

*Doña Ana County, NM  
Wednesday, April 25, 2012*

## **Chapter 250. LAND USE AND ZONING**

**[HISTORY: Adopted by the Board of County Commissioners of Doña Ana County 9-12-1995 by Ord. No. 158-95, as amended through 10-23-2007. Subsequent amendments noted where applicable.]**

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### **GENERAL REFERENCES**

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Airport — See Ch. 125.  
Building Code — See Ch. 142.  
Dangerous buildings — See Ch. 146.  
Numbering of buildings — See Ch. 150.  
Registration of businesses — See Ch. 154.  
Design and construction standards — See Ch. 157.  
Development districts — See Ch. 159.  
Erosion control — See Ch. 172.  
Zoning and land use fees — See Ch. 179, Art. XI.  
Flood damage prevention — See Ch. 207.  
Land conveyances — See Ch. 247.  
Manufactured homes — See Ch. 257.  
Roads — See Ch. 279.  
Solid waste — See Ch. 287.  
Stormwater management — See Ch. 296.  
Subdivision of land — See Ch. 300.

## **Article I. Authority, Intent and Scope**

### **§ 250-1. Title.**

This chapter shall be known and titled as the "Doña Ana County Land Use Regulations and Zoning Ordinance" and shall be referred to as the "chapter."

### **§ 250-2. Authority and intent.**

This chapter is created pursuant to the authority set forth in NMSA §§ 3-21-1 et seq., 3-21-5, 4-57-1 et seq. and Resolution No. 55-94, the Comprehensive Plan for Doña Ana County. This chapter is intended to create orderly, harmonious and economically sound development in order to promote the health, safety, convenience and general welfare of the citizens of the County. These regulations are necessary to provide adequate open spaces for light and air; avoid undue concentration of population; preserve the County's environmental resources; secure safety from fire, panic and other dangers; help control congestion in the streets and public ways; facilitate adequate provisions for community utilities and facilities such as transportation, water, sewer, schools and parks; encourage the location of compatible uses of land; provide for proper floodwater runoff; and enhance the appearance of the landscape, as specifically referenced in the Doña Ana County Comprehensive Plan. The regulations are intended to achieve the following goals in the Comprehensive Plan:

- A. Protect County residents from possible hazardous effects of uncontrolled land uses;

- B. Allow the entrepreneur and investor the options to select areas and locations suitable for their intended purposes with the understanding that standards and regulations are necessary to protect the environment and the properties of others;
- C. Allow communities in an advanced state of development to adopt more conventional zoning processes for land use by forming zoning districts; and
- D. Permit developers the opportunity to permanently designate land uses within their developments, and to set standards for those land uses.

### **§ 250-3. Purpose.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* The purpose of this chapter is to achieve land use policies and actions delineated in the Doña Ana County Comprehensive Plan. This chapter implements the Comprehensive Plan actions that recommend mapped zoning districts for Community Districts and Village Districts, and a Performance District for all other areas in the County. The Performance District will allow more flexibility in land use activities in the rural regions. Mapped districts are intended for communities that are experiencing rapid growth and will use traditional zoning districts, while historic communities will be able to continue their unique character with standards to maintain traditional development patterns in Village Districts. These district standards recognize the need and desirability of allowing for diversity in land use patterns to accommodate rural, suburban and urban development; and to encourage entrepreneurship and creativity in new development and economic growth.

### **§ 250-4. Land use designations.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- A. The following terms and their meanings are used throughout this chapter:

#### **LAND USE CLASSIFICATION**

How the land is used.

#### **ZONING DISTRICT**

A zoning category used in the Community District or Village District such as R-1, single-family residential uses. A zoning district must have specific boundaries.

- B. The County is divided into the following mapped zoning districts:

- (1) Community District: larger areas of the County that are partially developed and have been experiencing rapid growth and land use changes in the last 10 years; contains mapped zoning districts. Note: A developer of vacant land proposed for multiple uses and phased development may request the establishment of a Community District as provided in this chapter. Community Districts are the following:

|        |  |
|--------|--|
| CR-AG5 | Community Residential: Agriculture, 5-Acre Minimum   |
| CR-AG  | Community Residential: Agriculture                   |
| CR-1   | Community Residential: Single-Family Residential     |
| CR-1M  | Community Residential, Single-Family, Mobile Homes   |
| CR-2   | Community Residential: Medium-Intensity              |
| CR-3   | Community Residential: Apartments and High-Intensity |
| CR-MP  | Community Residential: Mobile Home Park              |

|      |  |
|------|--|
| CC-1 | Community Commercial: Neighborhood Commercial            |
| CC-2 | Community Commercial: Community Commercial               |
| CC-3 | Community Commercial: Regional Commercial                |
| CI-1 | Community Industrial: Light-Intensity                    |
| CI-2 | Community Industrial: Medium-Intensity                   |
| CI-3 | Community Industrial: Heavy Industrial and Manufacturing |
| CMU  | Community District: Mixed Use                            |

(2) Village District: zones that are created in communities that have historic significance, and are town sites platted prior to 1930; special development standards and limited land use classifications are applicable. Village Districts are the following:

|       |  |
|-------|--|
| VR-1  | Village Residential: Single-Family Residential   |
| VR-1M | Village Residential: Single-Family, Mobile Homes |
| VR-2  | Village Residential: Multiple-Family             |
| VC-1  | Village Commercial: Neighborhood Commercial      |
| VC-2  | Village Commercial: Community Commercial         |
| VR-AG | Village Residential: Agriculture                 |
| VMU   | Village District: Mixed Land Use                 |

C. In addition, Performance Districts are areas outside the mapped zoning districts; in the Performance District, land uses are permitted, provided the land use meets specific development standards, including buffer requirements. Some uses will require a public hearing via the planned unit development process. Performance Districts are classified as follows:

|       |  |
|-------|--|
| PR-1  | Low-intensity residential                |
| PR-2  | Medium-intensity residential             |
| PR-3  | High-intensity residential               |
| PR-MP | High-intensity residential, mobile homes |
| PC-1  | Low-intensity nonresidential             |
| PC-2  | Medium-intensity nonresidential          |
| PC-3  | High-intensity nonresidential            |

D. Planned unit development: Overlay zones that may be created using the planned unit development process outlined in Article VIII, § 250-72, which fall into the following classifications:

|           |  |
|-----------|--|
| Type<br>1 | Mixed residential and commercial   |
| Type<br>2 | Commercial or industrial having the potential to create a negative impact on the environment, infrastructure or adjacent nearby properties |

#### **§ 250-5. Word usage; definitions.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* For the purpose of this chapter, certain words and terms are hereby defined. Words used in the present tense shall include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "lot" includes the words "plot," "parcel," and "tract"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directive. Any words not herein defined shall be constructed as defined in the statutory and common laws of the State of New Mexico; if not defined therein, then as defined in the 2006 International Building Code and subsequent versions as adopted in Doña Ana County, New Mexico, and if not defined therein, then defined in accordance with Webster's Unabridged Dictionary, latest edition.

#### **ACCESSORY BUILDING**

A minor building that is located on the same lot as a principal building and is used incidentally to a principal building or houses an accessory use.

#### **ACCESSORY MOBILE HOME**

A subordinate mobile home that meets the definition of "mobile home" contained in Chapter 257, Manufactured Homes, of the Doña Ana County Code, and contains no more than 1,000 square feet.

#### **ACCESSORY STRUCTURE**

Any structure that does not meet the definition of "accessory building."

#### **ACCESSORY USE**

Accessory uses are incidental or subordinate to the principal use of a parcel of land or are uses commonly associated with the principal use and integrally related to it. Some examples are private garages on residential properties, storage sheds on residential properties, and barns on agricultural properties.

#### **ADULT ENTERTAINMENT**

- A. An establishment that provides amusement or entertainment that is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas;
- B. An establishment that features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment;
- C. A book- or video store having a substantial or significant portion of its trade in books, magazines, periodicals or other materials that are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas; or
- D. A theater used exclusively or primarily for presenting material distinguished or characterized by specified sexual activities or specified anatomical areas for observation by persons 18 years of age or older on the premises.

#### **AFFECTED AREA**

An area that is or might be detrimentally impacted by a proposed land use.

#### **AGRICULTURAL PACKING AND WAREHOUSING**

A facility used for the storing, sorting, cleaning, sacking, or transshipment of agricultural products; does not include processing functions. "Sorting and cleaning" means handling to the generally recognizable minimum level of marketability.

**AGRICULTURAL PROCESSING PLANT**

A facility used for the cooking, freezing, dehydrating, refining, bottling, canning or other treatment of agricultural products that changes the naturally grown product for consumer use; may include warehousing and packaging as secondary uses.

**AGRICULTURE**

Any use of land for the growing and harvesting of crops for sale or profit, or uses that are directly ancillary to the growing and harvesting of crops, which is the exclusive or primary use of the lot, plot, parcel, or tract of land; including processing crops to the generally recognizable minimum level of marketability, or the open-range grazing of livestock, or irrigated pasture for grazing livestock.

**AIRPORTS, HELIPORTS and LANDING FIELDS**

Any area of land that is used or intended for the use of landing and taking off of aircraft; and appurtenant areas that are used or intended for use by airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

**ANTENNA**

A structure designed to radiate and/or receive radiofrequency (RF) emissions. An antenna design includes, but is not limited to, the following:

- A. Monopole, dipole, discone;
- B. Horizontally and vertically polarized TV and FM, yagi;
- C. Mesh or solid parabolic;
- D. Array, phase array and others protected by a radome; and
- E. Shaped element.

**APARTMENT**

A building in which the rooms are arranged in suites; multiple-family housing.

**AREA OF NOTICE**

For all applications requiring that notice be given to the surrounding property owners, the area of notice shall be 300 square feet from the edge of the parcel or parcels included in the application, with the distance to be extended until 10 property owners are identified, with a maximum extension of one mile.

**ARTERIAL, PRINCIPAL**

Principal arterials provide higher-speed travel and mobility for long-distance trips. These roads function within the region or community to carry large volumes of traffic to minor arterials and collector routes. Access may be limited by medians. Design standards as outlined in Chapter 300, Subdivision of Land, shall apply. *Editor's Note: See also Ch. 157, Design Standards.*

**ARTERIAL, MINOR**

Minor arterials serve a mobility function for longer-distance trips but handle moderate volumes of traffic at moderate speeds. Minor arterials provide connections to collector routes, which serve communities and local areas. Access from some major traffic generators is allowed to minor arterials. Design standards as outlined in Chapter 300, Subdivision of Land, shall apply. *Editor's Note: See also Ch. 157, Design Standards.*

**AUTO WRECKING YARD**

Any place where motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; any land, building or structure used for the dismantling or storing of such motor vehicles or the parts thereof.

**BASE FLOOD**

A flood having a one-percent chance of being equaled or exceeded in any given year.

**BED-AND-BREAKFAST**

A residence built expressly for, or converted to, renting rooms to paying guests and providing breakfast to paying guests on a short-term (daily, weekly) basis. The residential appearance of the structure is maintained. This definition does not include a hotel, motel or boardinghouse.

**BOARDINGHOUSE**

A residence consisting of at least one dwelling unit with more than two rooms that are rented or intended to be rented to longer-term residents on a monthly basis, as distinct from transient residents staying overnight or on a weekly basis.

**BUFFER**

An area of land including landscaping, berms, walls, fences and building setbacks that is located between land uses and intended to mitigate negative impacts upon adjoining property.

**BUILDING**

Any structure that is enclosed by means of walls and a roof, generally intended for use as a working, storage or dwelling place.

**CEMETERY**

A burial place or grounds.

**CHANNEL**

Any arroyo, stream, swale, ditch, diversion, or watercourse that conveys a flow of water.

**CLEAR SIGHT TRIANGLE**

Specified areas along intersection approach lanes and across their included corners that are to be free of obstructions that might block a driver's view of potentially conflicting vehicles. Requirements for maintaining a clear sight triangle are outlined in § 250-79. *Editor's Note: See also Ch. 157, Design Standards, Appendix J.*

**CLINIC**

An establishment where patients are not lodged overnight but are admitted for outpatient services.

**CLUB**

Building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose.

**COLLECTOR STREET**

A roadway that carries traffic from local to the arterial streets and highways. See the Doña Ana County Development Design Standards for specific criteria. *Editor's Note: See Ch. 157, Design Standards.*

**COLUMBARIUM**

A structure of vaults lined with recesses for cinerary urns.

**COMBINATION USE**

A use consisting of a combination on one lot of two or more primary uses separately listed on the Land Use Classification Matrix for either the Performance District, the Community District, the Village District, or the Planned Unit Development Overlay Zone. *Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.* The development standards for the more intensive of the primary uses on a parcel shall be applied by the Zoning Administrator in reviewing site plans for development of a combination use.

**COMMERCIAL FEED LOT**

Any tract on which the principal use is the raising of, or the concentrated feeding of, livestock, fowl, or any other edible animals, the sale of such animals or the sale of products derived from such animals; does not include dairies.

**COMMUNITY COMMERCIAL**

A parcel of land used for shopping or services generally used for several neighborhoods or a larger part of the community. See the Land Use Classification Matrix for specific uses allowed in this zone. *Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.*

**COMMUNITY DISTRICT**

A rapidly urbanizing area of the County with existing and/or planned community water and/or sewer systems, and commercial uses; established by procedures outlined in this chapter; area with mapped zoning districts as set forth in this chapter.

**CONDOMINIUM**

A building or group of buildings containing three or more dwelling units with separate entrances but sharing common structural elements, including walls and roofs.

**CONSTRUCTION**

The act of breaking ground and erecting a building or structure as defined elsewhere in this section.

**CONSTRUCTION DEBRIS LANDFILL**

An area of land used to dispose of nonorganic used building materials, concrete, dirt, removed paving material, and gravel; must meet all state and federal regulations affecting groundwater protection.

**COUNTY COMMISSION**

The elected Board of County Commissioners of Doña Ana County.

**COUNTY PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission appointed by the Board of County Commissioners of Doña Ana County.

**DAIRY**

An area of land on which cows are kept for the purpose of producing dairy products in commercial quantities, as well as the related buildings, equipment and processes.

**DATE OF DECISION**

The date upon which the decision of the deciding body is filed or recorded in the Office of the County Clerk unless otherwise specifically provided for herein. *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

**DENSITY**

The number of families, persons, or housing units per unit of land, usually expressed as "per acre."

**DEVELOPMENT**

A project involving property improvement and, usually, a change of land use character within the site. All development standards within this chapter and the Design Standards for the specified use shall apply. *Editor's Note: See Ch. 157, Design Standards.*

**DRIVEWAY**

A point of vehicular access between a right-of-way or easement and an abutting property.

**DWELLING UNIT**

Any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Building Code, for not more than one family.

**EASEMENT**

A property owner's grant of specific purpose, use or uses on that owner's land that does not abridge the right of the fee owner to the use and enjoyment of that land. An easement may be for use by the general public, a corporation or a certain person or persons.

#### **ELEVATION CERTIFICATE**

A certificate issued by the County Floodplain Administrator in order to obtain the elevation of the lowest floor (including basement) of all new and substantially improved buildings. It is to be used to provide elevation information necessary to ensure compliance with community floodplain management ordinances, to determine the proper insurance premium rate, and to support a request for a letter of map amendment or revision (LOMA or LOMR-F). *Editor's Note: See also Ch. 207, Flood Damage Prevention.*

#### **FAMILY**

One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit, who are not related by blood, adoption, or marriage, do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:

- A. The group shares the entire dwelling unit.
- B. The group lives and cooks together as a single housekeeping unit.
- C. The group shares expenses for food, rent, utilities or other household expenses.
- D. The group is permanent and stable, and not transient or temporary in nature.
- E. Any other factor reasonably related to whether the group is the functional equivalent of a family.

#### **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

The federal agency under which the National Flood Insurance Program (NFIP) is administered. In March 2003, FEMA became part of the newly created United States Department of Homeland Security.

#### **FIRE LANE**

Any area appurtenant to a building deemed necessary by the Fire Marshal or his/her designee to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by him as such; may include sidewalks, driveways, portions of parking lots or any other area adjacent to or near a building or fire hydrant, as required by the Fire Marshal.

#### **FLOOD**

A general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (at least one of which is the policyholder's property) from overflow of inland or tidal waters; unusual and rapid accumulation or runoff of surface waters from any source; mudflow; or collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

#### **FLOOD INSURANCE RATE MAP (FIRM)**

The official map of a community on which FEMA has delineated both the special hazard areas and the risk-premium zones applicable to the community.

#### **FLOODPLAIN**

Any area susceptible to flooding by water from storm runoff as designated on the Flood Insurance Rate Map (FIRM) prepared by the United States Department of Housing and Urban Development, or similar maps prepared by the United States Army Corps of Engineers, Federal Emergency Management Agency (FEMA) or other similar agency or per the Flood Commissioner's designation based on findings of fact.

**FLOODPROOFING CERTIFICATE**

A certificate issued by the County Floodplain Administrator in order to ensure that a nonresidential building has been designed and constructed to be watertight (substantially impermeable to floodwaters) below the base flood elevation. A floodproofing certificate is not applicable for a residential structure.

**FLOODWAY**

A watercourse channel and that portion of the adjoining floodplain required to provide for the passage of a one-hundred-year flood.

**FLOODWAY FRINGE AREA**

An area immediately adjacent to the limits of a floodway.

**GARAGE**

A building or portion thereof, other than a private storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term "repairing" shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

**GARAGE AND YARD SALES**

The sale of used clothing, household goods and other personal items, generally sold in residential land use areas.

**GARBAGE**

Any animal or vegetable waste that is liable to decompose or rot resulting from the handling, preparation, cooking or consumption of foods, offal, scum, dregs, sediment, sweepings, trash, debris, remains, dross.

**GARBAGE DISPOSAL**

The disposing and covering or incineration of garbage at a sanitary landfill site.

**HOME OCCUPATION**

An occupation conducted within a residential property that is clearly incidental and secondary to the use of that property, as regulated in this chapter. *Editor's Note: See § 250-74, Home occupations.*

**HOTEL**

A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress to and egress from all rooms are made through an inside lobby or office supervised by a person in charge at all times.

**HUNDRED-YEAR FLOOD**

A flood having an average frequency of occurrence in order of once in 100 years, although the flood may occur in any year.

**INDUSTRIAL, HEAVY**

Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses, and manufacturing or other enterprises which produce external effects (such as smoke, noise, soot, dirt, vibration, odor, etc.) or which pose significant risks due to the use or storage of explosives or radioactive materials, or of poisons, herbicides, or other hazardous materials in reportable quantities under the standards of the Environmental Protection Agency.

**INDUSTRIAL, LIGHT**

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from processed or previously manufactured materials, including a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, fish tanks and supplies, food paper products (but not the manufacture of paper for pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing

of raw materials), pharmaceuticals or optical goods, bicycles, or any other product of a similar nature. Light industry is capable of operation in such a manner as to produce minimal if any external effects from the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

**INFRASTRUCTURE**

Construction such as but not limited to streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, water, sewer and gas systems or parts thereof.

**INTENSITY**

The degree to which land is used; usually refers to the levels of concentration or activities in use.

**INTERSTATE HIGHWAY**

A United States Interstate Highway; in Doña Ana County, I-10 and I-25.

**JUNKYARD**

The use of premises for the open storage of old, wrecked, nonoperable, dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof; scrap building materials, scrap contractor's equipment, tanks, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper excelsior, hair, mattresses, beds, or bedding; or any other kind of scrap or waste material.

**KENNEL**

A commercial establishment for the breeding, sale, grooming, or boarding of small animals and household pets.

**LABORATORY**

A building or group of buildings on which are located facilities for scientific research, investigation, testing, or experimentation, but not including facilities for manufacture of products for sale.

**LANDSCAPING**

An area that has been improved through the harmonious combination and introduction of trees, shrubs and ground cover, which may contain natural topping materials such as, boulders, rock, stone, granite or other approved material. The area shall be void of any asphaltic or concrete pavement except where walks are allowed.

**LAND USE**

Any activity that is subject to the regulation of this County that is conducted on, below and/or in the space above the surface of the earth to a height of 500 feet within the boundaries of Doña Ana County or within the extraterritorial zone of the City of Las Cruces, or other extraterritorial zones that may be established.

**LEGAL DESCRIPTION**

A metes-and-bounds description of a parcel of land filed in accordance with the requirements of the State of New Mexico and Doña Ana County.

**LIVESTOCK**

All domestic animals that are included in the classes of horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, ostriches, emus, rheas, camelids and farmed cervideae (deer and elk). This definition does not include feline or canine animals.

**LOT**

A tract or parcel or a portion of a subdivision or other parcel of land described by metes and bounds and held in separate ownership, as shown on the records in the County Clerk's office.

**LOT WIDTH**

The distance between side lot lines measured across the rear of the required front yard, parallel to the street or access easement.

**MANUFACTURED HOME**

A single-family dwelling with a heated area of at least 864 square feet, and measuring at least 36 feet by 24 feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development (HUD), the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.) and the Housing and Urban Development Zone Code II or the latest Building Code adopted by the County, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act (NMSA Chapter 60, Article 14) and with the regulations made pursuant thereto relating to ground-level installation.

**MINIMUM BUILDING ELEVATION**

The elevation to which uses regulated by this chapter are required to be elevated that could be reached by the one-hundred-year flood if it occurred under conditions existing at the time this chapter was passed, plus one foot to allow for encroachments permitted by the establishment of a floodway.

**MOBILE HOME**

As defined by the Manufactured Housing and Zoning Act, NMSA § 3-21A-2, or any future enactment that revises or substantially replaces said Act.

**MOBILE HOME PARK/SUBDIVISION**

A parcel of land on which five or more mobile homes are located, either free of charge or for revenue purposes.

**MODULAR HOME OR HOUSING UNIT**

A standardized factory-fabricated transportable building module not having a chassis or wheels of its own, designed and constructed in accordance with all applicable local building codes and intended to be placed on a permanent foundation, meeting all local zoning codes and to be used by itself or incorporated with similar units at a building site. Modular homes can be used for residential or commercial uses when located in appropriate zoning districts.

**MOTEL**

A building in which lodging or boarding and lodging are provided and offered to the public for compensation.

**MULTIPLE-FAMILY DWELLING UNIT**

A building designed for two or more families.

**NEIGHBORHOOD COMMERCIAL**

Includes retail sales and services, personal services and business and office services generally intended to serve a neighborhood of up to a one-mile radius. The scale of development and traffic generated is accommodated by access to a collector street. Permitted uses should be buffered from adjacent residential uses and are outlined in the Land Use Classification Matrix. *Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.*

**NIGHTCLUB**

A place of entertainment where alcohol may be served.

**NURSING HOME**

A home for the aged or infirm in which three or more persons are received, kept or provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**OLD PLAT**

Plats that were recorded prior to adoption of subdivision and platting standards in 1973.

**OPEN SPACE**

A publicly or privately owned and maintained ground area that satisfies visual and physiological needs of the community for light and air; covered with vegetation, game courts, nonvehicular paths or associated buildings.

**OWNER**

Any person, association, partnership, or corporation that has dominion over, ultimate control of, or title to real property.

**PARCEL**

See definition of "lot."

**PARKING SPACE, OFF-STREET**

An area not in a street or alley and having an area of not less than 171 square feet or 128 square feet for a compact space, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a driveway that affords ingress and egress for a vehicle.

**PAVEMENT STRUCTURE**

The combination of subbase, base course, and/or surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.

**PERFORMANCE STANDARD**

Areas of Doña Ana County as described in this chapter, with land use regulations based on the intensity of a land use and its compatibility with adjacent uses. Areas designated as "Performance District" by this chapter and designated on County Zoning Maps have a "P" before the last use category to distinguish it from the Community District "C" or Village District "V."

**PERSON**

Any individual, estate, trust receiver, cooperative, association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity.

**PERSONAL SERVICES**

Uses such as beauty shops, barbershops, dry cleaners, mailing services, self-service laundromats and similar uses that provide service to the public individually.

