

**CITY OF JAL
ORDINANCE 2022-006
AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 154: ZONING;
DEFINITIONS, "A" & "B" RESIDENCE DISTRICT
REGULATIONS; USE REGULATIONS**

§154.03 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDINGS AND USES. A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An **ACCESSORY USE** is one which is incidental to the main use of the premises.

ALLEY. A public or private thoroughfare which affords a secondary means of access to property abutting thereon.

ANIMAL. Any vertebrate excluding man.

APARTMENT HOUSE. See **DWELLING, MULTIPLE.**

BASEMENT. A story having part but not more than one-half its height below grade. A **BASEMENT** is counted a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by 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 or more persons, but not exceeding 20 persons.

BUILDING. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property. The word **BUILDING** shall include the word **STRUCTURE.**

BUILDING, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

CELLAR. A story having more than one-half its height below grade. A **CELLAR** is not included in computing the number of stories for the purpose of height measurement.

DISTRICT. A section of the city for which the regulations governing the use of buildings and premises, the height of buildings, the size of lots, and the intensity of use are uniform.

DWELLING. Any building or portion thereof which is designed and used exclusively for residential purposes.

DWELLING, MULTIPLE. A building having accommodations for and occupied exclusively by more than two families.

DWELLING, SINGLE-FAMILY. A building having accommodations for and occupied exclusively by one family.

DWELLING, TWO-FAMILY. A building having accommodations for and occupied exclusively by two families.

FAMILY. One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.

FILLING STATION. Any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a **PUBLIC GARAGE**.

FOWL. A bird of the order Galliformes that is kept for its eggs and flesh.

FRONTAGE. All the property on one side of a street between two streets' intersections (crossing or terminating) measured along the line of the street; or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

GARAGE APARTMENT. A living unit for not more than one family erected above a garage.

GARAGE, PRIVATE. An accessory building designed or used for the storage of not more than two motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

GARAGE, PUBLIC. A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor-driven vehicles.

GARAGE, STORAGE. A building or portion thereof designed or used exclusively for housing three or more motor-driven vehicles.

GRADE.

1.
 1. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street
 2. 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; or
 3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
2. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street. Where no sidewalk exists, the **GRADE** shall be established by the City Engineer.

HOME OCCUPATION. Any occupation or activity carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate not more than one square foot in area, or no display that will indicate from the exterior that

the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises, except that which is prepared on the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except of a type that is similar in character to that normally used for purely domestic or household purposes. **HOME OCCUPATION** shall include the use of premises by a physician, surgeon, dentist, lawyer, clergy member, or other professional person for consultation or emergency treatment, but not for the general practice of his or her profession.

HOTEL. A building used as an abiding place of more than 20 persons who are for compensation lodged with or without meals.

INSTITUTION. A building occupied by a corporation or association for public use.

LIVESTOCK. Farm animals regarded as an asset.

LIVING UNIT. Space within a building occupied by or to be occupied by one family.

LODGING HOUSE. A building or place where lodging is provided, or which is equipped regularly to provide lodging, by prearrangement for definite periods, for compensation, for three or more persons, in contradistinction to hotels open to transients.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place, consisting of one or more **LOTS** of record.

LOT, CORNER. A lot abutting upon two or more streets at their intersection.

LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

LOT OF RECORD. A lot which is a part of the subdivision, a map of which has been recorded in the office of the County Clerk; or a parcel of land, the deed to which was recorded in the office of the County Clerk prior to the adoption of this chapter.

NONCONFORMING USE. Any building or land lawfully occupied by a use at the time of passage of this chapter or amendment thereto, which does not conform after the passage of this chapter, or amendment thereto, with the use regulations of the district in which it is situated.

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

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

RECREATIONAL VEHICLE. a temporary dwelling, for travel and recreation purposes, and licensed as a motor home, camper or travel trailer.

ROOMING HOUSE. See **LODGING HOUSE**.

