east of the present City Limits, excepting that strip designated as "R-4, Industrial" in Section 3 from the present City Limits out to Commercial Street.

R-4 INDUSTRIAL TO THAT STRIP ABOVE DESCRIBED IN SECTION 3

In addition, that strip of land in Section 31 running parallel to the Texas-New Mexico Railway, 330' wide to the west of said track and 330' wide east of said track through the South Half of Section 31, shall be designated as "R-4, Industrial".

20926

STATE OF NEW MEXICO
COUNTY OF LEA
FILED

MAR 14 1980

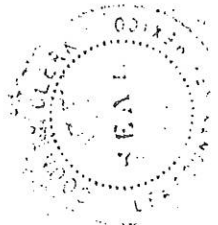
at 9:30 A.M.

and recorded in Book

Page

Jane Rice Smith County Clerk

By [Signature] Deputy



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