**PRIMARY DWELLING UNIT**

A single-family dwelling unit, which dwelling unit is the first constructed on a given lot or the larger of two dwelling units on a given lot.

**PRIMARY USE**

A land use listed in the Land Use Classification Matrix for the Performance District, Community or Village District or Planned Unit Development Overlay Zone, which occupies the greater portion of a lot or parcel, or is the more intense use of two uses on a lot or parcel.

**PRINCIPAL BUILDING**

The primary building on a lot, or a building that houses a primary use.

**PRIVATE PROPERTY**

Property that is privately owned, but where numbers of persons work, live or congregate from time to time for any purpose, where the parking of motor vehicles or presence of other obstructions can interfere with the ingress and egress of emergency vehicles (police, fire, ambulance), for the protection of persons and property thereon, and shall include, but not be limited to, shopping centers, bowling lanes, theaters, hospitals, clinics, churches, factories, schools, lodging houses, convalescent homes, hotels, and public halls. Private property shall not include single-family dwellings, duplexes, fourplexes and condominiums.

**PRIVATE PROTECTIVE COVENANTS**

A private agreement that binds and restricts the land in the hands of present owners and subsequent purchasers. They are enforced only by the landowners subject to the protective covenants and not by the County or other public agencies.

**PROCESS**

A series of acts of changes proceeding one to the next; a method of manufacturing or conditioning; or to submit something to a treatment or preparation.

#### **PUBLIC PROPERTY**

Property owned by any political subdivision not specifically exempted by state or federal law.

#### **QUASI-JUDICIAL CASES**

All variances, planned unit development permits and appeals.

#### **RECREATIONAL VEHICLE**

A vehicle on wheels with sleeping, cooking and washing or sanitary facilities designed to be used as a temporary dwelling unit; and defined as a recreational vehicle by the New Mexico Motor Vehicle Code.

#### **RECREATIONAL VEHICLE PARK (RV PARK)**

A parcel of land where travel trailers or other nonpermanent types of shelters are erected or maintained for temporary recreational camping activities. Permitted related buildings and facilities may include an office, delicatessen and/or grocery store, laundry facilities, showers, bathrooms, and playgrounds to be operated during operating hours of the park for the patrons of the park. Individual sites shall be no less than 600 square feet in area, not including any required roadways or walkways.

#### **REFUSE**

See Chapter 287, Solid Waste; any solid waste material discarded from residential, commercial, or industrial operations.

#### **REGIONAL COMMERCIAL**

An area of land used for shopping centers and commercial activities of a size intended to generally serve a major portion of Doña Ana County and/or nearby settlements in adjoining counties or states; may include retail, services, entertainment, wholesale activities. Refer to the Land Use Classification Matrix for specific uses allowed in this zone. *Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.*

#### **RETAIL**

The sale of consumer goods directly to the user of the product; may include storage of goods sold in sufficient quantities to meet daily needs; may also include sale in large-size packages used as pricing incentives.

#### **SANITARY LANDFILLS**

Locations where trash, garbage, and organic materials are buried and maintained in accordance with local, state, and federal regulations.

#### **SATELLITE PARKING**

Off-street parking used as a car-pooling site or parking lot adjacent to commercial sites where the subject site does not provide adequate parking spaces as required by this chapter.

#### **SERVICE STATION**

Any land, building, structure, or premises used for the sale of fuel for motor vehicles or installing or repairing parts and accessories, but not including replacing of motors, bodies, or painting of motor vehicles and excluding public parking garages.

#### **SETBACK**

The minimum distance between the property/lot line and the foundation, wall, or main frame of a building or structure or any projection thereof measured from the exterior lot line to the greatest projection. If multiple lots are held within the same ownership, the outside perimeter of all lots combined may be used to determine the setback line. Where a site abuts a road or highway having only a portion of its required right-of-way (ROW) width dedicated or reserved for roadway purposes, setbacks shall be measured from the line establishing the additional width required for ROW purposes. Where a site abuts an easement for access or a private access road is located within

the boundary lines of the site, the setback shall be measured from the easement or from the private road. On a site that is not rectangular or approximately rectangular in shape, the required setbacks shall be measured in a manner prescribed by the Zoning Administrator.

**SHOPPING CENTER**

A group of commercial business establishments operated as a unit with off-street parking provided on the property, and related in locations, size and types of shops to the trade area that the unit serves.

**SINGLE-FAMILY DWELLING UNIT**

Any housing unit designed for the use of one family that has a private, ground-level entrance and a private outdoor space for the use of the residents of such dwelling units.

**SPECIAL FLOOD HAZARD AREA**

An area of land that would be inundated by a flood having a one-percent chance of occurring in any given year (previously referred to as the "base flood" or "one-hundred-year flood").

**SPECIAL USE PERMIT (SUP)**

Authorization of a land use specifically requiring a special use permit under the provisions of this chapter, due to the potential for the use to have a negative impact on adjacent or surrounding properties, depending upon the particular circumstances associated with the use and the property.

**SPECIFIED ANATOMICAL AREAS**

Less than completely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES**

Includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**STABLE**

A building having stalls or compartments where domestic animals, such as horses, ponies, and cattle, are sheltered and fed.

**STADIUM**

A large building with tiers of seats for spectators at sporting or other recreational events.

**STRUCTURAL CHANGE**

Any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders.

**STRUCTURE**

All construction, including residences, commercial buildings, freestanding walls, antennas, signs, towers, bridges, culverts, or similar uses, that may require a building permit issued by Doña Ana County.

**SUBDIVISION**

See Chapter 300, Subdivision of Land, as amended.

**SUBSTANTIAL IMPROVEMENT**

Any reconstruction, rehabilitation, addition, or other improvement of a building when the cost of the improvement equals or exceeds 50% of the market value of the building before the start of construction of the improvement.

**TOWER**

Any structure whose principal function is to support an antenna.

**TOWN HALL MEETING**

An informal meeting held by a developer or the developer's representative for the purpose of seeking public input within a three-hundred-foot radius of a proposed development that consists of more than 100 acres or lots prior to a public hearing before the Planning and Zoning Commission or the Board of County Commissioners. The purpose of the meeting is to allow the public to voice concerns regarding infrastructure, affordable housing, open space, water, drainage, schools, and Community and Village District zoning.

**TRACT**

See definition of "lot."

**VARIANCE**

A grant of permission by the Zoning Administrator, Planning and Zoning Commission or the Board of County Commissioners that authorizes the recipient to do that which, according to the letter of this code, he/she could not otherwise legally do.

**VETERINARY CLINIC**

A location for treatment of small or large animals. Animals may be kept overnight or for short periods of time for treatment.

**VILLAGE DISTRICT**

A district created under terms of this chapter with mapped zones; the area of a town site platted in Doña Ana County prior to 1930 that has been designated a Village District within the terms of this chapter.

**WATERCOURSE**

Any stream, arroyo, or drainway having a channel that gives direction to a flow of water.

**WHOLESALE**

The sale of goods to a person or company who or which may sell products to the ultimate consumer; includes sale of products in bulk for further repackaging.

**ZONING ADMINISTRATOR**

The Director of Community Development of Doña Ana County or the Director's designee.

**§ 250-6. Applicability and jurisdiction.**

- A. This chapter is applicable in the unincorporated areas of Doña Ana County, outside the limits of the extraterritorial zone of the City of Las Cruces and outside any other incorporated municipality in the County or any other extraterritorial zone that may be established. Private activities or developments for private purposes on such lands shall be subject to this chapter. This chapter will also be enforced for private activities or development for private purposes on County, federal, or state lands. No variances, or zoning, planned unit development, or other land use classification approvals or public hearings will be required for County use or development of County land.
- B. In the development of County land for public purposes, the County shall comply with the development standards of this chapter, such as access, building setbacks and parking and landscaping requirements, unless:
  - (1) Application of a particular standard would unreasonably interfere with the feasibility of the public project; and
  - (2) No undue negative impact on the surrounding community will result if the standard is not applied to the particular public project.

**§ 250-7. Repeals.**

Upon its effective date, this chapter repeals and supersedes the Doña Ana County Zoning Ordinance, Compilation of Ordinances No. 79-2, March 7, 1979; Ord. No. 19-82, May 7, 1982; Ord. No. 53-87, July 14, 1987; Ord. No. 73-90, March 13, 1990; and Ord. No. 74-90, May 8, 1990. It also repeals and supersedes Resolution No. 93-28, May 19, 1993; Ord. No. 114-93, May 19, 1993; Ord. No. 119-93, June 28, 1993; Ord. No. 121-93, October 12, 1993; Ord. No. 132-94, May 12, 1994; Ord. No. 108-92, May 24, 1992; and Ord. No. 109-92, November 24, 1992. Further, this chapter repeals and supersedes any other resolution or ordinance previously adopted by the Board of County Commissioners prior to 1993, which resolution or ordinance permitted the activities or uses governed by this chapter. This chapter shall not repeal Ord. No. 30-83, Airport Approach Zones, *Editor's Note: This ordinance has been repealed by subsequent legislation. See now Ch. 125, Airport, Art. I, Airport Zoning.* or Ord. No. 72-90, Itinerant and Temporary Vendor Licensing, *Editor's Note: See Ch. 232, Itinerant and Temporary Vendors.*

**§ 250-8. Interpretation and conflict.**

The regulations of this chapter are the minimum standards necessary to carry out the purposes of this chapter. This chapter is not intended to interfere with, abrogate or annul any easement, covenant or other agreement between parties or other valid Ordinances. Where this chapter imposes greater restriction than those imposed by other rules, regulations, easements, covenants, agreements, or County Ordinances or Resolutions, the provisions of this chapter shall be prevailing and controlling. Where two or more provisions of this code are conflicting, the most restrictive shall apply.

**§ 250-9. Establishment of districts and zones on previously zoned parcels.**

- A. Upon the effective date of this chapter, all properties zoned County Rural District (CRD) under Ord. No. 121-93, as amended by Ord. No. 132-94, shall be designated Performance District within the meaning of this chapter, with exceptions as noted in the following subsections.
- B. All properties rezoned to planned unit development (PUD) by Ord. No. 121-93, as amended by Ord. No. 132-94, and Ordinance Nos. 128-94, 135-94, 136-94, and 139A-94; shall be zoned planned unit development within the meaning of this chapter.
- C. All properties rezoned to mixed-use zones, including the following: Ordinance Nos. 129-94, 130-94, 131-94, 133-94, 134-94, 137-94, 139B-94, 139C-94, 146-95, 149-95, 147-95, 148-95; and other approved MUZ zone changes by Ord. No. 121-93, as amended by Ord. No. 132-94, shall be designated low-, medium-, or high-intensity nonresidential uses under the Performance District standards and definitions of this chapter. Undeveloped parcels previously zoned MUZ shall be exempt from buffer yards required by this chapter for three years after the effective date of this chapter. Thereafter, buffer yards and landscaping required by this chapter shall be applied to site plans and building permits by the Zoning Administrator.

**§ 250-10. Legal nonconforming uses.**

- A. Intent.
  - (1) Within the zoning districts established by this chapter or zoning districts that may be established in the future there exist:
    - (a) Lots;
    - (b) Structures;
    - (c) Uses of lots and structures; or
    - (d) Land uses.

- (2) Any of the above listed items that were lawful before this chapter was passed but would now be prohibited, regulated or restricted under the terms of this chapter or future amendments thereto are legal nonconforming uses. This includes all existing uses approved through special use permits up to May 1993; and all uses approved through interim use permits from May 1993 through the effective date of this code.
  - (3) These legal nonconforming uses shall be allowed to continue, but any enlargement, expansion or extension of the nonconforming use or structure will be permitted only upon the nonconforming use or structure being brought into compliance with the requirements of this chapter. Structures may be maintained and remodeled, but not enlarged unless in conformance with this chapter; except that buildings that are expanded by less than 30% of the original floor area are exempt from the buffer and landscaping requirements of Article V.
  - (4) The provisions of this chapter apply to all lots, construction (including enlargement, expansion, or extension of existing structures), and uses of land and/or structures that are not protected as legally nonconforming under this section. Low-intensity residential development will be permitted with proof of existing access. All other development must meet all standards of this chapter, including applicable access standards.
- B. Abandonment. Whenever a legal nonconforming use has been discontinued for a length of one year or more, such nonconforming use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this chapter, unless closed by order of a federal or state agency. Such time of closure shall not count when determining the period of abandonment.
- C. Construction approved prior to enactment. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a County building permit was issued prior to adoption of this chapter or amendments thereof.
- D. Status of special use permits or interim use permits and lands with previously approved zone changes or legal conforming uses. Lots, structures or land uses that were developed in accordance with previous zoning ordinances shall be legal conforming uses and may continue in operation under the standards required by the special use permit, interim use permit or zone change previously approved. Expansion must conform to the original site plan as approved. Undeveloped parcels that received zone changes or interim use permits under previous zoning ordinances in 1993, 1994 and 1995 may be developed in accordance with standards and conditions approved by the applicable zone change or permit of three years after the date of this chapter. Thereafter, these parcels must comply with the standards effective in this chapter. Undeveloped parcels that received special use permits prior to May 1, 1993, and are still undeveloped as of the effective date of this chapter, must conform to the requirements of this chapter. Major changes in previously approved site plans that will increase traffic volumes, density or land use, drainage requirements or water and wastewater requirements will be required to be approved by the Zoning Administrator, after review by appropriate County and state agencies. The Zoning Administrator may establish forms and procedures for certifying the legal nonconforming status of properties; or the legal conforming status of properties. It is the responsibility of the property owners to furnish documents to the Zoning Administrator establishing the legal nonconforming status of the land or buildings.

#### **§ 250-11. Enforcement; penalty.**

- A. Prosecution in court. This chapter shall be enforced as provided for by law, including but not limited to the specific provisions of NMSA §§ 3-21-10 and 4-37-3. No application under this chapter shall be approved for land that was illegally subdivided, or on which a violation of this or any other County ordinance or requirement or any other provision of law exists.
- B. Civil penalties and enforcing entities. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any

provisions of this chapter or of any amendment thereto. Any person, firm, corporation or other entity in violation this chapter, or any regulations, provisions or amendment thereto, shall be fined not more than \$300 per owner per violation per location. The District Attorney, the Attorney for Doña Ana County, the Doña Ana County Sheriff, and the Zoning Administrator of Doña Ana County shall enforce this chapter. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*

- C. Injunction, abatement, and other remedies. In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used in violation of the law or of this chapter or any amendments thereto, or any land is, or is proposed to be, used in violation of the law or of this chapter or any amendments thereto, the Board of County Commissioners, the County Attorney, the District Attorney, the County Sheriff, the Zoning Administrator or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute an injunction, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
- D. Petty misdemeanor. In addition to the civil remedies and penalties outlined above, a violation of this chapter shall constitute a petty misdemeanor and shall be punishable by a fine not to exceed \$300 or imprisonment for not more than 90 days, or both, in accordance with NMSA §§ 3-21-13 and 4-37-3.

[Added 7-28-2009]

## **Article II. Administrative Responsibilities**

### **§ 250-12. Community Development Department.**

The Community Development Department (CDD) shall consist of the CDD Director as its executive head and those employees of Doña Ana County under his/her supervision and direction. The CDD Director shall act as Zoning Administrator or appoint a Zoning Administrator to administer the provisions of this chapter, and in addition thereto and in furtherance of its authority, the CDD Director shall:

- A. Receive, review, file and approve applications for land uses when said land uses are in conformance with the provisions of this chapter.
- B. Report to the County Planning and Zoning Commission (P&Z) and to the County Commission, in a form appropriate to each, the applications received and approved by the CDD and post on the appropriate maps the location and uses permitted.
- C. Receive, review, analyze, file and bring to the P&Z applications for zone changes, variances, planned unit developments and site plans for its review and disposition in accordance with the provisions of this chapter.
- D. Present to the P&Z recommendations concerning changes and amendments to this chapter, and to receive its recommendation and carry said recommendation to the County Commission for its final disposition.
- E. Receive, file and present to the P&Z appeals by any person or persons aggrieved by any decision handed down by the CDD.
- F. Receive, file and present to the County Commission appeals by any person or persons aggrieved by any decision handed down by the P&Z.
- G. Maintain current and permanent records of this chapter, including, but not limited to: maps, zone changes, variances, amendments to this chapter, nonconforming uses, appeals, and

- applications, including the recording of district amendments and planned unit developments on the official zoning maps; maintain minutes of meetings of the Planning and Zoning Commission.
- H. Provide technical assistance as may be required by the P&Z or the County Commission to exercise their respective duties.
  - I. Provide and maintain public information services relative to matters arising out of this chapter.
  - J. Decide, make recommendations and administer all matters pertaining to this chapter upon which the CDD Director is required to act.
  - K. Receive, review and recommend approval or denial of subdivisions and replats to the P&Z as provided for in Chapter 300, Subdivision of Land.
  - L. Review and recommend changes or amendments to the Comprehensive Plan to the P&Z.
  - M. Maintain data on population growth, land use, demand for public services and public facilities and report to the P&Z and Board of County Commissioners periodically.
  - N. Carry out special studies and prepare plans for land use and development of public facilities as directed by the County Manager, P&Z or Board of County Commissioners.
  - O. Maintain computer database files, geographic information system maps and databases.
  - P. Review all building permits for compliance with the provisions of this code.
  - Q. Review all permits for mobile homes and recreational vehicles for conformance with this chapter.
  - R. Require the Community Development Department, Building Services, to route building and mobile home and recreational vehicle permits for parcels located within a FEMA-designated floodplain to the Flood Commission or County Engineer for an elevation certificate. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

**§ 250-13. Building permits; mobile home installation permits; elevation certificates.**

- A. Building permits. A building permit shall be required for all construction within the County as specified in the latest Building Code adopted by the County. *Editor's Note: See Ch. 142, Building Code.* All building permit applications submitted to the Community Development Department, Building Services, shall be reviewed in accordance with the most current Building Code in effect and subsequent amendments thereto. Additionally, all building permit applications shall be reviewed for compliance with the requirements of this chapter, Chapter 300, Subdivision of Land, for delinquent taxes, and for compliance with all other applicable state and local laws. A permit or certificate of occupancy may be refused until complete compliance with all such laws and requirements is demonstrated. A building permit application may be approved only if the contents of that application meet the standards of the most current Building Code in effect, and subsequent amendments thereto, and also, only if the contents of that application meet the standards of this chapter and related County ordinances dealing with fire, flood, traffic, safety, and grading. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- B. Mobile home installation permits. Mobile home installation permits shall be required for the placement of all mobile homes and recreational vehicles intended for continuous occupancy for more than three months in the County. All applications for mobile home installation permits shall be submitted to the Community Development Department, Building Services, for review. All mobile home installation permit applications shall be reviewed for compliance with the most current installation and location standards for the placement of mobile homes in effect, and subsequent amendments thereto, including the requirements of this chapter. A

mobile home installation permit application may be approved only if the contents of that application meet the installation and location standards for the placement of mobile homes and recreational vehicles in effect at the time of application. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

C. Elevation certificates.

- (1) Construction within a Federal Emergency Management Agency (FEMA) designated floodplain may not be started until the applicant has provided an elevation certificate that has been accepted by the appropriate County office: the Flood Commission or County Engineer. Designs for construction in the floodplain must be prepared by a professional engineer licensed in New Mexico.
- (2) Limits on liability. The acceptance of an elevation certificate and related information will not constitute a presentation, guarantee or warranty of any kind or nature by Doña Ana County or by any political subdivision, or by an officer or employee of any of them, of the practicability or safety of any structure or activity, and will create no liability upon or cause of action against any public body, officer, or employee for damage that may thereby result.

**§ 250-14. Site plan review and approval.**

- A. Purpose and intent. For the purpose of ensuring that land uses or construction projects that are considered during the term of this chapter are compatible with this chapter, no persons shall commence any use or construction without first obtaining approval of a detailed site plan as set forth below. Site plans for multiple-family dwellings or apartments and nonresidential uses (commercial, industrial and institutional) shall be prepared by a professional engineer, architect or surveyor licensed in New Mexico. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- B. Principles and standards of review. The Zoning Administrator shall approve said site plan only after determining the following:
- (1) The proposed use is permitted as required by this chapter.
  - (2) The dimensional arrangement of the buildings and structures within the lot for which the site plan is prepared conform to the development standards of this chapter.
  - (3) The lot that is the requested location for the proposed use has been created in compliance with state statutes and Chapter 300, Subdivision of Land.
- C. Detailed site plan requirements. A detailed site plan shall consist of a scale drawing at a scale of not less than one inch equals 100 feet containing the following information:
- (1) Location and dimensions of the affected property, including legal description.
  - (2) Location of all existing and proposed utility easements, including septic and well where applicable.
  - (3) Location, arrangements, numbers and dimensions of all existing and proposed parking facilities, turning spaces, driveways, aisles and pedestrian walkways and truck loading facilities within the property.
  - (4) The name and location of all streets adjacent to the property and all proposed points of ingress and egress; traffic volumes and number of lanes on adjacent streets.
  - (5) Size, location and setbacks of all existing and proposed structures within the property and abutting the property.

- (6) The location, dimensions and capacity of all proposed and existing drainage structures or easements.
  - (7) The location and dimensions (height, width, area of face of sign) of all proposed signs.
  - (8) The location, dimensions and intensity in lumens of all proposed exterior lighting, to assure that light will not project glare onto adjacent property.
  - (9) Indicate grade differences (spot elevations, contours, etc.) and show actual elevations and reference benchmarks used.
  - (10) The location, dimension and capacity of any watercourse(s) that has an intermittent or ephemeral flow.
  - (11) Location, dimensions and materials used for proposed landscaping and buffering.
  - (12) Additional data in report form may be required for uses with a potential to impact residential development abutting the property or within a three-hundred-foot radius of the property with noise, odor, vibration or concussion, smoke, fumes, chemical usage or emissions, dust glare or increased fire danger.
    - (a) In order to determine impact, the applicant shall submit a summary of commercial or industrial operations that will generate noise, vibration, odor, smoke, dust, or chemical usage at levels above residential standards or safety levels specified in state or federal environmental regulations. The applicant shall disclose what state and federal environmental regulations and standards apply to the proposed use. The applicant shall demonstrate how the development will comply with applicable state and federal environmental regulations.
    - (b) All wholesalers and manufacturers shall submit a hazardous materials impact analysis, and shall make available upon request copies of all Material Safety Data Sheets and Tier One reports, and other similar safety forms and data, which will be required to be prepared or maintained in connection with the proposed operation. At the request of the County Fire Marshal or the Director of the Office of Emergency Management, a hazardous materials impact analysis prepared by an independent consultant shall be submitted.
  - (13) The traffic impact analysis (TIA) shall be in compliance with the requirements outlined in Chapter 157, Design Standards. The level and extent of the required TIA shall be determined by the County Engineering Department based on the review of the site threshold analysis (STA). *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*
  - (14) A grading and drainage plan shall be required for medium- and high-intensity residential (PR-2, -3, CR-2, -3 and VR-2) and all nonresidential land uses (PC-1, -2, -3, CC-1, -2, -3 and VC-1, -2). A grading plan shall also be required for low-intensity residential uses (PR-1, CR-1, -1M and VR-1, -1M), providing:
    - (a) The entire development, or a portion thereof, lies within a FEMA special flood hazard area or other flood hazard area as determined by the DAC Office of the Flood Commission;
    - (b) The grades within the area to be developed are in excess of 4%; or
    - (c) A major arroyo, stream or channel exists within the area to be developed.
- D. Review procedures. Upon receipt of a complete site plan, the Zoning Administrator shall follow these procedures:

- (1) For low- and medium-intensity residential uses in the Performance District:
  - (a) Route copies of the site plan to the Community Development Department, Building Services, County Engineering and Flood Commission, if appropriate, for review and comment. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
  - (b) Determine that the site plan meets the development standards required by this chapter.
  - (c) Mark the site plan "approved" or "approved with conditions" and transmit to the Community Development Department, Building Services, for use in issuing a building permit or mobile home installation permit. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
  - (d) Mark the site plan "denied" if it does not meet requirements of this chapter.
- (2) For all other uses in the Performance District:
  - (a) Publish notice in a newspaper of general circulation of the location, proposed land use classification, and owner's or applicant's name. Make the proposed land use and site plan documents available to the public for review. Provide signs to be posted on the property by the property owner. Publication must be placed in the newspaper 15 days prior to approval of the site plan. Signs must be posted on the property for 15 days prior to approval of the site plan.
  - (b) Route copies of the site plan to affected County and state agencies for review and comment.
  - (c) Grant approval of the site plan, with conditions as required to meet the standards and policies of this chapter and the Doña Ana County Comprehensive Plan.
  - (d) Deny the site plan if it does not meet requirements of this chapter and the Doña Ana County Comprehensive Plan.