STREET. All property dedicated or intended for public or private street, highway, or roadway purposes or subject to public or private easement therefor.

STORAGE, ENCLOSED. An area or space devoted to the storage of goods, merchandise, equipment, or other items not for immediate personal use, enclosed either in a building or by a solid fence or wall of a height of six feet or more.

STORAGE, OPEN. An area or space devoted to the storage of goods, merchandise, equipment, or other items not for immediate personal use, not enclosed either by a fence, wall, or building.

STORY. The portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 60% of the floor area is finished off for use.

STREET LINE. A dividing line between a lot, tract, or parcel of land and a contiguous street.

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

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, back stops for tennis courts, and pergolas.

TRAILER. Any structure used for living, sleeping, business, or storage purposes, but not primarily for recreational purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term **TRAILER** shall include camp car, house car, mobile home, and modular home. For the purpose of this chapter, a **TRAILER** is a single-family dwelling and shall conform to all regulations therefor, except when located in a district permitting trailer or tourist camps and in compliance with regulations or ordinances governing those camps or districts. All **TRAILERS** covered by this chapter must comply with regulations as promulgated by the Manufactured Housing Act, NMSA §§ 60-14-1 *et seq.*, and all amendments and subsequent enactments.

YARD. An open space on the same lot with a building, unoccupied and unobstructed by a portion of a structure from 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 horizontal distance between the lot line and the main building shall be used.

YARD, FRONT. A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building.

YARD, REAR. A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots,

the **REAR YARD** shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the **REAR YARD** shall be in all cases at the opposite end of the lot from the front yard.

YARD, SIDE. A yard between the main building and the sideline of the lot and extending from the front lot line to the rear yard line. (1978 Code, § 9-2-1)

§154.31 "A" Residence District Regulations

1. *"A" residence district regulations.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the district regulations in the "A" residence districts. (1978 Code, § 9-2-16)
2. *Use regulations.* A building or premises shall be used for the following purposes:
 1. Truck gardening, and nurseries
 2. Single-family dwellings, except trailers as defined in this chapter
 3. Recreational vehicles (RVs) can be connected as long as they are not occupied as a permanent dwelling
 4. Parks, playgrounds, and community buildings
 5. Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes
 6. Churches, but any church that is established on a new site after the effective date of this chapter shall provide off-street parking space upon the lot or within 200 feet thereof, which space is adequate to accommodate one car for every ten persons for which seating is provided in the main auditorium of the church, exclusive of the seating capacity of Sunday School and other special rooms.
 7. Golf courses, except miniature courses and driving tees; and
 8. Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business), including a private garage, home occupations, the use of a lot or portion thereof for a vegetable or flower garden, and the keeping of animals-Any accessory building that is not a part of the main structure shall be located not less than 60 feet from the front lot line. Accessory uses shall also include church or public building bulletin boards and temporary signs pertaining to the lease, hire, or sale of a building or premises, not exceeding ten square feet in area, which temporary signs shall be removed upon conclusion of the lease, hire, or sale.
 9. It shall be unlawful to keep harbor or maintain any cows, pigs, goats, sheep, swine and all other domesticated livestock. It also is unlawful to keep more than six (6) *fowl from the Gallus Domesticus family (commonly called chickens.)* It shall also be maintained no closer than one hundred (100) feet to any motel, restaurant, retail food or building used for educational, religious or hospital purposes.
 1. Every structure or yard housing fowl shall be constructed in such a manner that it can be cleaned.
 2. This ordinance does not permit the keeping and raising of the male of the species (commonly called roosters.)

