

ORDINANCE NO. 985

AN ORDINANCE AMENDING ORDINANCE NO. 807 OF THE CITY OF ROSWELL; PROVIDING DEFINITIONS FOR CONDOMINIUM, APARTMENT, DUPLEX, AND TOWNHOUSE; CREATING A TOWNHOUSE ZONING DISTRICT AND PROVIDING REGULATIONS THEREFOR; PROVIDING FOR REPEAL OF ALL OTHER ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL, OF THE CITY OF ROSWELL, NEW MEXICO:

Section 1. That the following definitions are added to Article II, Section I of Ordinance No. 807 of the City of Roswell:

Paragraph 3. Apartment - a multiple-family residence in which the majority of resident families or individuals have no greater interest than a leasehold, a tenancy for years, a tenancy from month to month or year to year, or a tenancy at will (see multiple family dwelling, zoning district C).

Paragraph 8.a. Condominium - a multiple-family residence, the common areas of which are held in fee as a tenancy in common by all tenants. Each single-family residential unit within a condominium is owned separately. Despite individual ownership of each unit and ownership by a tenancy in common of the common areas, a condominium shall be treated as a multiple-family dwelling for zoning purposes. (Zoning District C). (The definitions herein shall be construed in accordance with Chap. 318, Laws 1975 of N.M.).

Paragraph 9.a. Duplex - a two-unit multi-family residence (see dwelling, two-family).

Paragraph 49.a. Townhouse - one residential unit of a contiguous series of two or more single-family residences which are joined by party walls. Townhouses, by definition, do not have side yards, and are exempt from side-yard setback requirements as long as adequate provisions are made for fire and sound proofing in party walls, between connected units composing one structural entity. Townhouses at the end or extremity of each structural entity shall have side yards. Townhouses have at least two entries at ground level.

Section 2. That Ordinance No. 807 of the City of Roswell is herewith amended by adding Article VIII-A, Townhouse (T-H) District Regulations, immediately following Article VIII of Ordinance No. 807 as follows:

ARTICLE VIII-A: Townhouse (T-H) District Regulations.

Section 1. The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this article, are the T-H Townhouse District Regulations.

Section 2. A building or premises in a T-H district shall be used only for the following purposes:

- a. Any use permitted in the C, Multiple Dwelling District.
- b. Townhouses.

Section 3. Height Regulations: The height regulations are the same as those in A and B Districts.

Section 4. Area Regulations: The area regulations are the same as those in C District, except that side yards may be eliminated for townhouses having a party wall on the lot line. For townhouses at the end or extremity of each structural entity having exterior side walls, which are not party walls, the side yard provisions in C districts shall apply. Front and rear yards shall be as required in C districts. The intensity of use for townhouses shall be the same as the required in C districts.

Section 5. Parking Regulation: The parking regulations in a T-H District shall be the same as the parking regulations for B District, provided that access to each parking space shall not be from a major collector street or arterial, and further provided that whenever an alley is used for vehicular access to one or more residential unit off-street parking spaces, such alley shall be paved in accordance with the requirements of the City specifications for public works construction.

Section 6. Party Walls: Party wall in townhouses shall conform in all respects to the requirements for a Sound Transmission Class of 50 (45 if field tested) and a Fire Resistance Rating of 1 1/2 hours as indicated in Volume 1-4, 1973 Edition of the U. S. Department of Housing and Urban Development Minimum Property Standards.

Section 3. Repealer: All other ordinances or parts of ordinances in conflict or inconsistent herewith be, and the same hereby are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or parts of any ordinance heretofore repealed.

Section 4. Severability: That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.


Section 5. Effective Date: This ordinance shall be and become effective five (5) days after its publication.

ADOPTED, SIGNED AND APPROVED on December 9, 1975.

CITY SEAL


JERRY N. SMITH, Mayor

ATTEST:


W. M. Foster, City Clerk