E. Effective date and term of approval.

- (1) Approval of site plans for low-intensity residential uses become effective the date signed by the Zoning Administrator. Such approvals shall remain valid until a building permit is issued or until a revised site plan is approved.
- (2) Approval of site plans for medium- and high-intensity residential uses and all nonresidential uses shall become effective on the date that it is signed by the Zoning Administrator.
- (3) Approval of site plans for medium- and high-intensity residential and all nonresidential uses shall remain valid for one year after the effective date. If no building permit is issued, or no land use established within one year, the approval shall be void. A one-time renewal may be requested in writing for extension of approval for up to one additional year. In granting the extension, the Zoning Administrator shall consider whether development of adjacent properties has taken place that would change the required buffers or other conditions approved with the original site plan. If so, review of the request, and renotification of agencies and publication of notice as stated in Subsection D(2) above is required.
- (4) Certificates of occupancy will not be issued until all requirements, including but not limited to the structure, parking, buffering and landscaping, comply with the approved site plan. Once a certificate of occupancy is issued, a business registration shall be obtained for nonresidential uses. *Editor's Note: See Ch. 154, Registration of Businesses.*

F. Revisions of site plans.

- (1) The Zoning Administrator may approve minor revisions to an approved site plan. Minor revisions include rearrangement of buildings, parking areas, walkways or landscaping that does not affect access, circulation, drainage or grading. Changes in land use to include similar uses to those originally proposed shall be minor revisions.
- (2) Major revisions will require a new administrative approval, new agency review and publication of notice in a newspaper of general circulation. Major revisions include change in land use classification that changes the intensity and buffers required; increase in number of buildings or number of parking spaces; changes in access, internal or external circulation; change in drainage facilities or grading plans.

**§ 250-15. Planning and Zoning Commission (P&Z).**

A. There is hereby established a Planning and Zoning Commission (P&Z), consisting of seven members who shall be appointed for two-year staggered terms by the Board of County Commissioners of Doña Ana County. Members may be reappointed at the completion of their term by the Board of County Commissioners. Members shall not receive compensation for performing their duties, but may be reimbursed for training or attendance at conferences upon prior approval by the County Manager.

B. The Planning and Zoning Commission being duly appointed shall:

- (1) Adopt bylaws for the election of officers, conduct of meetings, and establishment of operations of the Commission.
- (2) Receive, hear and make final determinations on applications for variances, planned unit developments and high-intensity residential uses as prescribed by, and subject to, the procedures established herein, and report said determinations to the County Commission.  
*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (3) Receive, hear and make recommendations to the County Commission on approval or denial of zone change requests.
- (4) Receive, hear and make recommendations to the County Commission, on requests for amendments and changes to this chapter.
- (5) Hear and make disposition on appeals for the interpretation of meaning of terms used in this chapter and assist and guide CDD in its implementation of matters pertaining to land use regulations.
- (6) Hear and make disposition on appeals to actions taken by CDD. The P&Z may affirm, modify or reverse actions of the CDD and Zoning Administrator.
- (7) Report to the County Commission on matters requested by it.
- (8) Review and recommend changes and amendments to the Comprehensive Plan to the Board of County Commissioners.
- (9) Review and make recommendations for approval or denial of subdivision plats and replats to the Board of County Commissioners, as provided for in Chapter 300, Subdivision of Land.
- (10) Carry out special studies and prepare plans for land use and development of public facilities as directed by the Board of County Commissioners.

**§ 250-16. Duties of Board of County Commissioners.**

The Doña Ana Board of County Commissioners shall:

- A. Receive recommendations on requests for amendments to this chapter from the Planning and Zoning Commission, and hear and make final determinations upon matters in the manner prescribed by and subject to the procedures established herein and other ordinances; receive and hear recommendations, and make final determinations on requests for zone changes or initial zoning of lands, including the creation of Community Districts.
- B. Act as the Board of Appeals, receive and hear all written requests for appeals by any person or persons aggrieved by the decision of the Planning and Zoning Commission concerning variances, PUDs, and other matters relating to the administration and enforcement of this chapter and make final disposition of such appeals.
- C. Instruct the CDD and P&Z, from time to time, to make studies or initiate studies and draft reports concerning issues arising from this chapter and from other land use practices.
- D. Receive, review, modify and adopt amendments to the Comprehensive Plan.

**§ 250-17. Application and hearing procedures; fees; appeals.**

A. Generally.

- (1) A schedule of fees to be charged for the various applications and services under this chapter, which are designed to partially defer the costs of administering and enforcing this chapter, shall be established by resolution of the Board of County Commissioners. *Editor's Note: See Ch. 179, Fees and Permits, Art. XI.*
  - (2) Applications for requested amendments to this chapter, zone changes, variances, special use permits and planned unit development permits shall be made and reviewed according to the following procedures: *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
    - (a) Prospective applicants shall first confer with the Community Development Department staff, which shall initially review the proposed request and shall issue the approved application forms and methods prescribed by the Department.
    - (b) The applicant shall complete and submit the approved application forms provided by the County in accordance with prescribed methods, along with the required processing fee, in advance of the time and date established as the deadline.
    - (c) The CDD shall review the application and, after consultation with and review by other agencies as appropriate, shall prepare a recommendation to be presented within 60 days before the P&Z. Said recommendation shall be supported and based on the provisions contained in this chapter, and the Doña Ana County Comprehensive Plan, and/or other applicable regulations.
    - (d) CDD may advise and make recommendation to the applicant in an effort to arrive at a favorable recommendation but will not prevent by any means the applicant from making his/her request. A recommendation not to approve shall be explained and made available to the applicant five days prior to the public hearing before the P&Z.
- B. For development of more than 100 acres or lots. A prospective applicant, who proposes a development project of more than 100 acres or lots, shall hold one public town hall meeting to address the issues of infrastructure, affordable housing, open space, water, drainage, schools, community and village zoning, and to allow for early public input into the planning process, before an application is considered complete for purposes of scheduling public

hearings before the Planning and Zoning Commission or the Board of County Commissioners.  
*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- (1) The County staff shall attend the meeting and develop a summary of the issues/concerns discussed, and any agreed resolution of such issues/concerns, along with a sign-in sheet to document those in attendance, for use in formulating staff's analyses and recommendations.
  - (2) The developer shall hold the town hall meeting in a publicly accessible location as near as practicable to the proposed project and during times that most reasonably accommodate the largest number of public participants.
  - (3) The developer will provide notice for the one town hall meeting to the County for placement on the County's website at least 10 days prior to the one town hall meeting and shall notify the public by placing signs on the property and mailing letters by first class mail to property owners within a three-hundred-foot radius, less right-of-way, of the proposed development. The signs shall be prominently posted in a manner that is reasonably calculated to apprise the passing public of the date, time and location of the meeting, including along a roadway that serves as access to the proposed development. The letters shall also explain the purpose of the meeting, a summary of the development proposal and the date, and the time and location of the meeting.
  - (4) No County Commissioner or Planning and Zoning Commissioner shall attend the town hall meeting.
  - (5) The developer is responsible to make arrangements for the facilities in which the town hall meeting is to be held; the County may make available its facilities to hold the town hall meeting, if necessary.
  - (6) If a Master Plan had been previously approved by the P&Z and the BOCC within the preceding two years and the proposed development is consistent with the approved Master Plan, the developer shall not be required to hold the otherwise required town hall meeting. However, if a Master Plan has not been approved, the developer shall be subject to the town hall meeting requirements.
- C. Public hearing notice requirements. This chapter, its amendments, zone changes, planned unit development permits and variances may become effective only after a public hearing has been held at which all interested parties and/or citizens shall have an opportunity to be heard. Signs, supplied by the Community Development Department, shall be posted for a minimum of 15 working days on at least four corners of the subject property, to notify adjacent property owners of the proposed land use request. Notice of the time and place of the public hearing shall be published at least 15 days prior to the date of the hearing in a newspaper with general circulation in the jurisdiction of the Doña Ana County Commission and the Planning and Zoning Commission, and, for information only, in a paper with general circulation in the geographic area where the site of the proposed action is located. Whenever a parcel, lot, or area of land is to be considered for a zone change, variance, or planned unit development permit, notice of public hearing shall be mailed by first-class mail to the owners, as shown by the records of the County Assessor, of lots or land within 300 feet of and in every direction from the area under consideration, excluding distances devoted to public rights-of-way. In case there are not at least 10 such owners within the three-hundred-foot distance, then the distance will be extended until 10 such owners are included and notified, provided the area of notification does not exceed a one-mile radius.
- D. Written protest provisions. Any parties and/or citizens who object to a proposed zone change, planned unit development permit, or variance may file a written protest with the CDD Director prior to the public hearing held by the Planning and Zoning Commission at which the proposed zone change, planned unit development permit or variance will be considered. The written protest shall list the names, addresses, and signatures of property owners affected

by the proposed change; whether the owner's property is situated within 300 feet or more than 300 feet of the area proposed to be changed, such distance to be calculated as prescribed herein; and reasons why the property owners object to the proposed change.

E. Vote requirements and effective dates; effect of protest of owners of 20% or more of land within area of notice for zone change. Any proposed amendment to this chapter, zone change, planned unit development permit, or variance shall be approved by the following vote requirements:

- (1) Unless otherwise specifically provided herein or by New Mexico law, approval of a proposed action shall require a favorable vote from the majority of the Planning and Zoning Commission members present.
- (2) Decisions by the Planning and Zoning Commission on requests for planned unit development permits, variances and high-intensity residential uses shall be final and effective after 5:00 p.m. of the 30th working day following the date of the decision and shall thereafter effect changes on the Official Zoning Maps. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*
- (3) Approval of zone change requests and amendments to this chapter shall require a majority vote of the members of the Board of County Commissioners.
- (4) If the owners of 20% or more of the area of the lots and of land included in the area proposed to be rezoned or within 300 feet, excluding public rights-of-way, to be rezoned, protest in writing the proposed change in zoning, the change shall not become effective unless the change is approved by a two-thirds vote of all the members of the Board of County Commissioners.

F. Appeals.

- (1) Appeals of decision of the Planning and Zoning Commission must be filed within 30 working days after the date of that decision. The appeal must be in writing, citing the errors or omissions in the decision of the P&Z, and must be accompanied by the required fee. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*
- (2) An appeal of a Planning and Zoning Commission decision to the County Commission, prepared and filed in accordance with the procedures established herein, shall stay the effective date of the decision until a decision on the appeal is made by the County Commission.

G. Amendments. Any proposed amendment to this chapter shall require a recommendation from the Planning and Zoning Commission and shall then require a favorable vote from a majority of the County Commission members for approval.

H. Limitations on rehearing. A proposed zone change, variance or planned unit development permit that has been denied by the Planning and Zoning Commission and/or County Commission on a particular tract of land for a particular purpose cannot again be applied for within one year from the date of the denial, unless the new request is determined to be substantially different from the original request (i.e., zoning district, use, distance, area, etc.).

#### **§ 250-18. Variances.**

Any development proposed that does not conform to any of the standards of development in this chapter must obtain a variance. A variance shall not be granted unless the variance is found to meet the requirements of Subsection E. In granting a variance, any reasonable conditions may be imposed to minimize any adverse effects the variance might otherwise have on property within the area of notification or on the County generally.

- A. Applications for variances. An application for a variance shall be submitted to the County by the owner of the property that is the subject of the variance request or by the owner's agent. A completed copy of the application, an appropriate site plan that meets the criteria set forth in this chapter, and a nonrefundable filing fee shall be submitted to the Zoning Administrator.
- B. Administrative variances. The Zoning Administrator may grant an administrative variance request. The County Engineer may grant administrative variances for clear sight triangle variances only. Administrative variances may be granted under the following circumstances:  
*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (1) The variance would represent a deviation of 20% or less from a numerical standard.
  - (2) The Zoning Administrator finds that the request meets the standards set forth in Subsection E.
  - (3) No written objections to the variance are received within 15 calendar days from the date that notice is provided consistent with § 250-17. The notice shall identify the property and state the nature of the variance requested, and shall also state that if no written objections to the variance are received within 15 calendar days of the date of the notice, the variance may be granted administratively without a hearing, and that if written objections are received within that fifteen-day period, the variance request will be submitted to the Planning and Zoning Commission for a public hearing upon payment of the variance fee.
  - (4) A denial by the Zoning Administrator under this subsection may be appealed to the Planning and Zoning Commission.
- C. The Zoning Administrator shall submit all applications for variances that represent a deviation of more than 20%, along with the required site plan and the Zoning Administrator's findings of fact and recommendations, to the Planning and Zoning Commission for the earliest hearing practicable.
- D. A denial of a variance by the Planning and Zoning Commission may be appealed to the Board of County Commissioners.
- E. The following findings are required for approval of any variance:
- (1) Granting of the variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the area of notice.
  - (2) Granting of the variance is justified because there is a physical hardship or extraordinary economic hardship for the applicant resulting from the size, shape, existing structures, or topographical or other physical conditions on the site or in the area of notice.
  - (3) Granting the variance will uphold the spirit and intent of this chapter and accomplish substantial justice.

#### **§ 250-19. Zone changes.**

- A. Generally. The Planning and Zoning Commission may, from time to time, recommend changing the zoning classification of parcels of land within a zoning district. These changes in zoning classification shall be for the purpose of meeting the land use needs of the residents of the County and shall conform to the intent of the Comprehensive Plan. Zone changes may be initiated by the County Commission, Planning and Zoning Commission, Community Development Department, or by application of any person or party owning property to be considered for a zone change.
- B. Application for a zone change. An applicant for a zone change shall complete and submit the approved application form in accordance with the procedures established herein. The applicant shall be the property owner, have some controlling interest in the property, or have the written

consent and signature of the property owner. In addition, the application shall include the following information:

- (1) The legal description and address of the property for the zone change.
  - (2) The property's present and proposed zoning classification.
  - (3) The reasons for requesting the zone change.
  - (4) A general site plan showing arrangement of uses proposed and the relationship of the uses to abutting streets and properties. The general site plan is for information only and is not intended to be used in approval of subsequent building plans, unless required by the Planning and Zoning Commission at the hearing.
- C. Public hearing. No zone change shall be approved until a public hearing has been held thereon by the Planning and Zoning Commission and Board of County Commissioners in accordance with the procedures established herein (§ 250-17C).
- D. Hearing and decision by the Planning and Zoning Commission. The Planning and Zoning Commission shall review, hear, and recommend approval or denial of a request for a zone change. In its deliberations, the Planning and Zoning Commission shall consider all oral and written statements from the applicant, the public, the County staff, and its own members. The Planning and Zoning Commission shall not recommend approval of a zone change request unless it finds the zone change is in the public interest and is in conformance with the goals of the Comprehensive Plan for Doña Ana County, and is consistent with the character of the surrounding area. A denial of a zone change request by the Planning and Zoning Commission shall be final, unless the applicant files an appeal to the Board of County Commissioners. Such appeal shall be sent to the Zoning Administrator within 30 working days after the Planning and Zoning Commission's decision, and shall state the error or errors in the decision of the Planning and Zoning Commission. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- E. Limitations, amendments, and revisions. The Planning and Zoning Commission may recommend approval or denial of a request for a zone change, or table it for not more than one regularly scheduled P&Z meeting, or for a period of time specified at the public hearing.
- F. Final approval or denial. The Board of County Commissioners at a public hearing shall make final approval or denial of a zone change request.
- G. Zoning Map. Upon approval of the Board of County Commissioners, the new zoning classification shall be recorded on the official zoning maps of the County.
- H. Appeal. Appeal of a decision by the Board of County Commissioners to approve or deny a zone change request must be filed by the affected party with the District Court within 30 days of the date of the decision.

#### **§ 250-20. Appeals.**

- A. Generally. Any person or party aggrieved by the decision of the Planning and Zoning Commission regarding site plan approvals, planned unit development permits, or variances, or any decision or determination made by the Planning and Zoning Commission in the enforcement of this chapter, may appeal the decision or determination to the County Commission, which shall act as the Board of Appeals.
- B. Appeal of a Planning and Zoning Commission decision. Any person or party aggrieved by the decision of the Planning and Zoning Commission regarding site plan approvals or planned unit development permits, or variances may appeal the decision to the County Commission. The appeal shall be submitted, reviewed, and heard in accordance with the following procedures:

- (1) The appeal shall be initiated by the filing of a written notice with the County Community Development Department prior to 5:00 p.m. on the 30th working day following the date of the decision. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (2) The notice of appeal shall concisely and specifically set forth in writing the points on which it is urged the decision of the Planning and Zoning Commission should be set aside by the County Commission.
- (3) Appeal hearings before the Board of County Commissioners shall be de novo hearings, and may include review and consideration of the record and of any new evidence submitted to the Board prior to or during the hearing before the Board.
- (4) The appeal shall be heard by the County Commission within 60 days of the filing of the notice of appeal. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (5) Decisions on appeals by the County Commission shall be made by a majority vote unless the decision being appealed required a greater than majority vote of the Planning and Zoning Commission, in which case the increased vote requirement shall be applicable to the decision by the County Commission on the appeal.
- (6) The County Commission may approve or reverse the decision of the Planning and Zoning Commission, or make such modification upon the appeal as it deems necessary, in order to protect the public interest. The decision shall be based on a finding of fact. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

C. Quasi-judicial nature of appeals.

- (1) Appeals of variances and planned unit development permits or site plans are quasi-judicial matters.
- (2) Hearings on appeals shall include the following procedures:
  - (a) A person or group filing an appeal shall include a written "Statement of Appearance" giving the name and address of the person making the appeal, signed by the person or the person's agent. This statement will constitute an appearance of record.
  - (b) The parties to a quasi-judicial matter shall be any of the following who have entered an appearance of record:
    - [1] The applicant or applicant's agent;
    - [2] The owners, as shown on the records of the County Assessor, of lots comprising the application site, and lots within the area of notice of the original action;
    - [3] Any neighborhood association with a demonstrable interest in the matter being appealed;
    - [4] The representatives of any department or agency of the County that may be affected by the application; and
    - [5] Any person whom the P&Z or Board of County Commissioners, acting as the Board of Appeals, determines to have an interest in the subject matter of the hearing. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
  - (c) A party shall be afforded the opportunity to present evidence and argument, to question and cross-examine witnesses on all relevant issues. The Planning and Zoning

Commission or Board of County Commissioners, acting as the Board of Appeals, may impose reasonable limitations on the number of witnesses heard, and on the nature and length of testimony and questioning to avoid unnecessary and duplicative testimony and assure that testimony and questioning is relevant to the case. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*

(d) The Zoning Administrator, and/or the Planning and Zoning Commissioners, and/or the Board of Appeals may question witnesses and may request to review documents presented. The Zoning Administrator shall keep a record of all proceedings in quasi-judicial matters heard by the Planning and Zoning Commission. The County Clerk shall keep a record of all proceedings in quasi-judicial matters heard by the Board of Appeals.

(e) All testimony shall be made under oath or affirmation.

D. Appeal of a decision or determination of the County Community Development Department. Any person or party aggrieved with the decision or determination made by the County staff in the enforcement of this chapter may appeal the decision to the County Planning and Zoning Commission. The appeal shall be submitted, reviewed, and heard in accordance with the following procedures:

- (1) The appeal shall be initiated by the filing of a written notice with the Community Development Department within 30 days from the making of the decision or determination by the Community Development Department. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*
- (2) The notice of appeal shall concisely and specifically set forth in writing the points on which it is urged the decision or determination of the County staff should be set aside by the County Planning and Zoning Commission.
- (3) The appeal shall be heard by the County Planning and Zoning Commission following the filing of the notice of appeal.
- (4) In making a decision on the appeal, the County Planning and Zoning Commission shall consider only those concise and specific points on which the appellant, in the written notice of appeal, urges the Planning and Zoning Commission to set aside the decision of the County staff. The Planning and Zoning Commission shall consider all oral and written statement from any member or members of the County staff affected by the appeal.
- (5) A decision to deny or approve the appeal shall require a majority vote of all County Planning and Zoning Commission members. The decision shall be based on findings of fact that are made a part of the record of the meeting.
- (6) Any person or party aggrieved by a determination of the Planning and Zoning Commission on appeal may appeal the decision to the Board of County Commissioners. *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*

E. Public notice. Public notice shall be given in the same manner as required for the action being appealed.

F. Appeal of a decision by the County. Any person or party aggrieved with the decision of the County Commission may present the decision to any court of competent jurisdiction for court review within 30 days in the manner required by state law.

G. Appeal to BOCC. Appeals of decisions by the Planning and Zoning Commission to the Board of County Commissioners shall be accompanied by a nonrefundable fee as specified by the County Commission. *Editor's Note: See Ch. 179, Fees and Permits, Art. XI.*

## Article III. Amendments

### § 250-21. Authority of County Commission.

The County Commission may, from time to time and in accordance with NMSA § 3-21-1 et seq., and pursuant to other New Mexico statutes and case law, on its own motion, on the recommendation of the County Planning and Zoning Commission or on petition as provided for in this article, amend, supplement or repeal all or any part of this chapter and/or the boundaries of districts as established under this chapter.

### § 250-22. Public hearing required.

No zoning regulation, restriction, or zoning district boundary shall become effective, amended, supplemented or repealed until after a public hearing, held by the County Commission, at which all parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the public hearing shall be published as required by New Mexico statutes and Doña Ana County ordinance.

### § 250-23. Petition for amendment.

Any property owner, lessee, developer or any other person may, by a petition submitted through the County Community Development Department, request the County Commission to consider amendments to any section of the text of this chapter or any zoning district established under this chapter. The County Planning and Zoning Commission will review the requested amendment and make a recommendation to the County Commission. The County Commission will consider the requested amendments at a public hearing held in accordance with the requirements as set forth in § 250-22 above.

## Article IV. Performance District

### § 250-24. Purpose.

The purpose of the Performance Zone District is to allow flexibility for land use activities in the rural areas of the County, while protecting residents and property values. In the Performance Zone District, any use may be approved, provided that all standards for that particular use are met and the use is consistent with the character of the surrounding areas. Standards for land uses are based on the intensity of the primary use of a parcel of land. The most intense uses with a potential impact on a larger area of the County, or its resources, than the residential or commercial uses will require approval through the planned unit development process (PUD).

### § 250-25. Land use intensities.

Specific classifications in the Land Use Classification Matrix in Article XI of this chapter are controlling over the general descriptions of intensity classifications below. *Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.* Standards for a particular land use are based on the intensity of that use. "Land use intensity" refers to the relative measure of development impacts defined by characteristics such as the number of dwelling units per acre and amount of site coverage. Land uses are categorized into the following activities:

A. Low-intensity:

- (1) Residential.
- (2) Nonresidential.

B. Medium-intensity:

- (1) Residential.

(2) Nonresidential.

C. High-intensity:

(1) Residential.

(2) RMP, residential mobile home park.

(3) RMS, residential mobile home subdivision.

(4) Nonresidential.

D. Planned Unit Development Overlay Zone:

(1) Type 1: mixed-use residential.

(2) Type 2: nonresidential (commercial and industrial).

**§ 250-26. Determination of land use intensity.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* The classification of a particular land use must first be determined as a residential or nonresidential use. The use must go through the intensity review. The review asks questions that look at potential impacts created by the proposed land use. The following table is designed to determine a particular land use based on the intensity of the use.

