ORDINANCE NO. 2013-19

AN ORDINANCE REVISING AND REPEALING CERTAIN PORTIONS OF THE EXISTING CHAPTER 3, ARTICLE II, OF THE CODE OF ORDINANCES, CITY OF CARLSBAD, NEW MEXICO ENTITLED "AIRPORT INDUSTRIAL PARK".

WHEREAS, more than thirty years ago, the City of Carlsbad adopted Ordinances No. 868 and 877 regarding the Industrial Park Authority and Ordinance No. 883 regarding the Airport Industrial Park; and

WHEREAS, Ordinance No. 883 was codified as Chapter 3, Article II, of the Code of Ordinances, City of Carlsbad, New Mexico and titled "Airport Industrial Park"; and

WHEREAS, in 1986, Ordinance No. 949 rescinded Ordinances 868 and 877 regarding the Industrial Park Authority, however Chapter 3, Article II of the Carlsbad City Code was not updated to delete or amend references to the Industrial Park Authority; and

WHEREAS, in addition to the deletion of the reference to the Industrial Park Authority, a review of Chapter 3, Article II of the Carlsbad City Code City Council has found that several additional changes are now needed.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that:

1. Section 3-52(c) shall be deleted.

2. The opening paragraph of Section 3-56(a) shall be amended to state:
   (a) *Permitted uses*. A building or premises shall be used only for the following uses, except for such additional, special uses as may be approved by the governing body of the City of Carlsbad. Generally permitted uses are confined to those administrative, wholesaling, manufacturing and other light industrial activities, that can be carried on in an unobtrusive manner.

3. The opening paragraph of Section 3-57(a) shall be amended to state:
   (a) *Permitted uses*: A building or premises shall be used only for the following uses, except for such additional uses as may be approved by the governing body of the City of Carlsbad.

4. Section 3-57(a)(5) shall be amended to state:

(5) Generally those light manufacturing or other uses similar to those listed in the Division A regulations and subsections (1) through (4) above, which do not create any more danger to health and safety in surrounding areas, and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat or glare than that which is generally associated with light industries of the type specifically permitted and which are approved by the governing body of the City of Carlsbad.

5. Section 3-57(b)(3) shall be amended to state:

(3) *Fencing*: Each building site shall be enclosed by fencing. The fencing shall be chain-link type or a type approved by the governing body of the City of Carlsbad. Barbed wire may be used on fences or walls, provided said wire is more than six feet above ground level.

6. Section 3-58 shall be amended to state:

Any person or business desiring to lease or purchase property in the Airport Industrial Park must make such request to the governing body of the City of Carlsbad. The director of the Carlsbad Department of Development will accept applications and provide necessary information regarding the development of property in the Airport Industrial Park.

7. Section 3-56(a)(10) shall be amended to state:

(10) *Prohibited uses*. No structure erected on a building site covered by this article, shall at any time be used for human habitation temporarily or permanently. There shall be no storage of wrecked or dismantled vehicles, junk, explosives, inflammable gases or liquids in bulk quantities.

8. Section 3-59 shall be deleted.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 11 day of June, 2013.

/s/ Dale Janway
DALE JANWAY, MAYOR

ATTEST:

/s/ Annette Barrick
CITY CLERK