§154.32 "B" Residence District Regulations

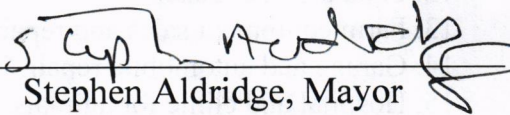
1. *"B" residence district regulations.* The regulations set forth in this section, or set forth elsewhere in this chapter, where referred to in this section, are the district regulations in the "B" residence district. (1978 Code, § 9-2-20)
2. *Use regulations.* A building or premises shall be used only for the following purposes:
 1. Any use permitted in the "A" residence district
 2. Two-family dwellings
 3. Multiple dwellings
 4. Garage apartments when located not less than 60 feet from the front lot line and not less than ten feet from all other lot lines
 5. Boarding houses and lodging houses
 6. Recreational Vehicle (RV) can be hooked up to live in but not if there is an existing dwelling on the property.
 7. Religious, educational, and philanthropic institutions, but not penal or mental treatment institutions
 8. Hospitals and clinics, but not animal hospitals, animal clinics, or mental hospitals
 9. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business
 10. Accessory buildings and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, hospital, or institutional building. If a storage garage is not a part of the main building, it shall be located not less than 60 feet from the front line. Where a lot is occupied by a two-family dwelling, multiple dwelling, or garage apartment, there shall be provided accessible parking space on the lot adequate to accommodate one car for every dwelling unit on the lot
 11. Trailer homes, mobile homes, and modular homes. (1978 Code, § 9-2-21)

§154.34 "C" Commercial District Regulations

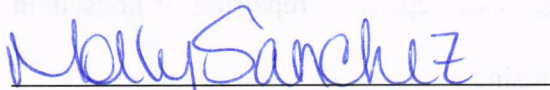
1. *"C" commercial district regulations.* The regulations set forth in this section, or elsewhere in this chapter, where referred to in this section, are the regulations in the "C" commercial district. (1978 Code, § 9-2-24)
2. *Use regulations.* A building or premises shall be used only for the following purposes; provided, however, that any articles or materials that are kept, stored, or displayed outside the confines of a building must not be kept, stored, or displayed within required front, side, or rear yards and must be fenced or screened by plantings in a manner so that they cannot be seen from a public street or from adjacent property in a residential district; and provided further, that uses such as creameries and bottling works requiring large amounts of water shall obtain a written statement from the City Engineer certifying that adequate sanitary sewer facilities are available before the permit is granted:

1. Any use permitted in the "B" residence district
2. Bakery
3. Bottling works and creamery
4. Medical or dental clinic
5. Lumber yard
6. Bank
7. Dry- or steam-cleaning shop or plant
8. Barbershop, beauty parlor, chiropody, massage, or similar personal service shop
9. Bicycle sales and repair
10. Bowling alley
11. Filling station
12. Food storage locker
13. Farm equipment sales and repair
14. Garage and automobile repair, including automobile accessories
15. Hospital and clinic for animals, but not open kennels
16. Hospital and clinic
17. Laundry
18. Office
19. Restaurant
20. Custom dressmaking, millinery, tailoring, shoe repairing, repairing of household utility articles, or similar trade
21. Store or shop for the conduct of a retail business
22. Shop for the repair of plumbing, radio, and electric equipment
23. Undertaking establishments
24. Photographer's studio
25. Pool hall
26. Shop for the repair of electrical and radio equipment and other similar commodities, shoes, furniture, and similar personal or household commodities
27. Storage of dry goods
28. Theater, church, or auditorium; provided, however, that no new theater, church, or auditorium shall be erected unless there is provided on the same lot or within 300 feet thereof a space for off-street parking which contains an area adequate to accommodate one automobile for every four seats in the theater, church, or auditorium
29. Accessory buildings and uses customarily incident to the above uses, including signs or bulletin boards not exceeding one square foot in area for each foot of street frontage, relating only to the lease, hire, or sale of a building, or character, proprietorship, or name of the establishment, or to services, articles, and products offered within the building to which the sign is attached or to which the sign refers, and only when:
 1. Attached to a building and extending not more than one foot from the front of the building; or
 2. Set back from the front lot line a distance of not less than one foot for each one square foot in the sign

PASSED, APPROVED AND ADOPTED this 21st day of March 2022.


Stephen Aldridge, Mayor

ATTEST:


Molly Sanchez, City Clerk