**Intensity Review for Residential and Nonresidential Land Uses**

| <b>Intensity Criteria</b>                        | <b>Determination of Land Use Intensity</b>  |   |  |
|--|---|---|--|
|  | <b>Low-Intensity</b>  | <b>Medium-Intensity</b>   | <b>High-Intensity</b>  |
| Does the use have the following impacts?         | See Tables for specific standards.  | See Tables for specific standards.  | See Tables for specific standards.   |
| 1) Minimum lot size for residential uses         | 6,000 feet <sup>2</sup> with a maximum of 1 dwelling unit per lot on sewer or NMED standards for septic | 9,000 feet <sup>2</sup> with a maximum of 2 dwellings per lot on sewer or NMED standards for septic | 13,500 feet <sup>2</sup> + for 3 or more dwellings per lot on sewer or NMED standards for septic                           |
| 2) Maximum building size for nonresidential uses | 5,000 feet <sup>2</sup>   | 5,000 feet <sup>2</sup> to 20,000 feet <sup>2</sup>   | Greater than 20,000 feet <sup>2</sup>  |
| 3) Effluent discharge                            | 2,000 gallons per day or less for domestic waste per NMED standards                                     | More than 2,000 gallons per day; requires a discharge permit from state; domestic waste only, per   | More than 2,000 gallons per day requires a discharge permit from the state or connection to commercial sewer; domestic and |

**Intensity Review for Residential and Nonresidential Land Uses**

| Intensity Criteria     | Determination of Land Use Intensity |   |   |
|------------------------|-------------------------------------|---|---|
|                        |                                     | NMED standards  | industrial waste, per NMED standards                      |
| 4) Hazardous materials | Not allowed                         | Wholesale or resale; prepack sales; temporary storage incidental to primary use | Mixing, repacking or storage for transport as primary use |
| 5) Air emissions       | NMED standards                      | NMED standards  | NMED standards  |

**§ 250-27. PR-1 Low-Intensity Residential.**

- A. The purpose of the PR-1 low-intensity residential land use classification is to provide standards for a single-family site-built home, manufactured home or mobile home.

**PR-1 Low Intensity Residential**

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

|                             |   |
|-----------------------------|---|
| Maximum number of dwellings | 1 dwelling unit per lot   |
| Minimum lot size            | 6,000 square feet; or NMED standards  |
| Minimum lot width           | 60 feet   |
| Minimum lot depth           | 70 feet   |
| Minimum setbacks            |   |
| Front yard                  | 25 feet <sup>1</sup>  |
| Rear yard                   | 25 feet   |
| Side yard                   | 5 feet  |
| Maximum height              | 35 feet   |
| Accessory buildings         | See Article IX, § 250-82.   |
| Private access driveway     | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 20 feet of driveway width for nondedicated streets or driveways within a lot. Legal |

**PR-1 Low Intensity Residential**

nonconforming lots may be developed with existing and improved access.

|                           |   |
|---------------------------|---|
| Street access             | 50-foot-wide right-of-way or easement with 24 feet of improved roadway  |
| Off-street parking        | Two parking spaces per lot minimum, excluding garage area. See Article X.   |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering | Not applicable  |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Signs                     | Not applicable  |
| Site plan                 | Required  |
| Permitted uses            | See Article XI, Performance District Land Use Classification Matrix. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

## Notes:

<sup>1</sup> The front yard setback for a primary dwelling may be reduced to 15 feet, provided the attached garage is set back 25 feet from the property line.

B. Additional standards: See Article IX.

**§ 250-28. PR-2 Medium-Intensity Residential.**

A. The purpose of the PR-2 medium-intensity residential classification is to provide standards for two dwelling units per parcel of land.

**PR-2 Medium-Intensity Residential**

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

|                             |                                      |
|-----------------------------|--------------------------------------|
| Maximum number of dwellings | 2 dwelling units per lot             |
| Minimum lot size            | 9,000 square feet; or NMED standards |
| Minimum lot width           | 60 feet                              |
| Minimum lot depth           | 70 feet                              |

**PR-2 Medium-Intensity Residential**

## Minimum setbacks

Front yard 25 feet

Rear yard 25 feet

Side yard 7 feet

Maximum height 35 feet

Accessory buildings See Article IX, § 250-82

Private access driveway Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways.

Street access 50-foot-wide right-of-way or easement with 24 feet of improved roadway

Off-street parking See Article X.

Erosion control See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.

Landscaping and buffering See Article V.

Ponding requirements Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood

Signs See Article IX, § 250-88.

Site plan See Article II, § 250-14.

Permitted uses See Article XI, Performance District Land Use Classification Matrix. *Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.*

B. Additional standards: See Article IX.

**§ 250-29. PR-3 High-Intensity Residential.**

A. The PR-3 high-intensity residential classification provides standards for high-density, multiple-family residential land uses. Septic systems are not allowed for this land use unless approved by NMED. Other uses such as institutional, personal services, and community buildings may be included as part of a housing development. Application and hearing procedures per § 250-17 shall be followed for this land use category. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

**PR-3 High-Intensity Residential**

**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

|                             |   |
|-----------------------------|---|
| Minimum number of dwellings | 3 or more dwelling units per lot  |
| Minimum lot size            |   |
| Triplex or 3 dwellings      | 13,500 square feet  |
| Fourplex or 4 dwellings     | 18,000 square feet  |
| Apartment complexes         | 18,000+ square feet   |
| Minimum lot width           | 100 feet  |
| Minimum lot depth           | 100 feet  |
| Minimum setbacks            |   |
| Front yard                  | 30 feet   |
| Rear yard                   | 30 feet   |
| Side yard                   | 10 feet   |
| Maximum height              | 45 feet   |
| Accessory buildings         | See Article IX, § 250-82.   |
| Private access driveway     | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 30 feet of driveway width for nondedicated streets or driveways within a lot. |
| Street access               | Must be located on collector, minor arterial or principal arterial, 60-foot right-of-way with 36 feet of improved roadway.  |
| Off-street parking          | See Article X.  |
| Erosion control             | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering   | See Article V.  |

**PR-3 High-Intensity Residential**

|                      |  |
|----------------------|--|
| Ponding requirements | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood   |
| Signs                | See Article IX, § 250-88.  |
| Site plan            | See Article II, § 250-14.  |
| Permitted uses       | Community buildings, public or private.<br>See Article XI, Performance District Land Use Classification Matrix. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: see Article IX. Ten percent, up to 20,000 square feet, of the total development area shall be devoted to usable open space for recreational activities. Ponding and drainage may be used to contribute to usable open space.

**§ 250-30. PR-MP High-Intensity Residential, Mobile Home Park.**

A. The PR-MP classification is intended to establish standards that allows for single-wide or double-wide mobile homes equal to or greater than eight feet in width or 40 feet in length, and 11 feet in height and recreational vehicles as licensed by the State of New Mexico. Application and hearing procedures per § 250-17 shall be followed for this land use category. Mobile homes as defined above and RVs are permitted in one of the following conditions in the Performance District:

- (1) Approved mobile home park;
- (2) Mobile home park is under unified ownership and management; or
- (3) Central facilities for use of residents on site are approved.

**PR-MP High-Intensity Residential, Mobile Home Park**

**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

|                     |  |
|---------------------|--|
| Minimum park size   | NMED standards, if applicable  |
| Minimum space size  | 3,500 square feet  |
| Minimum space width | 40 feet  |
| Minimum space depth | 70 feet  |
| Minimum setbacks    | 25 feet from property line with no perimeter wall or 10 feet with a perimeter wall, per § 250-83 |
| Maximum height      | 35 feet  |
| Accessory buildings | See Article IX, § 250-82.  |

**PR-MP High-Intensity Residential, Mobile Home Park**

|                            |   |
|----------------------------|---|
| Private access driveway    | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 30 feet of driveway width for nondedicated streets or driveways within a lot. |
| Street access              | 60-foot-wide right-of-way or easement with 36 feet of improved roadway  |
| Off-street parking         | See Article X.  |
| Erosion control            | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering  | See Article V.  |
| Ponding requirements       | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting                   | See Article IX, § 250-87.   |
| Signs                      | See Article IX, § 250-88.   |
| Site plan/subdivision plat | See Chapter 300, Subdivision of Land.   |
| Permitted uses             | Community buildings, public or private.<br>See Article XI, Performance District Land Use Classification Matrix. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i>  |

B. Additional mobile home park development standards: See Article IX, § 250-86. Ten percent, up to 20,000 square feet, of the mobile home development area shall be devoted to usable space for recreational activities. Ponding and drainage may contribute to open space.

**§ 250-31. PC-1 Low-Intensity Nonresidential Use.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

A. The purpose of the PC-1 low intensity nonresidential classification is to provide standards for nonresidential land uses and agriculture that are categorized as having little or no impact on surrounding residential uses. Permitted uses include agriculture, agricultural packing and warehousing, neighborhood commercial and personal services. Such uses are intended to serve the packing and shipping needs of farms and ranches nearby; and to provide retail goods and services as well as institutional uses to a neighborhood or a small area of the County.

**PC-1 Low-Intensity Nonresidential**

|                   |                               |
|-------------------|-------------------------------|
| Minimum lot size  | NMED standards, if applicable |
| Minimum lot width | 60 feet                       |

**PC-1 Low-Intensity Nonresidential**

|  |   |
|--|---|
| Minimum lot depth  | 70 feet   |
| Minimum setbacks   |   |
| Front  | 30 feet   |
| Rear   | 20 feet (10 feet between buildings)   |
| Side   | 10 feet   |
| (Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to 0 feet.) |   |
| Maximum building size  | 5,000 square feet of total gross floor area   |
| Maximum height   | 40 feet   |
| Accessory buildings  | See Article IX, § 250-82.   |
| Private access driveway  | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. |
| Street access  | 50-foot-wide right-of-way or easement with 24 feet of improved roadway  |
| Off-street parking   | See Article IX, § 205-88 et seq.  |
| Erosion control  | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering  | See Article V, § 250-35.  |
| Ponding requirements   | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting   | See Article IX, § 250-87  |
| Signs  | See Article IX, § 250-88  |
| Site plan  | See Article II, § 250-14  |
| Permitted uses   | See Article XI, Performance District Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i>  |

B. Additional standards: See Article IX.

**§ 250-32. PC-2 Medium-Intensity Nonresidential Use.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- A. The PC-2 classification provides standards for medium-intensity nonresidential land uses such as commercial or industrial uses that serve several neighborhoods, and agriculture uses that have some impact on residential uses. Such uses assist in the economic development of the County and provide goods and services to residents of rural areas of the County. However, due to traffic, water and wastewater needs, and other impacts on abutting residential lands, a larger buffer is required. This classification includes Community Commercial permitted land uses. Refer to the Doña Ana County Comprehensive Plan.

**PC-2 Medium-Intensity Nonresidential**

|  |   |
|--|---|
| Minimum lot size   | NMED standards, if applicable   |
| Minimum lot width  | 100 feet  |
| Minimum lot depth  | 100 feet  |
| Minimum setbacks   |   |
| Front  | 35 feet   |
| Rear   | 30 feet (10 feet between buildings)   |
| Side   | 15 feet   |
| (Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to 0 feet.) |   |
| Maximum building size  | 20,000 square feet of total gross floor area  |
| Maximum height   | 45 feet   |
| Accessory buildings  | See Article IX, § 250-82  |
| Private access driveway  | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. |
| Street access  | Must be located along a collector, County road or state highway; 50-foot-wide right-of-way or easement with 30 feet of improved roadway.  |
| Off-street parking   | See Article X.  |
| Erosion control  | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |

**PC-2 Medium-Intensity Nonresidential**

|                           |  |
|---------------------------|--|
| Landscaping and buffering | See Article V, § 250-35.   |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood   |
| Lighting                  | See Article IX, § 250-87.  |
| Signs                     | See Article IX, § 250-88.  |
| Site plan                 | See Article II, § 250-14.  |
| Permitted uses            | See Article XI, Performance District Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: See Article IX.

**§ 250-33. PC-3 High-Intensity Nonresidential Use.**

A. The PC-3 classification provides standards for high-intensity nonresidential developments such as commercial or industrial uses that may have serious impacts on surrounding development. Each use, activity or operation classified as a high-intensity nonresidential use shall comply with the applicable local, state, and federal standards, and shall not create a nuisance because of odor, vibration, noise, dust, smoke, sight impact or gas. This classification includes retail uses such as shopping centers serving a large area of the County or region; wholesale and major institutional uses. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

**PC-3 High-Intensity Nonresidential**

|  |   |
|--|---|
| Minimum lot size   | NMED standards, if applicable                 |
| Minimum lot width  | 125 feet                                      |
| Minimum lot depth  | 125 feet                                      |
| Minimum setbacks   |   |
| Front  | 60 feet or 20 feet with a 6-foot masonry wall |
| Rear   | 35 feet (10 feet between buildings)           |
| Side   | 35 feet                                       |
| (Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to 0 feet.) |   |
| Maximum height   | 50 feet                                       |

**PC-3 High-Intensity Nonresidential**

|                           |   |
|---------------------------|---|
| Accessory buildings       | See Article IX, § 250-82.   |
| Private access driveway   | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. |
| Street access             | 60-foot-wide right-of-way or easement with 36 feet of improved roadway  |
| Off-street parking        | See Article X.  |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering | See Article V.  |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting                  | See Article IX, § 250-87.   |
| Signs                     | See Article IX, § 250-88.   |
| Site plan                 | See Article II, § 250-14.   |
| Permitted uses            | See Article XI, Performance District Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i>  |

B. Additional standards: See Article IX.

**Article V. Landscaping and Buffering****§ 250-34. Purpose.**

Buffer plantings are intended to provide transition between contrasting land uses and architectural styles, to reduce the impact of building scale and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing and, where required, a mix of plant materials shall be used to achieve the desired effect. Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Fences and walls for screening may be constructed of wood, concrete, stone, brick, and wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls are also used where noise pollution requires mitigation.

**§ 250-35. Landscaping and buffer requirements.**

The buffer yard is a designated unit of yard or open area together with any plant materials, barriers, or fences required thereon. Both the amount of land and the type and amount of landscaping specified are designated to lessen impacts between adjoining land uses. By using both distance and landscaping, potential nuisances such as noise, glare, activity, dirt, unsightly parking areas, and so forth will be

minimized. Where a nonresidential use that is hereafter developed abuts a residential (even if vacant) or agricultural land use, buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area. Where a medium- or high-intensity residential use is hereafter developed next to and abutting low-intensity residential or agricultural land use, buffer landscaping is required.

A. Landscaping and buffer landscaping will be required within the following districts:

- (1) Performance Medium-Intensity Residential (PR-2).
- (2) Performance High-Intensity Residential (PR-3).
- (3) Community Medium-Intensity Residential (CR-2).
- (4) Community High-Intensity Residential (CR-3).
- (5) Village Residential: Multiple-Family (VR-2). *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (6) Performance Low-Intensity Nonresidential (PC-1).
- (7) Performance Medium-Intensity Nonresidential (PC-2).
- (8) Performance High-Intensity Nonresidential (PC-3).
- (9) Community Commercial and Industrial (CC-1, -2, -3 and CI-1, -2, -3).
- (10) Village Commercial (VC-1, -2 and VMU).
- (11) Planned Unit Development Overlay Zones.

B. Low-intensity residential (PR-1, CR-1, CR-1M, VR-1, VR-1M) land uses are exempt from this section.

C. Unless otherwise indicated, landscaping will consist of a minimum of 15% of the total area of the proposed developed portion of the lot.

D. Buffers shall be provided and maintained as set forth below in the Landscaping/Buffer Matrix. *Editor's Note: The Landscaping/Buffer Matrix is included at the end of this chapter.*

E. For nonresidential uses, a solid wall or a solid fence at least six feet high shall be erected on sides abutting or adjacent to a low-, medium- or high-intensity residential use (PR-1, PR-2, PR-3, CR-1, CR-1M, CR-2, CR-3, VR-1, VR-2), except for those sides abutting public rights-of-way or private roads.

- (1) In order to allow for unobstructed vision, such wall or fence shall be three feet high in the area within 11 feet of a public way or planned public way.
- (2) If the wall plus retaining wall have an effective height of over eight feet on the residential side, the Zoning Administrator or his/her designee shall decide the acceptable height.

F. Lighting shall be placed to reflect the light away from adjacent residential districts.

G. No noise, odor, or vibration shall be emitted by uses outside the boundaries of a nonresidential use. Such determination shall be made at the boundary of the nonresidential use.

H. Parking lot landscaping is intended to break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and developments and enhance the overall appearance of each project. Landscaping of the parking area shall consist of a minimum of 15% of the total landscape area required in Subsection C and shall include a minimum of one

tree per five parking spaces. All parking lots and repaving projects of existing parking lots consisting of 10 or more required spaces shall be subject to these requirements.

- I. Trees, shrubs and other drought-tolerant plant species that require minimal water should be used.
- J. The trees and/or shrubs shall form a largely opaque screen; however, within a clear sight triangle, the trees and shrubs shall be maintained to a height of no higher than three feet.
- K. The landscape buffer between any residential and nonresidential use shall not eliminate the applicable requirements for a fence or wall if parking is adjacent to the landscaping strip.
- L. A landscape plan indicating the type, size and location of landscaping along with topography and an irrigation plan showing the type and size of pipes and heads shall be submitted in conjunction with the application for the building permit.
- M. The irrigation system and the landscaping shall be installed before the completion of building construction and prior to the issuance of a certificate of occupancy unless a written agreement has been approved by the Zoning Administrator.
- N. The owner of the landscaped property shall be responsible to maintain it in a healthy, clean, trimmed, weed-free and litter-free condition. Dead plant material shall be replaced with new plant material immediately. All plant growth in required landscaped areas shall be controlled by pruning or trimming so that it will not interfere with the installation, maintenance or repair of any public utility, nor restrict pedestrian or vehicular traffic, nor constitute a traffic hazard.
- O. The Zoning Administrator or his/her designee may approve an alternative landscaping plan that locates the buffer landscaping away from the site plan boundary line if he/she finds that all of the following apply:
  - (1) Noise, lighting and sight buffering of the residential district can be accomplished at least as well with the alternate plan.
  - (2) The alternate landscaping plan does not result in less landscaped area than would have been required with the normal buffer landscaping strip specified in Landscaping/Buffer Matrix. *Editor's Note: The Landscaping/Buffer Matrix is included at the end of this chapter.*
  - (3) A solid wall or solid fence at least six feet high is provided along all segments of the site plan boundary line that does not have the standard buffer landscaping strip.

#### **§ 250-36. Required plant material, ground cover and irrigation systems.**

For the purposes of this article, "landscape" shall mean trees, shrubs, ground covers and an irrigation system as set forth below.

- A. "Trees" means deciduous trees or conifers having a caliper of two inches to 2 1/4 inches at the time of planting located throughout the required landscaped area. A multitrunk tree shall have no less than three-inch- to one-inch-caliper trunks. Except as set forth in the parking lot landscaping requirements in § 250-35H above, a minimum of one live tree shall be provided for every 1,000 square feet of required landscaped area. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- B. "Shrubs" means five-gallon size, to follow nurseryman standards, which are approximately one foot in height and one foot in width at the time of planting located throughout the required landscaped area. A minimum of 20 live shrubs shall be provided for every 1,000 square feet of required landscaped area.
- C. "Ground cover" means grass, low shrubs or flowers but does not include asphalt, concrete or soil that is exposed and untreated located throughout the required setback area. One hundred

square feet of ground cover or 10 one-gallon-size plants shall be provided for every 1,000 square feet of required landscaped area. Gravel and/or decorative stone shall be considered additional ground cover if used with the required plant material as specified in this section.

D. Substitution of plant materials may be made according to the following ratio:

- (1) For every one-inch to two-inch tree required: 10 five-gallon shrubs.
- (2) For every five-gallon shrub required: five one-gallon shrubs.
- (3) For every one-inch to two-inch tree required: 30 one-gallon shrubs.

E. Irrigation systems shall consist of an underground system, automatic or manual, that includes a reduced principal backflow preventer, pipes, valves, and heads and is of an adequate size to properly irrigate proposed plantings.

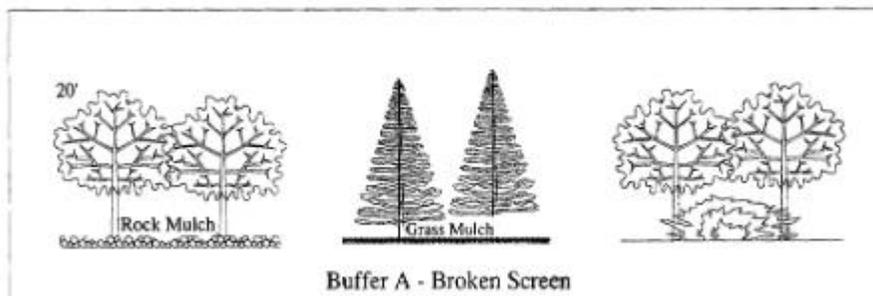
**§ 250-37. Location criteria.**

- A. Of the total area required to be landscaped, 1/2 shall be located within the front yard setback area. For purposes of this chapter, the front of the property shall be defined as the area between the street curb and principal structure.
- B. Where buildings occupy corner lots, double-fronting lots or triple-fronting lots, the owner shall locate a minimum of 1/4 of the required landscape percentage within each front.

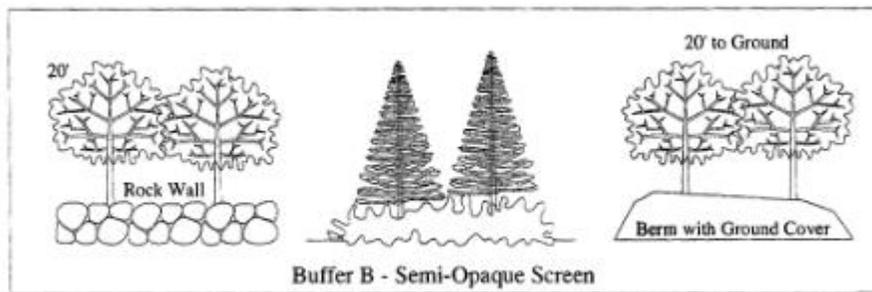
**§ 250-38. Buffer/Screen type required.**

The following buffer/screen types may be required:

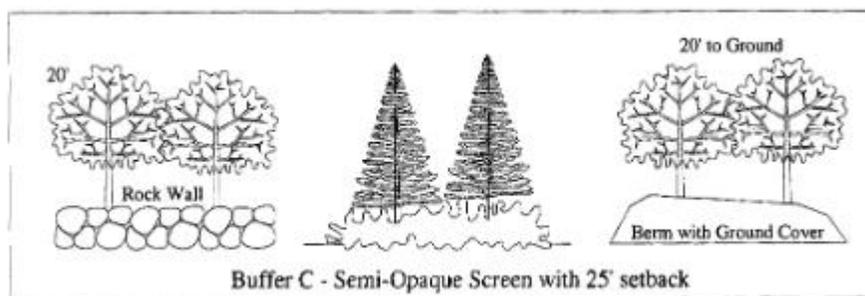
- A. Buffer A: a screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a combination wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Landscaping consisting of low-water-consumption plants is required. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. Suggested planting patterns that will achieve this standard are included below. A six-foot fence may be substituted for the above requirements.



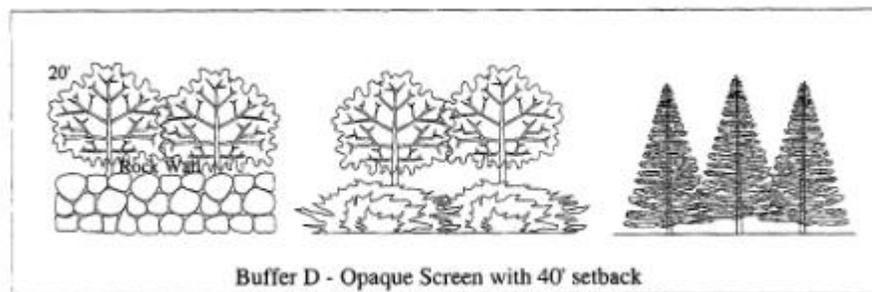
- B. Buffer B, semi-opaque screen: a screen that is opaque from the ground to a height of three feet, with intermittent visual openings from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of low-water-consumption plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. Suggested planting patterns that will achieve this standard are included below.



