

**ORDINANCE NO. 2018-02**

**AN ORDINANCE ADOPTING AMENDMENTS  
TO THE CARLSBAD CODE OF ORDINANCES,  
CHAPTER 56 – ZONING ORDINANCE FEE  
SCHEDULE, PURSUANT TO CODE OF  
ORDINANCES SECTION 56-150 AND SECTION  
3-17-1 AND 3-18-1 NMSA 1978.**

WHEREAS, in Section 3, Article 17 NMSA 1978, the State of New Mexico enables municipalities to adopt ordinances and resolutions not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants. Section 3, Article 18 NMSA 1978 states that a municipality may protect generally the property of its municipality and its inhabitants; and

WHEREAS, in 2011, the City of Carlsbad adopted Ordinance No. 2011-15, known as the Zoning Ordinance, and incorporated into the Code of Ordinances as Chapter 56, to govern the zoning of land within the City limits and use regulations regarding residential and commercial activity; and

WHEREAS, Chapter 56, Section 150 of the Zoning Ordinance, provides a process for amending the text of this Zoning Ordinance; and

WHEREAS, the Planning Department, along with City Staff, had suggested a change to the fee schedule for Annexation petitions and prepared a revised version of Chapter 56, the Zoning Ordinance, containing proposed amendments to the fee schedule text of this Ordinance; and

WHEREAS, on December 4, 2017, the Planning and Zoning Commission considered the proposed amendments and after discussion and listening to public comments, voted to recommend approval of the proposed amendments to Chapter 56, the Zoning Ordinance, as presented, to the City Council by a vote of five (4) in favor, none (0) opposed and one (1) absent; and

WHEREAS, on February 13, 2018, the Carlsbad City Council considered the proposed amendments during a public hearing; and

WHEREAS, legal notification of the adoption of this ordinance has been provided in accordance with Code of Ordinances Section 56-150(b)(1)(c);

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that Code of Ordinances Chapter 56, Zoning Ordinance, is hereby amended as stated above.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 13th day of February, 2018.

/s/Dale Janway

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DALE JANWAY, MAYOR

ATTEST:

/s/Nadine Mireles

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CITY CLERK