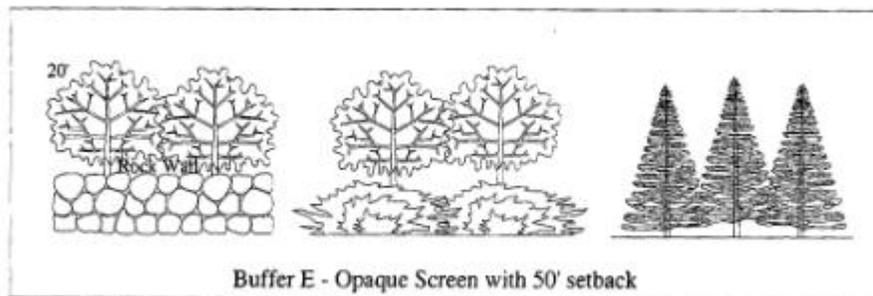
C. Buffer C, semi-opaque screen with a setback of not less than 25 feet: a screen that is opaque from the ground to a height of three feet, with intermittent visual openings from above the opaque portion to a height of at least 20 feet and a setback of not less than 25 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of low-water-consumption plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. Suggested planting patterns that will achieve this standard are included below.



D. Buffer D, opaque Screen with a setback of not less than 40 feet: a screen that is opaque from the ground to a height of six feet, with intermittent visual openings from above the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of separation of spaces. The opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of low-water-consumption plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. Suggested planting patterns that will achieve this standard are included below. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*



E. Buffer E, opaque screen with a setback of not less than 50 feet: a screen that is opaque from the ground to a height of six feet, with intermittent visual openings from above the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of separation of spaces. The opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of low-water-consumption plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. Suggested planting patterns that will achieve this standard are included below. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*



**§ 250-39. Landscaping/Buffer Matrix.**

The Landscaping/Buffer Matrix is included at the end of this chapter.

**§ 250-40. Recommended plants, trees and shrubs.**

A. Recommended plant species for commercial, manufacturing and industrial site developments (i.e., parking lots, streets).

| Common Name       | Botanical Species/Name        |
|-------------------|-------------------------------|
| Honey Locust      | Glenditsia Triacamhos Inermis |
| Red Oak           | Quercus Species               |
| Chinese Pistachio | Pistacia chinensis            |
| Brandford Pear    | Pyrus Species                 |

B. Trees for residential, commercial uses, wide landscaped area uses.

| Common Name      | Botanical Species/Name |
|------------------|------------------------|
| Afghan Pine      | Pinus "Afghan"         |
| Arizona Ash      | Faxinus velutina       |
| Arizona Sycamore | Platanus wrightii      |
| Arizona Cypress  | Cupresus arizonica     |
| Arizona Walnut   | Juglans major          |
| Black Locust     | Robinia pseudoacacia   |

| <b>Common Name</b>  | <b>Botanical Species/Name</b>    |
|---------------------|----------------------------------|
| Bradford Pear       | Pyrus species                    |
| Bur Oak             | Quercus macrocarpa               |
| California Sycamore | Platanus racemosa                |
| Corkscrew Willow    | Salix matsudana "Tortuosa"       |
| Coyote Willow       | Salix exigua                     |
| Creosote Tree       | Larrea Species                   |
| Deodar Cedar        | Cedrus deodara                   |
| Desert Willow       | Chilopsis linearis               |
| Flowering Peach     | Prunus persica                   |
| Flowering Crab      | Prunus armeniaca                 |
| Flowering Cherry    | Prunus serrulata et al           |
| Gambel Oak          | Quercus gambeli                  |
| Globe Navajo Willow | Salix matsudana "Navajo"         |
| Golden Rain Tree    | Koelreuteria species             |
| Green Ash           | Fraxinus Pennsylvania lanceolata |
| Mesquite            | Prosopis glandulosa torreyana    |
| Mexican Elder       | Sambucus mexicana                |
| Mimosa              | Albizzia julibrissin             |
| Modesto Ash         | Fraxinus velutina "Modesto"      |
| Mountain Mohagany   | Cerocarpus species               |
| Netleaf Hackberry   | Celtis reticulata                |
| New Mexico Locust   | Robinia neomexicana              |
| New Mexico Olive    | Forestiera neomexicana           |
| Single-Seed Juniper | Juniperus monosperma             |

C. Shrubs for residential and nonresidential uses.

| <b>Common Name</b> | <b>Botanical Species/Name</b> |
|--------------------|-------------------------------|
| Abelia (Glossy)    | Abelia grandiflora            |
| Acacia             | Acacia species                |
| Agave              | Agave species                 |

| <b>Common Name</b>        | <b>Botanical Species/Name</b>        |
|---------------------------|--------------------------------------|
| Apache Plume              | Fallugia paradoxa                    |
| Bar Harbor Juniper        | Juniperus horizontalis "Bar Harbor"  |
| Barrel Cactus             | Ferocactus species                   |
| Big Sage                  | Artemisia tridentata                 |
| Blue Point Juniper        | Juniperus chinensis "Blue Point"     |
| Blue Chip Juniper         | Juniperus horizontalis "Blue Chip"   |
| Broadmoor Juniper         | Juniperus sabina "Broadmoor"         |
| Buffalo Juniper           | Juniperus sabina "Buffalo"           |
| Burning Bush              | Euonymous alata                      |
| Cherry Sage               | Larrea species                       |
| Creosote Bush             | Lagerstroemia indica                 |
| Crepe Myrtle              | Lagerstroemia indica                 |
| Desert Broom              | Baccharis sarothroides               |
| Forsythia                 | Frosythia Species                    |
| Four Wing Saltbush        | Atriplex canescens                   |
| Fraser's Photinia         | Photinia fraseri                     |
| Gold Spot Eeuonymous      | Euonymous japonica "Aurea Marg."     |
| Gold Tip Pftizer          | Juniper chinensis "Pfitzerana Aurea" |
| Green Euonymous           | Euonymous japonica                   |
| Holly                     | Ilex Species                         |
| India Hawthom             | Raphiolepis indica                   |
| Lilac                     | Syringa persica                      |
| Nandina (Heavenly Bamboo) | Nandina domestica                    |
| Oregon Grape Holly        | Mahonia aquifolium                   |
| Pampas Grass              | Cortaderia selloana                  |
| Pfitzer Juniper           | Juniper chinensis "Pfitzerana"       |
| Pyracantha (Firethorn)    | Pyracantha lalandei                  |
| Red-Leaf Barberry         | Berberis thunbergii "Atropurperea"   |
| Rock Cotoneaster          | Cotoneaster horizontalis             |

| <b>Common Name</b> | <b>Botanical Species/Name</b>  |
|--------------------|--------------------------------|
| Sea Green Juniper  | Juniper chinensis "Sea Green"  |
| Silverberry        | Eleagnus pungens "Gruitlandii" |
| Sotol              | Dasyilirion wheeleri           |
| Spanish Broom      | Spartium junceum               |
| Spartan Juniper    | Juniperus chinensis "Spartan"  |
| Tam Juniper        | Juniperus sabina "Tam"         |
| Texas Sage         | Artemisia Species              |
| Three Leaf Sumac   | Rhus trilobata                 |
| Torulosa Juniper   | Juniperus chinensis "Torulosa" |
| Turpentine Bush    | Haplppappus laricifolis        |
| Yucca              | Yucca pendula                  |

## D. Ground covers.

| <b>Common Name</b> | <b>Botanical Species/Name</b> |
|--------------------|-------------------------------|
| Creeping Mahonia   | Mahonia repens                |
| English Ivy        | Hedera Helix                  |
| Green Santolina    | Santolina chamaecyparissus    |
| Grey Santolina     | Santolina virens              |
| Vinca Major        | Creeping Myrtle (Periwinkle)  |
| Vinca Minor        | Dwarf periwinkle              |
| Virginia Creeper   | Parthenocissus quinquefolia   |

## E. Vines.

| <b>Common Name</b> | <b>Botanical Species/Name</b> |
|--------------------|-------------------------------|
| Banks Rose         | Rosa banksiae                 |
| Canyon Grape       | Vitis arizonica               |
| English Ivy        | Hedera helix                  |
| Trumpet Vine       | Campsis radicans              |
| Virginia Creeper   | Parthenocissus quinquefolia   |
| Wisteria           | Wisteria Species              |

F. Grasses.

| <b>Common Name</b>  | <b>Botanical Species/Name</b> |
|---|-------------------------------|
| <b>Turf Lawn Species</b>  |                               |
| Bermuda   | Cynodon dactylon              |
| Kentucky Blue Grass   | Poa prantensis                |
| Manhattan Rye   | Lolium "Manhattan"            |
| Perennial Rye   | Lolium perenne                |
| Fescue  | Festuca Species               |
| <b>General Use Species: Low-Water-Consumption and Erosion Control Grasses</b> |                               |
| Alkali Sacaton  | Sporobolus airoides           |
| Blue Grama Grass  | Bouteloua gracilis            |
| Buffalo Grass   | Buchlow dactyloides           |
| Indian Ricegrass  | Orysopsis hymenoides          |
| Needle and Thread Grass   | Stipa comata                  |
| Sand Dropseed   | Sporobolus cryptandrus        |
| <b>Ornamental Grasses</b>   |                               |
| Big Bluestem  | Andropogon gerardii           |
| Purple Threeawn   | Aristida purpurea             |
| Sacaton   | Sporobolus wrightii           |
| Threadgrass   | Stipa tenuissi                |

## **Article VI. Community Districts**

### **§ 250-41. Purpose; applicability.**

The Community District designation implements Comprehensive Plan policies that recognize that rapidly urbanizing areas of the County require more direction for land use than rural areas. Those areas eligible for designation of Community District include: Anthony, Chaparral, Santa Teresa, Radium Springs, the areas around Hatch, Salem and areas between Sunland Park and the Texas state line. Other areas may be eligible if the criteria listed below are met.

### **§ 250-42. Criteria for establishing.**

A. Criteria for establishing a Community District shall include:

- (1) A platted subdivision with lots less than five acres;
- (2) The availability of community water or sewer; and

- (3) Commercial or industrial buildings or uses.
- B. A Community District may be established by petition of 30% of the property owners in an eligible area or by the initiation of the Planning and Zoning Commission or by the Board of County Commissioners.
- C. The establishment of the boundary of the Community District shall include the area currently served by community water or sewer and/or the area planned for service within the next 10 years. The boundary shall be established by public hearings, and may be expanded based on development of expanded sewer or water services or the establishment of subdivisions with lots smaller than one acre.

**§ 250-43. Criteria for petition by landowners.**

Owners of at least 30% of the property to be included in the Community District shall submit a petition to the Planning and Zoning Commission to hold a public hearing. The Planning and Zoning Commission may recommend additional areas to be included in the Community Zoning District based on planned expansion of water and sewer service, planned subdivisions, or planned commercial or industrial activities.

**§ 250-44. Criteria for petition by landowner for new development.**

A developer with vacant land may petition for a Community District designation. The vacant land should be planned with adequate community water and sewer facilities, contain proposals for various land uses and be planned for development in phases over the next 10 years. The minimum size of the Community District shall be determined by the extent of the planned water and sewer system to be built in the first phase of development.

**§ 250-45. Procedures for establishing community districts and zones.**

The procedure for establishing Community Districts and Zones shall follow the public hearing and notice requirements set forth in §§ 250-17C and 250-19. Community District zoning regulations shall not be applied until those procedures have been completed and zoning maps have been adopted.

**§ 250-46. Land use classifications and general standards.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* Land uses for the Community District are:

A. Residential:

- (1) CR-AG5, Community Residential: Agriculture, 5-Acre Minimum.
- (2) CR-AG, Community Residential: Agriculture.
- (3) CR-1, Community Residential: Single-Family.
- (4) CR-1M, Community Residential: Single-Family, Mobile Homes.
- (5) CR-2, Community Residential: Medium-Intensity.
- (6) CR-3, Community Residential: Apartments and High-Intensity.
- (7) CR-MP, Community Residential: Mobile Home Park.

B. Commercial:

- (1) CC-1, Community Commercial: Neighborhood Commercial.
- (2) CC-2, Community Commercial: Commercial Activities.

(3) CC-3, Community Commercial: Regional Commercial.

(4) CMU, Community District: Mixed Use.

C. Industrial:

(1) CI-1, Community Industrial: Light-Intensity Industrial.

(2) CI-2, Community Industrial: Medium-Intensity Industrial.

(3) CI-3, Community Industrial: Heavy-Intensity Industrial.

D. Planned Unit Development Overlay Zone (PUD):

(1) Type 1: Mixed-Use Residential.

(2) Type 2: Nonresidential (commercial and industrial), except borrow pits, batching plants and asphaltic mix plants.

**§ 250-47. CR-AG Community Residential: Agriculture.**

A. The CR-AG classification is intended for farming, ranching and related uses except for those uses that, because of their nature and impact on adjoining property, are classified as planned unit development or some other classification designated by this chapter.

**CR-AG Community Residential: Agriculture**

**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

|   |  |
|---|--|
| Maximum number of dwellings   | 2 per lot or parcel  |
| Minimum lot size  | NMED standards, if applicable  |
| Minimum lot width   | Not applicable   |
| Minimum lot depth   | Not applicable   |
| Minimum setbacks for agriculture-related buildings, barns, workshops, and sheds   |  |
| Front   | 50 feet  |
| Rear  | 50 feet  |
| Side  | 20 feet  |
| All agriculture buildings in this classification (except residences) shall be a minimum of 50 feet from all adjacent front and rear property lines; except that when adjacent to public ways, they shall be not less than 100 feet. |  |
| Minimum setbacks for crops and orchards   | Turn rows adjacent to public roads not less than 10 feet from the public right-of-way. |
| Maximum height of agriculture-related   | 40 feet  |

**CR-AG Community Residential: Agriculture**

buildings, barns,  
workshops and sheds

|   |   |
|---|---|
| Accessory buildings                                   | Cannot be used as living quarters; ten-foot minimum spacing between buildings; no encroachment in required setbacks. See Article IX, § 250-82.  |
| Fences permitted by this classification               | All types up to 6 feet high, except for razor-ribbon, constantina or other types that may present a hazard to the public. Such types may be used with approval from the Zoning Administrator. |
| Private access driveway                               | See design development standards.   |
| Street access   | Not applicable  |
| Off-street parking                                    | See Article X.  |
| Erosion control                                       | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering                             | Minimum of 15% of lot area. See Article V.  |
| Ponding requirements                                  | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting  | See Article IX, § 250-87.   |
| Signs   | See Article IX, § 250-88.   |
| Site plan   | See Article II, § 250-14.   |
| Single-family dwelling units and other permitted uses | Setbacks per low-intensity residential standards<br>Maximum height: 35 feet   |
| Permitted uses  | See Article XI, Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i>                           |
| Uses not included                                     | Agricultural processing, dairies, feed lots, slaughterhouses, commercial poultry raising and processing swine products  |

B. The CR-AG5 classification is intended for farming, ranching and related uses and the preservation of open space, except for those uses that because of their nature and impact on adjoining property are classified as planned unit development or some other classification designated by this chapter. *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

**CR-AG5 Community Residential: Agriculture 5-Acre Minimum**

|   |  |
|---|--|
| Maximum number of dwellings   | 2 per lot or parcel  |
| Minimum lot size  | 5 acres  |
| Minimum setbacks for agriculture-related buildings, barns, workshops, and sheds   |  |
| Front   | 50 feet  |
| Rear  | 50 feet  |
| Side  | 20 feet  |
| All agriculture buildings in this classification (except residences) shall be a minimum of 50 feet from all adjacent front and rear property lines; except that when adjacent to public ways, they shall be not less than 100 feet. |  |
| Minimum setbacks for crops and orchards   | Turn rows adjacent to public roads not less than 10 feet from the public right-of-way.   |
| Maximum height of agriculture-related buildings, barns, workshops and sheds   | 40 feet  |
| Accessory buildings   | Cannot be used as living quarters; ten-foot minimum spacing between buildings; no encroachment in required setbacks. See Article IX, § 250-82.   |
| Fences permitted by this classification   | All types up to 6 feet high, except for razor-ribbon, constantina or other types that may present a hazard to the public. Such types may be used with approval from the CDD Administrator. |
| Private access driveway   | See design development standards.  |
| Street access   | Not applicable   |
| Off-street parking  | See Article X.   |
| Erosion control   | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.   |
| Landscaping and buffering   | Minimum of 15% of lot area. See Article V.   |
| Ponding requirements  | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood   |
| Lighting  | See Article IX, § 250-87.  |

**CR-AG5 Community Residential: Agriculture 5-Acre Minimum**

|   |   |
|---|---|
| Signs   | See Article IX, § 250-88.   |
| Site plan   | See Article II, § 250-14.   |
| Single-family dwelling units and other permitted uses | Setbacks per low-intensity residential standards<br>Maximum height: 35 feet   |
| Permitted uses  | See Article XI, Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |
| Uses not included                                     | Agricultural processing, dairies, feed lots, slaughterhouses, commercial poultry raising and processing swine products  |

C. Additional development standards. All lots created after the effective date of Ordinance No. 166-96, now Chapter 300, Subdivision of Land, shall comply with the standards and regulations of this chapter.

**§ 250-48. CR-1 Community Residential: Single-Family Residential.**

A. The CR-1 classification is intended as a residential zone for single-family site-built homes only in the Community District, and related uses necessary to serve residential areas.

**CR-1 Community Residential: Single-Family Residential**

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

|                             |                                      |
|-----------------------------|--------------------------------------|
| Maximum number of dwellings | 1 dwelling unit per lot              |
| Minimum lot size            | 6,000 square feet; or NMED standards |
| Minimum lot width           | 60 feet                              |
| Minimum lot depth           | 70 feet                              |
| Minimum setbacks            |                                      |
| Front yard                  | 25 feet <sup>1</sup>                 |
| Rear yard                   | 25 feet                              |
| Side yard                   | 5 feet                               |
| Maximum height              | 35 feet                              |

**CR-1 Community Residential: Single-Family Residential**

|                           |  |
|---------------------------|--|
| Accessory buildings       | See Article IX, § 250-82.  |
| Private access driveway   | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. Legal nonconforming lots may be developed with existing and improved access. |
| Street access             | 50-foot-wide right-of-way or easement with 24 feet of improved roadway   |
| Off-street parking        | See Article X.   |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.   |
| Landscaping and buffering | Not applicable   |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood   |
| Signs                     | Not applicable   |
| Site plan                 | Required   |
| Permitted uses            | See Article XI, Land Use Classification Matrix. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i>   |

**NOTE:**

- <sup>1</sup> The front yard setback for a primary dwelling may be reduced to 15 feet, provided the attached garage is set back 25 feet from the property line.

B. Additional standards: See Article IX.

**§ 250-49. CR-1M Community Residential: Single-Family, Mobile Homes.**

- A. The CR-1M classification is intended as a residential zone of single-family site-built homes, manufactured homes or mobile homes (ground-installed or blocked and screened) in the Community District, and related community services that serve a neighborhood.

**CR-1M Community Residential: Single-Family, Mobile Homes**

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

|                             |                         |
|-----------------------------|-------------------------|
| Maximum number of dwellings | 1 dwelling unit per lot |
|-----------------------------|-------------------------|

**CR-1M Community Residential: Single-Family, Mobile Homes**

|                           |  |
|---------------------------|--|
| Minimum lot size          | 6,000 square feet; or NMED standards   |
| Minimum lot width         | 60 feet  |
| Minimum lot depth         | 70 feet  |
| Minimum setbacks          |  |
| Front yard                | 25 feet <sup>1</sup>   |
| Rear yard                 | 25 feet  |
| Side yard                 | 5 feet   |
| Maximum height            | 35 feet  |
| Accessory buildings       | See Article IX, § 250-82.  |
| Private access driveway   | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. Legal nonconforming lots may be developed with existing and improved access. |
| Street access             | 50-foot-wide right-of-way or easement with 24 feet of improved roadway   |
| Off-street parking        | See Article X.   |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.   |
| Landscaping and buffering | Not applicable   |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood   |
| Signs                     | Not applicable   |
| Site plan                 | Required   |
| Permitted uses            | See Article XI, Land Use Classification Matrix. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i>   |

NOTE:

- <sup>1</sup> The front yard setback for a primary dwelling may be reduced to 15 feet, provided the attached garage is set back 25 feet from the property line.

B. Additional standards: See Article IX.

**§ 250-50. CR-2 Community Residential: Medium-Intensity.**

- A. The CR-2 classification is intended to provide for a mixture of single-family, duplex, triplex and fourplex residences in the Community District and related residential support uses.

**CR-2 Community Residential: Medium-Intensity**

**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

|                             |   |
|-----------------------------|---|
| Maximum number of dwellings | 4 dwelling units per lot  |
| Minimum lot size            |   |
| Single-family               | 6,000 square feet; or NMED standards  |
| Duplex or 2 dwellings       | 9,000 square feet; or NMED standards  |
| Triplex or 3 dwellings      | 13,500 square feet; or NMED standards   |
| Fourplex or 4 dwellings     | 18,000 square feet; or NMED standards   |
| Minimum lot width           | 60 feet   |
| Minimum lot depth           | 70 feet   |
| Minimum setbacks            |   |
| Front yard                  | 25 feet   |
| Rear yard                   | 25 feet   |
| Side yard                   | 7 feet  |
| Maximum height              | 35 feet   |
| Accessory buildings         | See Article IX, § 250-82.   |
| Private access driveway     | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. Legal |

**CR-2 Community Residential: Medium-Intensity**

|                           |   |
|---------------------------|---|
|                           | nonconforming lots may be developed with existing and improved access.  |
| Street access             | 50-foot-wide right-of-way or easement with 24 feet of improved roadway.   |
| Off-street parking        | See Article X.  |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering | See Article V.  |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Signs                     | See Article IX, § 250-88.   |
| Site plan                 | See Article II, § 250-14.   |
| Permitted uses            | See Article XI, Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: See Article IX.

**§ 250-51. CR-3 Community Residential: Apartments and High-Intensity.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- A. The CR-3 classification is intended to provide for multiple-family apartment complexes at a relatively high density of dwelling units per acre, and related land uses, with community water and sewer services. Related public and quasi-public services and support facilities necessary to serve multiple-family uses are permitted.

**CR-3 Community Residential: High-Intensity**

|                             |                |
|-----------------------------|----------------|
| Maximum number of dwellings | Not applicable |
| Minimum lot size            | Not applicable |
| Minimum lot width           | 60 feet        |
| Minimum lot depth           | 70 feet        |
| Minimum setbacks            |                |
| Front yard                  | 25 feet        |
| Rear yard                   | 25 feet        |
| Side yard                   | 7 feet         |

**CR-3 Community Residential: High-Intensity**

|                           |  |
|---------------------------|--|
| Maximum height            | 45 feet  |
| Accessory buildings       | See Article IX, § 250-82.  |
| Private access driveway   | See Design Development Standards.  |
| Street access             | 60-foot-wide right-of-way or easement with 36 feet of improved roadway   |
| Off-street parking        | See Article X.   |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.   |
| Landscaping and buffering | See Article V.   |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood                                   |
| Signs                     | See Article IX, § 250-88.  |
| Site plan                 | See Article II, § 250-14.  |
| Permitted uses            | See Article XI, Land Use Classification Matrix. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: See Article IX. Ten percent, up to 20,000 square feet, of the total development area shall be devoted to usable space for recreational activities. Buffer yards may be used for this area. Ponding and drainage may contribute to open space.

**§ 250-52. CR-MP Community Residential: Mobile Home Park.**

A. The CR-MP classification is intended to establish a zone that allows for mobile homes equal to or greater than eight feet in width or 40 feet in length, and 11 feet in height and recreational vehicles as licensed by the State of New Mexico. Mobile homes as defined above and RVs are permitted in the one of the following: *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- (1) Approved mobile home park; community water and sewer is required.
- (2) Approved subdivision with community water and sewer.
- (3) Approved RV park or campground.

**CR-MP Community Residential: Mobile Home Park**

|                             |                   |
|-----------------------------|-------------------|
| Maximum number of dwellings | 1 unit per space  |
| Minimum space size          | 3,500 square feet |

**CR-MP Community Residential: Mobile Home Park**

|                           |   |
|---------------------------|---|
| Minimum space width       | 40 feet   |
| Minimum space depth       | 70 feet   |
| Minimum setbacks          | 25 feet from property line with no perimeter wall or 10 feet with a perimeter wall, per § 250-83  |
| Maximum height            | 35 feet   |
| Accessory buildings       | See Article IX, § 250-82.   |
| Private access driveway   | See Design Development Standards.   |
| Street access             | 60-foot-wide right-of-way or easement with 36 feet of improved roadway  |
| Off-street parking        | 2 spaces per dwelling unit  |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering | See Article V.  |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting                  | See Article IX, § 250-87.   |
| Signs                     | See Article IX, § 250-88.   |
| Site plan                 | See Article II, § 250-14.   |
| Permitted uses            | See Article XI, Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

- B. Development standards for mobile home parks: See § 250-86. For additional development standards: See Article IX. Ten percent, up to 20,000 square feet, of the mobile home development area shall be devoted to usable space for recreational activities. Ponding and drainage may contribute to open space.

**§ 250-53. CC-1 Community Commercial: Neighborhood Commercial.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- A. The CC-1 classification is intended to establish a zone for neighborhood commercial activities and small-scale freestanding businesses.

**CC-1 Community Commercial: Neighborhood Commercial**

|                           |   |
|---------------------------|---|
| Minimum lot size          | NMED standards, if applicable   |
| Minimum lot width         | 60 feet   |
| Minimum lot depth         | 70 feet   |
| Minimum setbacks          |   |
| Front                     | 25 feet   |
| Rear                      | 15 feet   |
| Side                      | 7 feet  |
| Maximum height            | 40 feet   |
| Accessory buildings       | See Article IX, § 250-82.   |
| Private access driveway   | See Design Development Standards.   |
| Street access             | 50-foot-wide right-of-way or easement with 24 feet of improved roadway  |
| Off-street parking        | See Article X.  |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering | See Article V.  |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting                  | See Article IX, § 250-87.   |
| Signs                     | See Article IX, § 250-88.   |
| Site plan                 | See Article II, § 250-14.   |
| Permitted uses            | See Article XI, Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: See Article IX.

**§ 250-54. CC-2 Community Commercial: Community Commercial.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- A. The CC-2 classification is intended to provide for a range of commercial activities that serve a community or several neighborhoods in the Community District, and allow larger commercial businesses.

**CC-2 Community Commercial: Community Commercial**

|                           |   |
|---------------------------|---|
| Minimum lot size          | NMED standards, if applicable   |
| Minimum lot width         | 100 feet  |
| Minimum lot depth         | 100 feet  |
| Minimum setbacks          |   |
| Front                     | 35 feet   |
| Rear                      | 35 feet   |
| Side                      | 10 feet   |
| Maximum height            | 45 feet   |
| Accessory buildings       | See Article IX, § 250-82.   |
| Private access driveway   | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. |
| Street access             | Must be located along a collector, County road or state highway; 50-foot-wide right-of-way or easement with 30 feet of improved roadway   |
| Off-street parking        | See Article X.  |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering | See Article V.  |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting                  | See Article IX, § 250-87.   |
| Signs                     | See Article IX, § 250-88.   |
| Site plan                 | See Article II, § 250-14.   |

**CC-2 Community Commercial: Community Commercial**

Permitted uses See Article XI, Land Use Classification Matrix, for detailed list. *Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.*

B. Additional standards: See Article IX.

**§ 250-55. CC-3 Community Commercial: Regional Commercial.**

A. The CC-3 classification is intended to provide for a wide range of regional commercial activities generating large amounts of employment and traffic in the Community District, serving a wide region of the County.

**CC-3 Community Commercial: Regional Commercial**

**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

|                         |  |
|-------------------------|--|
| Minimum lot size        | NMED standards, if applicable  |
| Minimum lot width       | 150 feet   |
| Minimum lot depth       | 200 feet   |
| Minimum setbacks        |  |
| Front                   | 40 feet  |
| Rear                    | 35 feet  |
| Side                    | 10 feet  |
| Maximum height          | 50 feet  |
| Accessory buildings     | See Article IX, § 250-82.  |
| Private access driveway | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic |
| Street access           | 60 feet wide with 36 feet of improved roadway; access to a County road or state highway, US interstate highway or principal arterial is required   |
| Off-street parking      | See Article X.   |
| Erosion control         | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.   |

**CC-3 Community Commercial: Regional Commercial**

|                           |   |
|---------------------------|---|
| Landscaping and buffering | See Article V.  |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting                  | See Article IX, § 250-87.   |
| Signs                     | See Article IX, § 250-88.   |
| Site plan                 | See Article II, § 250-14.   |
| Permitted uses            | See Article XI, Land Use Classification Matrix, for detailed list of uses. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: See Article IX.

**§ 250-56. CI-1 Community Industrial: Light-Intensity.**

A. The CI-1 classification is intended to provide for light-intensity industrial activities that serve a community or several communities within the Community District.

**CI-1 Community Industrial: Light-Intensity**

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

|  |  |
|--|--|
| Minimum lot size   | NMED standards, if applicable  |
| Minimum lot width  | 150 feet   |
| Minimum lot depth  | 150 feet   |
| Minimum setbacks   |  |
| Front  | 35 feet  |
| Rear   | 25 feet  |
| Side   | 7 feet   |
| (Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to 0 feet.) |  |
| Maximum height   | 40 feet  |
| Accessory buildings  | See Article IX, § 250-82.  |
| Private access driveway  | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the |

**CI-1 Community Industrial: Light-Intensity**

|                           |  |
|---------------------------|--|
|                           | County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic.   |
| Street access             | 60-foot-wide right-of-way with 36 feet improved roadway; collector or minor arterial.  |
| Off-street parking        | See Article X.   |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.   |
| Landscaping and buffering | See Article V.   |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood   |
| Lighting                  | See Article IX, § 250-87.  |
| Signs                     | See Article IX, § 250-88.  |
| Site plan                 | See Article II, § 250-14.  |
| Permitted uses            | Light-intensity industrial; see the detailed list included in Article XI, Land Use Classification Matrix. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: See Article IX.

**§ 250-57. CI-2 Community Industrial: Medium-Intensity.**

A. The CI-2 classification is intended to provide for medium-intensity industrial activities that serve a community or several communities in the Community District.

**CI-2 Community Industrial: Medium-Intensity**

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

|                   |                               |
|-------------------|-------------------------------|
| Minimum lot size  | NMED standards, if applicable |
| Minimum lot width | 150 feet                      |
| Minimum lot depth | 150 feet                      |
| Minimum setbacks  |                               |
| Front             | 35 feet                       |
| Rear              | 25 feet                       |

**CI-2 Community Industrial: Medium-Intensity**

|  |   |
|--|---|
| Side   | 7 feet  |
| (Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to 0 feet.) |   |
| Maximum height   | 40 feet   |
| Accessory buildings  | See Article IX, § 250-82.   |
| Private access driveway  | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. |
| Street access  | 60-foot-wide right-of-way with 36 feet of improved roadway; collector or minor arterial   |
| Off-street parking   | See Article X.  |
| Erosion control  | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering  | See Article V.  |
| Ponding requirements   | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting   | See Article IX, § 250-87.   |
| Signs  | See Article IX, § 250-88.   |
| Site plan  | See Article II, § 250-14.   |
| Permitted uses   | Medium-intensity industrial; see the detailed list included in Article XI, Land Use Classification Matrix. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i>   |

B. Additional standards: See Article IX.

**§ 250-58. CI-3 Community Industrial: Heavy Industrial and Manufacturing.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

A. The CI-3 classification is intended to provide for heavy-intensity industrial activities in the Community District.

**CI-3 Community Industrial: Heavy-Intensity**

|                  |                               |
|------------------|-------------------------------|
| Minimum lot size | NMED standards, if applicable |
|------------------|-------------------------------|

**CI-3 Community Industrial: Heavy-Intensity**

Minimum lot width 150 feet

Minimum lot depth 150 feet

## Minimum setbacks

Front 35 feet

Rear 35 feet

Side 10 feet

(Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to zero feet.)

Maximum height 50 feet

Accessory buildings See Article IX, § 250-82.

Private access driveway Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic

Street access 60-foot-wide right-of-way with 36 feet of improved roadway; collector or minor arterial

Off-street parking See Article X.

Erosion control See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.

Landscaping and buffering See Article V.

Ponding requirements Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood

Lighting See Article IX, § 250-87.

Signs See Article IX, § 250-88.

Site plan See Article II, § 250-14.

Permitted uses Heavy industrial and manufacturing; see Article XI, Land Use Classification Matrix, for detailed list. *Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.*

B. Additional standards: See Article IX. An environmental report is required per Article II, § 250-14.

**§ 250-59. CMU Community District: Mixed Use.**

- A. The CMU (mixed land use) classification allows small-scale commercial activities mixed with residential uses (site-built structures only). Commercial and residential uses are allowed within the same structure. It conserves traditional development patterns while allowing for infill and development of new uses that are compatible in scale and intensity with existing development.

**CMU Community District: Mixed Use**

**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

|                             |   |
|-----------------------------|---|
| Maximum number of dwellings | 1   |
| Minimum lot size            | 6,000 square feet or NMED standards, if applicable  |
| Minimum lot width           | Not applicable  |
| Minimum lot depth           | Not applicable  |
| Minimum setbacks            |   |
| Front                       | 25 feet   |
| Rear                        | 25 feet   |
| Side                        | 7 feet  |
| Maximum height              | 35 feet   |
| Accessory buildings         | See Article IX, § 250-82.   |
| Private access driveway     | 25-foot width for nondedicated streets or private drives within a lot for two-way traffic and 20 feet for one-way traffic |
| Street access               | 50-foot-wide right-of-way or easement with 24 feet of improved roadway  |
| Off-street parking          | See Article X.  |
| Erosion control             | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering   | See Article V.  |
| Ponding requirements        | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood            |
| Lighting                    | See Article IX, § 250-87.   |
| Signs                       | See Article IX, § 250-88.   |

**CMU Community District: Mixed Use**

|                |   |
|----------------|---|
| Site plan      | See Article II, § 250-14.   |
| Permitted uses | See Article XI, Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

- B. Additional standards: See Article IX. The Zoning Administrator or his/her designee may approve other similar uses. Building setback requirements will be based on Village District standards.

**Article VII. Village District****§ 250-60. Purpose; permissible uses; boundaries.**

The Village District is intended to identify the boundary of a small historic platted town site that has a development pattern of lots smaller than 1/2 acre. A Village District may include residential areas, churches, small-scale commercial, and community services such as schools, fire stations, and water services. It is anticipated that a Village District boundary will not be expanded once established, in order to designate the historic character of the original village and conserve the quality of development.

**§ 250-61. Criteria for establishing.**

- A. Criteria for establishing a Village District may include: 1) a town site platted prior to 1930 with some lots smaller than 1/2 acre and/or 2) a Village District may be requested by petition of 50% of the property owners in an eligible area or by the initiation of the Planning and Zoning Commission or by the Board of County Commissioners. The establishment of the boundary of the Village District shall include the area of the original platted town site. The boundary shall be established by public hearings and may not be expanded.
- B. Village District regulations shall not be applied until public hearings have been held and property owners have been notified. Zoning maps showing zone district boundaries must be adopted according to procedures in § 250-17, Application and hearing procedures; fees; appeals, and § 250-19, Zone changes.

**§ 250-62. Land use classifications.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* The following land uses and zoning categories are permitted for the Village District, provided that standards for the use are met:

**A. Residential:**

- (1) VR-1, Village Residential: Single-Family Residential.
- (2) VR-1M, Village Residential: Single-Family, Mobile Homes.
- (3) VR-2, Village Residential: Multiple-Family.
- (4) VR-AG, Village Residential: Agriculture.
- (5) VMU, Village District: Mixed Land Use.

**B. Commercial:**

- (1) VC-1, Village Commercial: Neighborhood Commercial.

(2) VC-2, Village Commercial: Community Commercial.

**§ 250-63. Eligible communities.**

Historic villages that are eligible for Village District boundaries include: Anthony, Berino, Brazito, Chamberino, Garfield, Hill, La Mesa, La Union, Leasburg, Mesquite, Organ, Radium Springs, Rincon, San Miguel and Vado.

**§ 250-64. VR-1 Village Residential: Single-Family Residential.**

- A. The VR-1 classification is intended to provide for a residential zone of single-family site-built homes in the Village District. It conserves traditional development patterns while allowing for infill and development of new uses that are compatible in scale and intensity with existing development.

**VR-1 Village Residential: Single-Family Residential**

**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

|  |  |
|--|--|
| Maximum number of dwellings                              | 1 dwelling unit per lot  |
| Minimum lot size   | 6,000 square feet; or NMED standards   |
| Minimum lot width  | Not applicable   |
| Minimum lot depth  | Not applicable   |
| Minimum setbacks<br>Front yard<br>Rear yard<br>Side yard | May be set at same distance as buildings on either side of lot to be developed. Zero lot lines may be permitted for site-built homes. All requirements of Building Code apply. |
| Maximum height   | 35 feet  |
| Accessory buildings                                      | See Article IX, § 250-82.  |
| Private access driveway                                  | 25 feet of driveway width for nondedicated streets or driveways within a lot   |
| Street access  | Roadway accepted by the P&Z, the BOCC or Zoning Administrator by means of a filed easement at least 40 feet wide with a road maintenance agreement                             |
| Off-street parking                                       | 2 parking spaces per lot minimum, excluding garage area; may be reduced to one per lot by Zoning Administrator in order to meet older platting pattern                         |
| Erosion control  | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.   |

**VR-1 Village Residential: Single-Family Residential**

|                           |   |
|---------------------------|---|
| Landscaping and buffering | Not applicable  |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Signs                     | Not applicable  |
| Site plan                 | Required  |
| Permitted uses            | See detailed list in Article XI, Land Use Classification Matrix. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: See Article IX.

**§ 250-65. VR-1M Village Residential: Single-Family, Mobile Homes.**

A. The VR-1M classification is intended as a residential zone of single-family site-built homes, manufactured homes and mobile homes in the Village District. Compatible nonresidential uses similar in scale and intensity with residential uses are also permitted.

**VR-1M Village Residential: Single-Family, Mobile Homes**

**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

|                             |  |
|-----------------------------|--|
| Maximum number of dwellings | 1 dwelling unit per lot  |
| Minimum lot size            | 6,000 square feet; or NMED standards   |
| Minimum lot width           | 60 feet  |
| Minimum lot depth           | 70 feet  |
| Minimum setbacks            |  |
| Front yard                  | 25 feet  |
| Rear yard                   | 25 feet  |
| Side yard                   | 5 feet   |
| Maximum height              | 35 feet  |
| Accessory buildings         | See Article IX, § 250-82.  |
| Private access driveway     | 25 feet of driveway width for nondedicated streets or driveways within a lot |

**VR-1M Village Residential: Single-Family, Mobile Homes**

|                           |   |
|---------------------------|---|
| Street access             | Roadway accepted by the P&Z, the BOCC or Zoning Administrator by means of a filed easement at least 40 feet wide with a road maintenance agreement                |
| Off-street parking        | 2 parking spaces per lot minimum, excluding garage area; may be reduced to one per lot by Zoning Administrator in order to meet older platting pattern            |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA   |
| Landscaping and buffering | Not applicable  |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Signs                     | Not applicable  |
| Site plan                 | Required  |
| Permitted uses            | See detailed list in Article XI, Land Use Classification Matrix. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: See Article IX.

**§ 250-66. VR-2 Village Residential: Multiple-Family.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

A. The VR-2 classification is intended to provide for multiple-family residences and related facilities in the Village District.

**VR-2 Village Residential: Multiple-Family**

|                             |                                       |
|-----------------------------|---------------------------------------|
| Maximum number of dwellings | Not applicable                        |
| Minimum lot size            |                                       |
| Duplex or 2 dwellings       | 9,000 square feet; or NMED standards  |
| Triplex or 3 dwellings      | 13,500 square feet; or NMED standards |
| Fourplex or 4 dwellings     | 18,000 square feet; or NMED standards |
| Apartment complex           | 23,000 square feet; or NMED standards |
| Minimum lot width           | Not applicable                        |

**VR-2 Village Residential: Multiple-Family**

|  |   |
|--|---|
| Minimum lot depth  | Not applicable  |
| Minimum setbacks<br>Front yard<br>Rear yard<br>Side yard | May be same as setbacks for existing structures on either side or rear of lot to be developed   |
| Maximum height   | 35 feet   |
| Accessory buildings                                      | See Article IX, § 250-82.   |
| Private access driveway                                  | 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic                                    |
| Street access  | 60-foot-wide right-of-way or easement with 36 feet of improved roadway  |
| Off-street parking                                       | See Article X.  |
| Erosion control  | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering                                | See Article V.  |
| Ponding requirements                                     | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Signs  | Not applicable  |
| Site plan  | See Article II, § 250-14.   |
| Permitted uses   | See Article XI, Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: See Article IX. Ten percent, up to 20,000 square feet, of the total development area shall be devoted to usable space for recreational activities. Buffer yard may be used for this area. Ponding and drainage may contribute to open space.

**§ 250-67. VC-1 Village Commercial: Neighborhood Commercial.**

A. The VC-1 classification is intended to establish a zone for neighborhood commercial activities in the Village District.

**VC-1 Village Commercial: Neighborhood Commercial**

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

|                  |                               |
|------------------|-------------------------------|
| Minimum lot size | NMED standards, if applicable |
|------------------|-------------------------------|

**VC-1 Village Commercial: Neighborhood Commercial**

|                           |   |
|---------------------------|---|
| Minimum lot width         | 60 feet   |
| Minimum lot depth         | 70 feet   |
| Minimum setbacks          |   |
| Front                     | 25 feet   |
| Rear                      | 15 feet   |
| Side                      | 5 feet  |
| Maximum height            | 35 feet   |
| Accessory buildings       | See Article IX, § 250-82.   |
| Private access driveway   | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. |
| Street access             | 50 feet wide with 30 feet of improved roadway   |
| Off-street parking        | See Article X.  |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering | See Article V.  |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting                  | See Article IX, § 250-87.   |
| Signs                     | See Article IX, § 250-88.   |
| Site plan                 | See Article II, § 250-14.   |
| Permitted uses            | Neighborhood commercial uses as set forth in the detailed list included in Article XI, Land Use Classification Matrix.<br><i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i>  |

B. Additional standards: See Article IX.

**§ 250-68. VC-2 Village Commercial: Community Commercial.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- A. The VC-2 classification is intended to provide for commercial activities that serve a community or several communities in the Village District.

**VC-2 Village Commercial: Community Commercial**

|                           |   |
|---------------------------|---|
| Minimum lot size          | NMED standards, if applicable   |
| Minimum lot width         | 100 feet  |
| Minimum lot depth         | 100 feet  |
| Minimum setbacks          |   |
| Front                     | 25 feet   |
| Rear                      | 15 feet   |
| Side                      | 7 feet  |
| From streets              |   |
| Arterials                 | 35 feet   |
| Collectors                | 40 feet   |
| All others                | 25 feet   |
| Maximum height            | 40 feet   |
| Accessory buildings       | See Article IX, § 250-82.   |
| Private access driveway   | Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for nondedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. |
| Street access             | 60-foot-wide right-of-way with 36 feet of improved roadway, or designated collector or minor arterial based on functional classification  |
| Off-street parking        | See Article X.  |
| Erosion control           | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering | See Article V.  |
| Ponding requirements      | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting                  | See Article IX, § 250-87.   |

**VC-2 Village Commercial: Community Commercial**

|                |   |
|----------------|---|
| Signs          | See Article IX, § 250-88.   |
| Site plan      | See Article II, § 250-14.   |
| Permitted uses | Community commercial uses as set forth in the detailed list in Article XI, Land Use Classification Matrix. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: See Article IX.

**§ 250-69. VR-AG Village Residential: Agriculture.**

A. The VR-AG classification is intended for farming, ranching and related uses except for those uses that because of their nature and impact on adjoining property are classified as planned unit development or some other classification designated by this chapter.

**VR-AG Village Residential: Agriculture**

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

|   |   |
|---|---|
| Maximum number of dwellings   | 2 per lot or parcel   |
| Minimum lot size  | NMED standards, if applicable   |
| Minimum lot width   | Not applicable  |
| Minimum lot depth   | Not applicable  |
| Minimum setbacks for agriculture-related buildings, barns, workshops, and sheds   |   |
| Front   | 50 feet   |
| Rear  | 50 feet   |
| Side  | 20 feet   |
| All agriculture buildings in this classification (except residences) shall be a minimum of 50 feet from all adjacent front and rear property lines; except that when adjacent to public ways, they shall be not less than 100 feet. |   |
| Minimum setbacks for crops and orchards   | Turn rows adjacent to public roads not less than 10 feet from the public right-of-way.  |
| Maximum height  | 40 feet   |
| Accessory buildings   | Cannot be used as living quarters; 10 feet minimum spacing between buildings; no encroachment in required setbacks. See Article IX, § 250-82. |

**VR-AG Village Residential: Agriculture**

|  |   |
|--|---|
| Fences permitted by this classification  | All types up to 6 feet high, except for razor-ribbon, constantina or other types that may present a hazard to the public. Such types may be used with approval from Zoning Administrator. |
| Private access driveway  | See Design Development Standards.   |
| Street access  | Not applicable  |
| Off-street parking   | See Article X.  |
| Erosion control  | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering  | Not applicable  |
| Ponding requirements   | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting   | See Article IX, § 250-87.   |
| Signs  | See Article IX, § 250-88.   |
| Site plan  | See Article II, § 250-14.   |
| Single-family dwelling units and other permitted uses; no single-wide mobile homes | VR-1 residential standards apply  |
| Permitted uses   | See Article XI, Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i>                       |
| Uses not included  | Agricultural processing, dairies, feed lots, slaughterhouses, commercial poultry raising and processing swine products  |

B. Additional development standards. All lots created after the effective date of Chapter 300, Subdivision of Land, shall comply with the standards and regulations of this chapter.

**§ 250-70. VMU Village District: Mixed Land Use.**

A. The VMU (Mixed Land Use) classification allows small-scale commercial activities mixed with residential uses (site-built structures only). Commercial and residential uses are allowed within the same structure. It conserves traditional development patterns while allowing for infill and development of new uses that are compatible in scale and intensity with existing development.

**VMU Village District: Mixed Land Use**

**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

|                             |   |
|-----------------------------|---|
| Maximum number of dwellings | 1 dwelling unit per lot   |
| Minimum lot size            | 6,000 square feet or NMED standards, if applicable  |
| Minimum lot width           | Not applicable  |
| Minimum lot depth           | Not applicable  |
| Minimum setbacks            | May be set at same distance as buildings on either side of lot to be developed; zero lot lines may be permitted for site-built homes and commercial structures.     |
| Maximum height              | 35 feet   |
| Accessory buildings         | See Article IX, § 250-82.   |
| Private access driveway     | 25-foot width for nondedicated streets or private drives within a lot for two-way and 20 feet for one-way traffic. See Design Development Standards.                |
| Street access               | 50-foot-wide right-of-way or easement with 24 feet of improved roadway  |
| Off-street parking          | Minimum of two spaces; may be reduced to one per lot by Zoning Administrator in order to meet older platting pattern. See Article X.                                |
| Erosion control             | See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.  |
| Landscaping and buffering   | See Article V.  |
| Ponding requirements        | Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood  |
| Lighting                    | See Article IX, § 250-87.   |
| Signs                       | See Article IX, § 250-88.   |
| Site plan                   | See Article II, § 250-14.   |
| Permitted uses              | See Article XI, Land Use Classification Matrix, for detailed list. <i>Editor's Note: The Land Use Classification Matrix is included at the end of this chapter.</i> |

B. Additional standards: See Article IX.

## Article VIII. Special Zone Overlays and Business Licenses

### § 250-71. Purpose.

The purpose of this article is to set forth standards and procedures for special overlay zones. The overlay zones may be applied in any district: Performance District, Community District or Village District. The standards are intended to provide for specific land use impacts and special environmental considerations such as flood protection.

### § 250-72. Planned Unit Development Overlay Zone.

The PUD Overlay Zone is intended for those land uses that will, by their nature, have a greater impact on the environment and will affect larger areas of the County. This classification is intended to provide an alternative to the conventional approach to land use regulations by permitting flexibility and innovation in design, placement of buildings, use of open spaces, and off-street parking areas and to encourage a more creative approach to the utilization of the land.

A. Types of PUD classifications. The PUD classification shall be used as follows:

- (1) Type 1: when an applicant, for whatever reason, wishes to deviate from the standard regulations or when an applicant proposes to use different land use classifications within the same site, such as a variety of residential housing types and some retail or commercial.
- (2) Type 2: when a commercial or industrial land use is proposed that will have the potential to create negative impacts on the environment, infrastructure or adjacent and nearby properties. Such uses include:

(a) Performance District:

- [1] Adult entertainment, provided that such uses must be located a minimum of 1,000 feet from a property line of a school, church, public park or recreational facility, residential zoning district, or residential use;
- [2] Agricultural process;
- [3] Airports and heliports;
- [4] Automobile garages, paint and body work;
- [5] PUD, Type 2, uses, such as:

Truck repair sales and service (trucks with three axles and more)

Battery storage and recycling facilities

Borrow pits, batching plants, asphalt mix

Cemeteries

Crematorium

Commercial towers

Convention and exhibit halls

Dairies and related occupations

Drilling of oil, gas wells or other shaft mining

Energy generation facilities

Explosive materials, manufacturing or storage

Fat rendering plants

Feedlots

Fertilizer plant manufacturing

Foundries

Ground transportation terminals

Hazardous materials or hazardous waste facilities, including but not limited to storage, manufacturing or repackaging of hazardous waste or materials

Hospitals

Industrial, light and heavy uses

Junkyards and dismantling

Landfills

Manufacturing

Petroleum refineries and storage

Poultry raising, slaughtering and processing (commercial)

Prisons

Rock quarries and mineral extraction

Smelters

Stadiums

Storage of bulk materials such as asphalt, brick, cement, gasoline, grease, oil, paint, plaster and roofing

Stockyards or slaughterhouses

Stone milling or processing

Swine production

Toxic chemical storage, transfer and manufacturing

Waste incinerators, including medical waste incinerators

Water treatment plants and sewer treatment plants

Similar uses may be included based on interpretation by the Zoning Administrator.

(b) Community District:

[1] All uses listed for Performance District PUD, Type 2, except agricultural processing; borrow pits, batching plants and asphaltic mix plants.

[2] Land uses listed under PUD, Type 2, are permitted only upon approval of the PUD by the Planning and Zoning Commission. Other land uses may be included in a PUD, if the applicant includes them in the PUD site plan.

- B. Procedures, requirements and standards. An applicant for a PUD shall meet the same procedures, requirements and standards as a zone change; *Editor's Note: See § 250-19, Zone changes.* however, the P&Z will make a final determination, unless its decision is appealed to the Board of County Commissioners and the final decision shall be made in the form of an order and recorded in the office of the County Clerk.
- (1) Land. The tract of land is under unified ownership or control and shall be planned as a whole. If the tract is to be developed in phases, a phasing schedule shall be provided and each phase shall be reviewed on its own merits.
  - (2) Comprehensive Plan. The PUD shall be in harmony with the Doña Ana County Comprehensive Plan goals and policies.
  - (3) Lot size. A Type 1 PUD, proposed residential PUD or a residential PUD mixed with commercial and/or industrial uses shall consist of an area that is not less than five acres.
  - (4) Density. For residential uses in a Type 1 PUD, where a variety of housing types may be provided, the total number of dwelling units allowed shall be determined by either the density standard of the original zoning district classification of the area that is now proposed for the planned unit development or the density standard as recommended by the County's Land Use Section of the Comprehensive Plan. The planned unit development may exceed these maximum density standards by 10% if it can be demonstrated by the applicant that such an excess will not adversely affect public infrastructure such as roads, water, sewer or drainage facilities.
  - (5) Setback regulations. Building setbacks from all property lines that form the perimeter of the total area devoted to the planned unit development shall result in a development that will blend well with adjacent developments by matching the setback requirements or buffer, as set forth elsewhere in this chapter, of the original zoning district classification of the area that is now proposed for the planned unit development; or the setback requirements applicable to the adjacent zoning districts, whichever is greater.
  - (6) Height regulations. Heights of buildings and structures shall result in a development that will blend well with adjacent developments by matching the height requirements, as set forth elsewhere in this chapter, of the original zoning district classification of the area that is now proposed for the planned unit development; or the height requirements applicable to the adjacent zoning districts. Height standards for antenna and communication towers or electric transmission lines shall meet standards set in Subsection B(11) below.
  - (7) Open space. Common open space, varying in amount and location, shall be provided to offset any substantial increase in dwelling unit density or building height or any substantial decrease in building setback distances within the site.
  - (8) Streets, utilities, services, and public facilities. Because of the uniqueness of each PUD proposal, the specifications and standards for streets, utilities, services, and public facilities may be different from those normally required in this chapter and other ordinances if it can be demonstrated by the applicant that such modification of specifications and standards will not adversely affect the interests of the general public. In addition, the PUD proposal shall illustrate how the streets, utilities, services, public facilities, and traffic circulation will function and serve the entire development. All

proposals shall meet the applicable development standards in Article IV of these regulations unless otherwise justified by engineering analysis.

- (9) Off-street parking. The PUD and the land use therein shall provide the necessary amount of off-street parking areas and shall illustrate how such areas will adequately serve the entire development.
- (10) Access. Adequate vehicular and pedestrian access must be provided. A traffic impact analysis will be required to project auto and truck traffic generated by the uses proposed. Improvements to adjacent streets may be required, such as acceleration and/or deceleration lanes, widening of intersections, signs, and pro-rata cost of traffic signals. The capacity of adjacent streets to accept the projected increase in traffic must be stated as part of the traffic impact analysis.
- (11) Towers and antennas.
  - (a) Commercial freestanding or guyed towers. A tower is commercial in nature unless its use is exclusively incidental to another primary legal use existing on the property. A bond to insure the removal of the tower upon abandonment of use shall be required for all commercial towers. Any public hearing required under this subsection shall be in conformity with § 250-17 of this chapter.
    - [1] Application procedures. A site plan, and structural design plans prepared by a licensed engineer, shall be submitted for any proposed commercial tower or antenna structure. Any commercial tower and antenna with a combined height of 300 feet or more shall require a public hearing to determine whether the proposed height is appropriate for the proposed location.
    - [2] Location. Commercial towers up to a height of 300 feet shall be allowed by right on a parcel zoned or approved for industrial use (not to include a legal nonconforming use), and in areas where all properties within the applicable area of notice contain or are zoned or approved for commercial and industrial uses, are vacant, or contain only agricultural uses, unless residential zoning has been applied to one or more properties (such as through Community District or Village District zoning). Commercial towers shall not be allowed where all existing zoning or uses within the area of notice, including the property at issue, are residential. Properties included within a residential subdivision for which a completed application package is pending, or for which a final plat has been approved within two years prior to the application for a commercial tower or antenna use, shall be considered existing residential uses. If the area of notice is an area of mixed residential and nonresidential uses, a public hearing shall be held to determine whether the proposed location is appropriate for the height proposed for the tower and antenna structure.
    - [3] Setbacks and buffering. Towers and antennas shall be considered a high-intensity nonresidential use for determining the appropriate setback and buffering requirements (see § 250-37 *Editor's Note: See also the Landscaping/Buffer Matrix included at the end of this chapter.* ); however, a tower or antenna next to another high-intensity nonresidential use shall only be required to meet minimum setbacks, and to provide secured opaque fencing of at least eight feet in height around the base of the tower, including any guy wires. Where a public hearing is required to determine whether the proposed tower is appropriate for the proposed location, setbacks and buffering may be increased to further diminish the negative impacts of the structure on the surrounding area.
    - [4] Co-location. Co-location of multiple antennas on a single tower structure shall be encouraged, consistent with the following guidelines.

- [a] A plan to add an additional antenna to a previously approved tower shall be prepared by a licensed engineer.
- [b] An additional antenna shall not increase the width of the tower beyond the approved design for a monopole structure, or beyond the base width of the original tower structure, and shall not increase the overall tower height of a site located in a mixed-use area more than 20 feet.
- (b) Commercial antennas mounted to existing structures. Commercial antennas may be mounted on or attached to any existing nonresidential structure. A copy of the written document granting permission from the owner of the structure must be submitted with the site plan for review before a building permit may be issued. Any additional superstructure that will be added to accommodate any and all antenna arrays must meet the requirements of the latest Building Code adopted by the County. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (c) Personal (private) freestanding or guyed towers. One personal tower with antennas (to be used exclusively for purposes incidental to an existing legal use of the property) shall be allowed by right on each parcel if the following conditions are met:
  - [1] Height. For use on a residential structure for residential purposes, the total height shall be limited to 75 feet from the ground; and for use on a nonresidential structure for nonresidential purposes, the total height shall be limited to 90 feet from the ground.
  - [2] Design. The Zoning Administrator, prior to new construction or modification of a tower or antenna structure, must approve an informal site plan. All engineering data for the tower shall be submitted if requested. All structures shall be constructed to meet the requirements of the latest Building Code adopted by the County, and shall be designed and constructed to withstand a minimum of eighty-mile-per-hour windloads. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
  - [3] Setbacks. The structure shall meet the applicable setbacks from the property lines, or a minimum setback of 10 feet, whichever is greater, and shall be located behind the front line of the foremost dwelling unit located on the parcel.
- (d) Private antennas mounted to existing structures. Private antennas may be mounted to existing buildings which meet the standards of the latest Building Code adopted by the County, provided that the total height of any tower and antenna structure does not exceed 75 feet from ground level for residential use, and 90 feet from ground level for nonresidential use, and the tower and antenna structure meets all applicable setbacks from the property line. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (12) Other information: any other information that the Community Development Department deems necessary to properly assess the request for the PUD District.

#### C. Requirements prior to construction.

- (1) A detailed site development plan shall be submitted either concurrently with the requirements necessary when applying for a PUD District, as set forth hereinabove, or separately or in phases, prior to the actual construction of the development. The detailed site development plan submittal shall meet and follow the same procedures, requirements, and standards as that of a zone change request. *Editor's Note: See § 250-19, Zone changes.*
- (2) The required development plan shall be substantially the same as that submitted for the initial PUD classification request. In addition to the information previously submitted, the

development plan shall include specific details such as, but not limited to: type and placement of buildings and structures; internal building setback and separation of structure distances; building and structure heights; location, number, and operation of off-street parking spaces; street construction, performance, and maintenance standards and operations; traffic circulation patterns; pavement and right-of-way widths; utility and facility type, location, and service; easement type, location, and service; size and location of open space areas; dwelling unit densities; and any other information that the Community Development Department deems necessary to properly assess the request.

D. Decisions and conditions.

- (1) Approval. The PUD zone request shall be approved after a public hearing has been held, where additional conditions may be imposed to ensure the public interest; and where the site development plan, submitted in accordance with the procedures, requirements, and standards set forth herein, has been presented to prescribe the general and/or specific uses, placement of buildings and structures, amount and locations of common open space areas, street and utility locations and performances, off-street parking areas, and other previously described items essential to the development's operation and performance. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (2) Building permit. A building permit shall be issued only if the building or structure, for which the permit is to be issued, is in conformance with the approved development plan and only if all site and facility improvements are in place adjacent to and in front of the location of the building or structure.
- (3) Term. An approved detailed site development plan shall remain in effect for three years. If no construction has taken place within the area of the site plan, within three years, the owner/applicant shall resubmit the site plan or a revised site plan for public hearings by the Planning and Zoning Commission for review and approval.

E. Major and minor revisions to PUD site plans.

(1) Minor revisions.

- (a) A minor revision to a site plan includes rearrangement of buildings, walks or parking and landscaped areas that does not affect the access points, internal or external traffic circulation; does not increase the number of parking spaces required; does not increase the number or size of buildings; and does not affect the drainage and grading plans. The Zoning Administrator may approve a minor revision of a site plan after review by the Building Inspection and Engineering Departments.
- (b) The approved revision to a site plan shall be filed with the original site plan case file and copies shall be provided to Community Development Department, Building Services, Engineering Department, and other appropriate County and state agencies. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

(2) Major revisions:

- (a) A major revision is any change in land use or buildings use from the approved site plan and/or zone change request; any increase in the number of buildings, or number of parking spaces required; any change in access points, internal or external circulation; any increase in the amount of stormwater drainage retention required; or any change in grading that would affect drainage capacity or adjacent properties.
- (b) The Zoning Administrator shall submit copies of the major revision to all affected agencies and to the Planning and Zoning Commission for review and approval. Public notice and public hearing procedures required for zone changes shall apply to hearings for major revisions to a site plan. *Editor's Note: See § 250-19, Zone changes. The*

approved revised site plan shall be placed in the PUD/site plan case file, and copies shall be distributed to all affected agencies.

**§ 250-73. Special flood hazard areas.**

- A. The Flood Insurance Rate Map (FIRM) identifies special flood hazard areas (SFHAs). Development may take place within the SFHA, provided the requirements of Chapter 207, Flood Damage Prevention, are followed. For development occurring in an area outside of an identified SFHA, but which experiences similar flooding hazards, it is highly recommended that the same development criteria of Chapter 207 be followed. Additional information regarding flooding may be found on FEMA's website, [www.fema.gov](http://www.fema.gov).
- B. Development standards in all areas of SFHA.
- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A New Mexico registered professional engineer or land surveyor shall submit an elevation certification to the County floodplain administrator.
  - (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A New Mexico registered professional engineer or land surveyor shall submit an elevation certificate or floodproofing certificate or both to the County floodplain administrator.
  - (3) Manufactured homes. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The manufactured home chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - (4) Recreational vehicles. Recreational vehicles shall be located on a site for fewer than 180 consecutive days; be fully licensed and ready for highway use; or meet elevation and anchoring requirements for manufactured homes in Subsection B(3) above.
  - (5) Enclosures. New construction and substantial improvements with fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access or storage in an area other than a basement and are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a New Mexico registered professional engineer or land surveyor to meet or exceed the following minimum criteria:
    - (a) A minimum of two openings having a total net area of not less than one square inch for every foot of enclosed area subject to flooding shall be provided;
    - (b) The bottom of all openings shall be no higher than one foot above foot grade; and
    - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

**§ 250-74. Home occupations.**

- A. Business registration permits that sanction home occupations enable homeowners to pursue specified business or commercial activities that are comparable with residentially zoned areas. Such permits are not intended to nullify or supersede private covenants or deed restrictions applicable to the property upon which the business is based. It shall be the responsibility of

the proprietor to be fully aware of such agreements. *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

B. Home occupations shall be categorized as either major or minor home occupations.

C. General standards.

- (1) Such businesses shall be clearly incidental and subordinate to the primary residential use of the property. The proprietor shall be a lawful resident of the property where the business is to be located.
- (2) Proprietors shall be in compliance with this chapter and all current local, state, and federal regulations. Failure to do so may result in revocation of the business registration permit by the Community Development Department.
- (3) No business-related activities that at any given time either create an appreciable negative sensory impact, excessive interference or vehicular traffic, or a negative, detrimental, or a potentially hazardous situation within the surrounding area of the business shall be permitted.
- (4) No outdoor business-related activities other than shipping and receiving shall be permitted. No business-related activities or parking shall be permitted in the public right-of-way or in the required setbacks of the property. Sufficient off-street parking shall be provided by the home business.
- (5) A client may consist of one or more individuals engaging in a single business transaction of mutual interest.
- (6) A self-drawn site plan must receive approval from the Community Development Department, County Fire Marshal's Office, County Community Development Department, Building Services, and County Engineering Department. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

D. Minor home occupations are permitted in all residential zones and shall adhere to the following additional restrictions:

- (1) Only lawful residents of the dwelling unit where the business is located may be employed or otherwise utilized in the home business.
- (2) Multiple home occupations may exist within a single lot, provided that their combined operations do not exceed 500 square feet or 25% of the floor area of the dwelling or accessory structure in which the home occupation is conducted, whichever is less. There shall be no more than one client visitation on the lot at any given time. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (3) Businesses may utilize either the primary dwelling or one accessory structure. A single home business may not utilize both structures.
- (4) Permitted home occupations; restrictions.
  - (a) The following businesses shall be permitted as minor home occupations:

[1] Professional offices and services. Such categorization may include accounting, appraisal, architectural, consulting, counseling, engineering, legal, real estate businesses, and other similar businesses. Among those businesses that shall not be considered for home occupation status are dentists, medical practitioners primarily involved with anatomical or alternative medicines, and veterinarians.

[2] Service-related businesses. Such categorization may include answering services, computer-related services, direct sales and mail order businesses, dressmaking and tailoring, and other similar businesses. Among those businesses that shall not be considered for home occupation status are massage parlors, pet grooming businesses or kennels, restaurants, bakeries, or tattoo parlors.

[3] Tutorial services.

[4] Small item repair businesses, such as watch, clock, jewelry, and small, portable musical instruments, and other similar businesses. Among those businesses that shall not be considered for home occupation status are automotive-related repair and body work, bicycle and motorcycle repair/servicing, large musical instrument repair, and large or small appliance repair.

[5] Small arts, crafts, and leatherwork.

[6] Similar uses to those mentioned above, as interpreted by the Zoning Administrator or designee, with conditions attached when necessary.

(b) Business-related outside storage shall not be permitted.

(c) Shipments and deliveries via vehicles weighing greater than 10,000 pounds tare and having more than six wheels shall be prohibited.

(d) Unless prescribed by law, business signs shall not be permitted on the property.

*Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

E. Major home occupations are only allowed on parcels of 3/4 acre or greater and shall adhere to the following additional restrictions:

(1) The business shall employ on site no more than two employees who do not lawfully reside at the business location.

(2) Business activities may be performed within either the primary dwelling, one accessory structure, or both. Business-related operation and storage in either building shall be confined to an area not to exceed 500 square feet or 25% of the floor area of the dwelling or accessory structure in which the home occupation is conducted, whichever is less.

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

(3) No more than one major and one minor home occupation shall be permitted on a single parcel.

(4) Outside storage shall not exceed 400 square feet, shall be screened from view by an opaque fence or wall at least six feet high, shall be constructed of approved fencing materials listed in this chapter, and shall not be located either in front of, or on either side of, the primary dwelling. Materials shall not be stacked higher than the fence.

(5) One on-site sign, not to exceed six square feet, shall be permitted either on the ground or attached to the building that contains the business. No part of the sign shall be over eight feet high measured from the top of the sign to ground level. If ground-based, it shall maintain minimum six-foot front and side setbacks.

(6) Client visitations shall not exceed three clients on the lot at any given time.

(7) No more than two one-ton business vehicles shall be on site at one time to make deliveries or provide services to the business. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- (8) Shipments and deliveries involving commercial carriers shall be permitted under the following conditions:
- (a) Carriers shall only utilize single-axle, Class VI (AAMA Standard) and smaller, straight, bobtail or stake-bed vehicles not exceeding a gross combined vehicle weight of 26,500 pounds tare or 24 feet in total length.
  - (b) Any combination of shipments and deliveries shall not exceed four times per calendar month. Shipping and receiving shall only be permitted between the hours of 10:00 a.m. and 2:30 p.m.
- (9) The following businesses shall be permitted as major home occupations:
- (a) Those businesses permitted under Subsection B(4)(a) through (f) of this section.
  - (b) Catering, subject to NMED review.
  - (c) Child or adult care, with no overnight provisions.
  - (d) Computer hardware assembly and repair.
  - (e) Locksmith service.
  - (f) Light welding.
  - (g) Photography studio, subject to NMED review.
  - (h) Small appliance repair.
  - (i) Similar uses to those mentioned above, as interpreted by the Zoning Administrator or designee, with conditions attached when necessary.

**§ 250-75. Airport Zone.**

Any land use within the Airport Zone shall conform to Chapter 125, Airport.

**§ 250-76. Vendor's licenses.**

Itinerant and temporary vendor's licensing shall conform to Chapter 232, Itinerant and Temporary Vendors.

**Article IX. Minimum Development Requirements**

**§ 250-77. Purpose; applicability.**

All development within the unincorporated areas of Doña Ana County shall comply with the standards and guidelines as set forth in this chapter, other applicable ordinances and regulations, and Chapter 157, Design Standards. The following standards apply to development in all districts, unless variances have been granted by the Planning and Zoning Commission.

**§ 250-78. Utilities and yards.**

- A. Wastewater standards. New Mexico Environment Department standards for liquid wastewater requirements shall apply to all permitted uses.
- B. Water standards. New Mexico water law and standards for permitting wells shall apply to projects not served by a community water system; an applicant must get a permit from the State Engineer. Applicants for a building permit or site plan permit must submit proof that potable water is available from either a community system or a permitted well.

C. Yard requirements and exceptions.

- (1) A fifteen-foot street setback shall be permitted on one front yard of corner lots and double-frontage lots and on two front yards of triple-frontage lots.
- (2) New dwellings may be erected as close to a front property line as the average distance established by the existing dwellings, provided the lots on the same side of the block are at least 40% developed.
- (3) On platted lots of record, a minimum setback of five feet shall be permitted on the side yard of lots having a front lot line width of less than 51 feet.
- (4) Landscaping and erosion control; all zoning districts and uses. Unless left in its natural vegetative state, there shall be yard grass or other measures to control water or wind erosion on all disturbed areas of development and constructed lots, tracts or parcels. A wind and water erosion control plan may be required at the request of the Zoning Administrator or the County Engineering Department.

D. Front yard parking. Parking areas shall not cover over 1/3 of any open area between the front of a building or structure and the front property line in a one-family/two-family development; except in cases of culs-de-sac, 2/3 of a front yard can be used; and on existing lots, 51 feet in width or less, a twenty-foot-wide parking area is permitted.

E. Minimum distances between structures. There shall be no less than 10 feet between detached buildings measured from eave to eave of structures located on the same lot, tract, or parcel.

F. Easement encroachments. There shall be no permanent structures or obstructions located on or over easements without written approval of the Zoning Administrator and the entity/party for which the easement is provided. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

G. Culs-de-sac. The minimum width of a front lot line on a cul-de-sac shall be 40 feet, provided the front building line shall have a minimum width of 60 feet.

H. Flag lots. The width of a front lot line of a flag lot shall be 25 feet and serve as a driveway. Such a driveway shall not exceed 150 feet in length without an approved turnaround, unless approved by the Fire Marshal, and shall access only one lot. The land used as a driveway in a flag lot shall not be included in calculating the minimum lot area.

I. Height exceptions for architectural features. Spires, belfries, and similar structures may be constructed to a height 10 feet above that normally permitted by right.

J. Odd-shaped lots. The Zoning Administrator shall determine the setback and yard coverage standards for odd-shaped lots.

K. Development and platting standards. All lots created after the effective date of Chapter 300, Subdivision of Land, shall comply with the standards and regulations of this chapter.

L. Rear yard or side yard setbacks abutting railroad tracks shall be a minimum of 40 feet, unless an earthen berm or other sound barrier is provided along the property line adjacent to the railroad tracks.

M. Travel trailers and recreational vehicles intended for long-term residence (longer than three months' continuous residence) must be located in approved mobile home parks or recreational vehicle parks.

N. Temporary location of mobile homes and recreational vehicles will be permitted outside mobile home parks or recreational vehicle parks under the following conditions: *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- (1) The property owner is building a site-built home and has a valid building permit.
  - (2) The property owner obtains a temporary use permit for the mobile home or recreational vehicle from the Community Development Department, Building Services.
  - (3) Temporary permits are valid for one year and may be renewed for an additional year if work is proceeding on the site-built home.
  - (4) Within 30 days after the property owner receives a certificate of occupancy, the mobile home must be removed from the premises or the recreational vehicle must be disconnected from utilities and the recreational vehicle may be stored on the property.
- O. Garage, yard sales or similar uses are limited to three sales in a one-year period at a single address, and each sale shall be limited to three consecutive days.
- P. The more intensive use on a parcel for mixed or combination land uses in the Performance District shall be applied by the Zoning Administrator in reviewing site plans for development of a combination/mixed use.
- Q. Minimum lot sizes for schools and churches shall be two developable acres, except in Village Districts.
- R. Commercial trucks with more than six wheels and weight limitations and detached tractor/cabs cannot park in residential areas. Agricultural vehicles parked on farms (as defined by the Tax Assessor's records) are exempt from this provision. One tractor/cab or stake-bed truck used by a resident of the property may be allowed on lots of 3/4 acre or larger. Such trucks may not be parked in the front, forward of the front line of the residential structure. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

#### **§ 250-79. Access to public way and private roadway easements.**

- A. No new development or construction that requires a permit under the latest Building Code adopted by the County shall be allowed on any lot unless it has legal access. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- B. All development shall include a minimum of 50% of the necessary additional right-of-way to conform to the required width as defined in this chapter if property is adjacent to the road right-of-way or road easement.
- C. Development connecting to or adjacent to a County arterial or collector shall provide adequate acceleration/deceleration lanes using standard engineering design practices based on the American Association of State Highway and Transportation Officials (AASHTO) regulation: A policy on Geometric Design of Highways and Streets or other appropriate/approved methods. The Zoning Administrator and County Engineer shall determine what an adequate design for acceleration/deceleration access lanes shall be, or other improvements based on appropriate engineering standards. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- D. All development, including the creation of a lot through the claim-of-exemption process, shall require that roads linking the development to a County or state-maintained road shall be a minimum of 50 feet of right-of-way or road and utility easement with a minimum width of 24 feet of improved roadway, unless a lesser width is approved by the Zoning Administrator. Based on an analysis by a professional engineer, the Zoning Administrator may reduce the required width to not less than 30 feet of right-of-way or road and utility easement and 20 feet of improved roadway if it is determined that the lesser standard is sufficient for the potential traffic based on the potential number of lots served by the right-of-way and allowed uses, under current zoning. The composition of road surfaces shall be by design to withstand the proposed loading. Width and design may vary depending upon the use. Drainage swales and

drainage structures shall be part of the road design. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

E. Driveways.

- (1) Driveways shall be spaced a minimum of 150 feet from an intersection or a driveway used for off-street parking. For lots where this is not possible, driveways shall be spaced as far from the intersection as practical. Conflicts with adjoining driveways, exits, and entrances will be spaced to create the safest possible conditions for traffic movement and shall be justified by engineering analysis.
- (2) Driveways linking residential development to a County or state-maintained road or private easement shall meet the following standards:
  - (a) The drivable width shall be 25 feet wide for two-way traffic and 20 feet for one-way traffic;
  - (b) The maximum length shall not exceed 150 feet; and
  - (c) The driveway shall serve not more than one dwelling and/or four dwelling units unless the site plan is approved by County Fire Marshal. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

F. Private roadways easements shall be maintained by adjacent property owners. New private roadways easements shall include a statement that adjacent property owners are responsible for maintenance. Such road maintenance agreements must be filed when a building permit or mobile home permit is issued.

G. Existing substandard road easements in designated "colonias" are subject to the requirements for maintenance as outlined in the preceding subsection.

H. All development shall provide for a clear sight triangle at all intersections with or between all public and private roads and off-street multiple parking area entrances, exits, driveways to and from public and private roads, and at any unique geometrical situations involving horizontal, vertical, and skewed intersections or driveways (see example in Appendix A *Editor's Note: Appendix A is included at the end of this chapter.* ). The County Transportation Department may rely upon the American Association of State Highway and Transportation Officials (AASHTO), publication, Policy on Geometric Design of Highways and Streets, dated 1990 (and amendments thereto), in determining the appropriate design requirements for the particular intersection at issue. See Chapter 157, Design Standards, Appendix J, Clear Sight Triangle Design. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

**§ 250-80. General minimum development standards.**

*Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* In addition to the standards applicable for particular zoning categories and to general development standards contained in Article IX, the following standards are applicable for all development within the commercial and industrial land use classifications within the Performance, Community and Village Districts:

- A. Wastewater standards. New Mexico Environment Department standards for liquid wastewater requirements shall apply to all permitted uses, as applicable.
- B. Commercial towers are classified as a planned unit development, Type 2. For standards, see Article VIII, § 250-72B(11).
- C. The gross floor area of all buildings and structures with a roof may equal up to 60% of the total lot area, so long as all other development standards are met.

- D. Zero setbacks for loading docks or areas abutting railroad spur tracks are permitted.
- E. Storage: inside building or screened area only.
- F. Adult entertainment uses must be located 1,000 feet from the property line of any church, school, public park or recreational facility, residential zoning district, or residential use.

**§ 250-81. Residential development standards.**

- A. The maximum number of dwelling units (site-built homes or mobile homes) shall be no more than one dwelling unit per lot in a low-intensity residential land use classification.
- B. A combination of principal and accessory buildings may occupy no more than 60% of the total area, provided all other development standards are met.
- C. The maximum accessory building footprints for all accessory buildings, except as applicable in Subsection D of this section, shall be limited to 10% of the total (gross) lot area and shall not exceed a combined total of 5,000 square feet except where a special use permit has been issued.
- D. An accessory building of 200 square feet or less, no taller than eight feet in height and not permanently affixed, may be located five feet from a rear or side yard setback and shall be limited to one per parcel.

**§ 250-82. Accessory buildings in residential land use classifications.**

- A. Accessory buildings for agriculture use in residential land use classifications are subject to CR -AG standards *Editor's Note: See § 250-47.* and shall have an agricultural assessment per the County Assessor's Office.
- B. The maximum accessory building height on parcels less than 0.75 acre shall not exceed the height of the principal building or 20 feet, whichever is greater. The maximum accessory building height on parcels 0.75 acre and larger shall not exceed 35 feet.
- C. The maximum accessory building footprints for all accessory buildings combined shall be limited to 10% of the total (gross) lot area and shall not exceed 5,000 square feet, except where a special use permit has been issued.
- D. Except as herein provided, no accessory building shall project beyond the primary dwelling unit along any street, road, or public/private easement for all lots that are 1/2 acre or less.
- E. Accessory buildings shall be located at least 10 feet apart from all other buildings, and all other structures with a roof shall meet setback requirements.
- F. Structures that do not meet the definition of accessory buildings shall be approved by the Zoning Administrator (through the same notice and hearing process established in § 250-18 for variances), as long as the structure or structures are no larger than is reasonably necessary to serve a use allowed on the lot. The determination of what is reasonably necessary shall be based upon generally accepted standards associated with the proposed use. Any accessory structure with a roof shall not be allowed within the setbacks applicable to the parcel except as allowed under § 250-81D.
- G. No lot shall be divided, either through subdivision or through a claim of exemption to the Subdivision Regulations, if an existing accessory building or structure on the lot would exceed the standards under this section if so divided, unless said building is modified or removed to comply with the standards.
- H. Open and uncovered swimming pools, hot tubs or spas may occupy a required rear yard setback, provided they are not located closer than five feet to the rear or side lot or property

line or to any building, provided that all building codes are adhered to and are surrounded by an approved wall or fence. When approved by the Zoning Administrator, an automatic safety cover meeting ASTM F1346 Standard Performance Specifications may be used as an alternative to the approved wall or fence to satisfy the requirements for barriers surrounding swimming pools, on premises of Group R, Division 3, occupancies (single-family residential). All hot tubs and spas shall have an approved safety cover. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- I. Applicants wishing to exceed the standards of this section may apply to the Zoning Administrator for a special use permit following the procedures in § 250-18 of this chapter, along with a nonrefundable application fee.

**§ 250-83. Fences, walls, and other structures.**

A solid wall or opaque fence at least six feet high shall be erected as screening between the site and abutting areas specified in § 250-38, Buffer/Screen type required, and the Landscaping/Buffer Matrix included at the end of this chapter; however:

- A. Such wall or fence shall be three feet high in the area within 11 feet of a public right-of-way.
- B. If the wall or fence plus retaining wall would have an effective height of over eight feet on the residential side, the Zoning Administrator or his/her designee shall decide the required height.
- C. A solid wall or opaque fence may be built within the required setback provided it does not exceed six feet in height and does not, in the opinion of the Zoning Administrator, create a traffic hazard at intersections of streets and driveways.
- D. Legal nonconforming uses. Within 180 days after passage of these regulations, expansion of existing legal nonconforming uses of the following types shall, be screened on all four sides from view by fencing, landscaping or a combination thereof: Junkyards, Wrecking Yard. Used Automotive Sales Lots, Automotive or Truck Repair, Open Storage (any material).
- E. Fencing shall be constructed of one of the following two types:
- (1) Opaque, solid materials at least six feet high of one of the following materials: brick, adobe, slump block, wood, rock, concrete, or concrete block.
  - (2) Open materials such as chain-link fence or slat-rail fencing or similar materials may be used in combination with landscaping plant screening on approval by the Zoning Administrator or his/her designee.
- F. Fences or walls shall not be built within or across roadway easements.

**§ 250-84. Outside storage.**

Outside storage of any materials that totals 200 square feet or more on any given lot, tract or parcel within the Performance Districts and Community Districts of Doña Ana County shall be enclosed by a six-foot solid wall or opaque fence on all sides.

**§ 250-85. Special use permits (SUPs).**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* A special use permit shall be applied for if an applicant wishes to deviate from the accessory building size limitations. To obtain an SUP, an owner or owner's representative must file an application along with a nonrefundable application fee and follow the procedures of § 250-17. Unless otherwise specified in this chapter, the applicant must prove that the request is reasonable for a use allowed on the property, and that the proposed use will not have a negative impact on adjacent or surrounding properties due to the size of the lot, proposed placement of any building or activity associated with the use, the

percentage of total lot development or use, any proposed buffering, the character of the area, or other similar factors.

#### **§ 250-86. Development standards for mobile home parks.**

The following development standards apply to mobile home parks:

- A. All mobile home parks shall have vehicular access from a dedicated right-of-way. Secondary access shall be provided where there are more than 31 spaces. Secondary access must be 20 feet wide and must be improved.
- B. Each mobile home space, when occupied, shall have direct access to an internal street. Direct access to exterior public streets shall be prohibited.
- C. Street layout shall be designed for preservation of natural features, to follow topography to the greatest extent possible consistent with Subdivision Regulations, *Editor's Note: See Ch. 300, Subdivision of Land.* and to encourage the orientation of mobile homes in such a manner as to permit the use of solar energy systems. (Changes shall be approved by the Fire Marshal.)
- D. All streets within a mobile home park shall be surfaced with asphalt and/or concrete to a minimum width of 36 feet back-of-curb to back-of-curb. Alternate street designs may be considered, provided that adequate off-street parking and emergency access are provided. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- E. No street within a mobile home park shall dead end except for cul-de-sac streets, which shall have a minimum unobstructed turning radius of 50 feet at the termination point, and comply with current County fire protection standards.
- F. There shall be a network of off-street pedestrian walks, or pathways, connecting mobile home spaces with each other and with mobile home park (MHP) facilities and which shall comply with current ADA standards.
- G. All spaces and streets shall be designed to ensure proper drainage. The County Engineer shall approve a complete drainage plan.
- H. Two off-street parking spaces per lot mobile home space shall be required. Guest parking spaces shall be provided in the MHP at a ratio of 0.2 space per mobile home space. All roadway design standards shall comply with current County subdivision road standards. *Editor's Note: See Chs. 279, Roads, and 300, Subdivision of Land.*

#### **§ 250-87. Lighting.**

- A. Exterior lighting is required for all employee and visitor parking areas, walkways and building entrances and exits, and ingress and egress.
- B. No light standard shall exceed 10 feet in height unless the light standard has a light cutoff of 90° or less, in which case the maximum height shall be 30 feet.
- C. No light source shall be fixed to any building so that rays are perpendicular to the building face.
- D. All direct rays of the light source shall be confined to the site.

#### **§ 250-88. Signs.**

A sign permit shall be required before the erection, re-erection, construction, alteration, placement, or installation of all signs regulated by this chapter. Where signs are illuminated electrically, a separate electrical permit shall be obtained. In no such case shall a sign violate the clear sight triangle requirements.

A. Signs in the Performance District, Community District and Village District.

(1) Billboards.

- (a) Billboards may be located along controlled access highways (I-25, I-10) on nonresidential properties. In the Performance District, billboards are also permitted along principal arterials as defined in this chapter. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*
- (b) The recommended allowed dimensions of a billboard face are 12 feet in length by six feet in height (72 square feet, "eight-sheet poster") plus frame; 24 feet in length by 12 feet in height (288 square feet, "poster") plus frame; and the maximum size is 48 feet in length by 14 feet in height (672 square feet, "small painted bulletin") plus 40 square feet for cutouts.
- (c) Billboards over 288 square feet are allowed only along limited-access highways. No billboard may be larger than 672 square feet, exclusive of cutouts and aprons. Cutouts shall not exceed 10% of the total sign area. Aprons shall be painted the same color as the sign poles.
- (d) Two billboard faces, back to back, or V-shaped with no more than a forty-five-degree angle of separation, are allowed on a structure. Vertical and horizontal stacking of billboard faces are prohibited.
- (e) Billboards shall be supported by one or two metal poles or metal-sheathed wood poles or any other construction material, provided the construction plans are stamped by a New Mexico licensed engineer. Billboards as attached signs are prohibited.
- (f) Billboards must be spaced at least 1,000 feet apart radially along principal arterials, and at least 1,000 feet apart radially along limited-access highways. This radial spacing includes billboards located in other towns, cities, and counties. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*
- (g) A sign permit is required for billboards.
- (h) The maximum height of billboards shall not exceed 45 feet. Billboards shall not exceed 30 feet in elevation above the grade level of the roadway that they serve.

- (2) Construction signs: one attached (wall) or freestanding (pole) sign per street frontage on the lot, up to 32 square feet per sign. The sign must be removed within 30 days after the completion of construction. A sign permit is required for signs larger than 32 square feet; no sign permit is required for signs less than 32 square feet.

(3) On-premises signs:

- (a) Up to two square feet of attached (awning, canopy, roof, projecting, wall, window) sign for each linear foot of wall on which the sign will be placed, with at least 32 square feet of sign allowed for a business. Signs may be placed on any wall of a building. A sign permit required, except for window signs.
- (b) One freestanding (ground, pole, portable) sign of up to 100 square feet is allowed per lot with less than 300 feet to 600 feet of street frontage. Sign permit required.
- (c) One freestanding (ground, pole, portable) sign of up to 150 square feet is allowed per lot with 300 feet of street frontage. A sign permit is required. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*

- (d) One freestanding (ground, pole, portable) sign of up to 200 square feet, or two freestanding signs of up to 100 square feet of each, is allowed per lot with more than 600 feet of street frontage. A sign permit is required.
  - (e) Monument sign: one freestanding sign mounted on or within a base (above grade), which is detached from any building. The maximum sign area shall be limited to 24 square feet, at a height of six feet. A sign permit is required.
- (4) Future use signs: one attached (wall, window) or freestanding (pole) sign per lot, up to 32 square feet per sign. The sign must be removed within seven day after the use announced takes place on the property. A sign permit is required for signs 32 square feet or larger in size. No sign permit is required for signs less than 32 square feet.
  - (5) Personal opinion signs and political signs: one attached (wall, window) or freestanding (pole) sign per lot, up to 16 square feet. Signs relating to elections can only be displayed within 90 days before the election to seven days after. No sign permit is required.
  - (6) Commercial real estate signs: one attached (wall, window) or freestanding (pole) sign per street frontage on a lot, up to 32 square feet per sign. The sign must be removed within seven days after the sale or lease of the commercial space. A sign permit is required for signs containing 32 square feet or more. No sign permit is required for signs containing less than 32 square feet. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
  - (7) Temporary commercial displays:
    - (a) Up to four fourteen-day temporary periods are allowed for a year.
    - (b) A temporary commercial display may incorporate the following items: banners, pennants and streamers, and balloons, which are not to exceed 30 feet from the ground to the top of the balloon. Balloons cannot be placed on top of a building; one portable sign, not flashing.
    - (c) A sign permit is required for a temporary commercial display. A bond of \$100 will be posted by the display builder or business, to ensure that the display will be removed when the sign permit expires. If the display is not removed within two days after the sign permit expires, the County may remove the display.
- B. Freestanding signs. Freestanding signs must be placed at least five feet behind all property lines, and at least 30 feet behind property lines fronting a controlled-access highway. Freestanding signs must be placed outside the clear sight triangle. The maximum height shall be limited to 20 feet for on-premises signs and 10 feet for all other freestanding signs.
- C. Exempted signs. The following types of signs are allowed in all areas, and they do not require sign permits:
- (1) Directional signs listing entrances, exits and parking locations: one freestanding sign per curb cut plus one additional sign per 5,000 square feet of lot space, up to four feet tall and six square feet.
  - (2) Drive-through restaurant menu and ordering boards: one attached (wall) or freestanding (pole, ground) sign allowed per lot, up to 24 square feet.
  - (3) "For sale," "For rent" and "For lease" signs on vehicles, boats, trailers and other items of personal property, buildings, land or other noncommercial real estate. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- (4) Garage sale signs; may only be displayed while the event is in progress, and must not be placed in public rights-of-way or on public property. A garage sale sign may have up to three square feet of face area.
- (5) Historical markers, plaques and cornerstones.
- (6) Legitimate holiday decorations.
- (7) National, state and local flags.
- (8) Newspaper and mailboxes.
- (9) Open house signs; may only be displayed while the event is in progress, and must not be placed in public rights-of-way or on public property. An open house sign may have up to six square feet of face area.
- (10) Public utility warning and underground utility identification signs.
- (11) Signs, notices, placards, certificates and official papers authorized or required by any statute, government agency or court.
- (12) Signs for rest rooms; logos of credit cards accepted; trading stamps; trade association and Chamber of Commerce membership; business hours; gasoline and car wash signs for pumps, oil racks, vacuum cleaners and supply racks; vending and newspaper machines.
- (13) Signs painted on vehicles and trailers that are currently operating and registered, used in the legitimate business activities and not for advertising.
- (14) Street numbering, address and family name signs, and signs on mail- and newspaper boxes that identify the logo of the subscriber's newspaper.
- (15) Window signs advertising home tours, fairs, carnivals, fiestas and other similar events.

D. Prohibited signs. The following signs are prohibited, unless otherwise noted:

- (1) Signs that have changing light, color or motion effects, whether deliberate or resulting from a defect in the sign.
  - (a) This includes:
    - [1] Blinking, flashing, chasing and strobe lights and exposed neon.
    - [2] Alternating color lights and signs.
    - [3] Rotating beacons and skylights.
    - [4] "Eye catcher" and other metallic devices designed to reflect daylight and flash that exceed 15% of the total sign area.
    - [5] Signs with animated and rotating parts.
    - [6] Signs that emit smoke, steam or other visual matter.
  - (b) This restriction does not apply to:
    - [1] Rotating barber poles at an approved barbershop.
    - [2] Flashing and chasing lights on concessions and rides at fiestas, fairs and similar special events.

- [3] Warning signs placed by government authorities.
  - [4] Strings of flashing and chasing lights displayed during the December holiday season. Such lights may not outline or highlight a sign.
  - [5] Display of the time and temperature. Time and temperature readings must be accurate.
  - [6] The use of Scotchlite or reflective tape.
- (2) Signs placed in or over the public right-of-way or public property may be removed by the County.
  - (3) Signs placed on vehicles or trailers that indicate the primary use of it as a sign. This does not include vehicles and trailers contributing to the course of legitimate (nonadvertising/identification) business activities, and legally permitted portable signs.
  - (4) Signs attached on rocks, trees, outcroppings or other natural features.
  - (5) Signs placed on light or utility poles, retaining walls, fences or other similar features. A development sign incorporated into a wall is allowed.
  - (6) Banners, pennants, streamers and other fluttering devices, except on a temporary display basis as described above.
  - (7) Attached signs placed above the top of the roofline of a building.
  - (8) Freestanding signs placed inside the clear sight triangle, or placed where they might obscure a clear view of traffic warning or control signals and signs, pedestrian crosswalks and handicapped curbside ramps.
  - (9) Signs that block doors, opening windows, air vents, stairs and ramps.
  - (10) Signs built and displayed without sign permits, if a permit is required.
  - (11) Any sign not expressly allowed in this section.
- E. Sign permits. Prior to receiving a building permit for a billboard from Doña Ana County, proof of approval for the proposed sign by the State of New Mexico (if applicable) must be provided to the County by the applicant. The following information shall be provided when applying for a sign permit:
- (1) In addition to the signs stipulated above as requiring sign permits, the following actions shall also be done only upon the applicant having received a sign permit:
    - (a) Expansion to the face area or height of an existing sign.
    - (b) Change in location of an existing sign.
    - (c) Change in the dimensions of an existing sign.
  - (2) Sign permits shall contain the following information:
    - (a) Sign owner's name, address, zip code and telephone number.
    - (b) Sign builder's name, address, zip code and telephone number.
    - (c) Property owner's name, address, zip code and telephone number.
    - (d) Proposed sign dimensions, area, placement and height.

- (e) Frontage of the lot along the street (freestanding signs).
  - (f) Distance from the proposed billboard to the two closest existing billboards.
  - (g) Site plan.
- (3) Sign maintenance and removal.
- (a) Signs shall be built and maintained in conformity with the structural standards of the current Building Code adopted by the County. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*
  - (b) Signs must be kept clean and in good repair, both structurally and in appearance. All braces, bolts, clips, fastenings, and supporting frames must be securely affixed to the support structure or wall. Signs shall be kept free of rust, rot, insect infestation, bird nests and other deterioration. Billboard posters shall be kept free of peeling, fading and other deterioration.
  - (c) If the message portion of a sign is not maintained, is peeled, or becomes faded and unreadable, the message portion shall be replaced within 45 days or the sign shall be removed. If structural elements of the sign structure separate, or collapse, or fall into severe disrepair, the sign shall be replaced within 45 days or the sign shall be removed. This subsection shall not be considered an alteration of the prohibition on the replacement of a nonconforming sign.
  - (d) If a sign is considered to be unsecured, unsafe or in danger of falling, or it is damaged, destroyed, taken down or removed for any purpose other than copy change, the sign must be removed or repaired and made to comply with all standards in this section.

F. Nonconforming signs.

- (1) A nonconforming sign may not be altered, changed in shape or size, raised, or replaced unless such action brings the sign into closer conformity with this chapter.
- (2) A nonconforming sign may not be moved unless it is brought into compliance with all standards of this section.
- (3) Nonconforming signs that do not comply with this section's prohibition of signs in the public right-of-way and prohibition of freestanding signs in the clear sight triangle must be moved to comply with those subsections of this section within 180 days of adoption of this chapter.
- (4) No nonconforming sign or billboard shall advertise or identify an object, person, institution, business, product, service, event or location that is no longer in existence or no longer relevant; also, no such sign shall be left bearing a message that is illegible in whole or part. Such conditions must be remedied within 90 days of notice to the sign owner by the County. If such condition is not remedied within 90 days of such notice to the owner by the County, the sign shall be considered abandoned and it shall be removed by the sign owner, property owner, or County. Reusing a sign declared abandoned according to this section is illegal.
- (5) If any sign is installed, displayed or maintained in violation of this section, or the applicable code it was erected under, or if a sign is in need of repair, alteration or removal, a notice will be sent to the sign owner, lessee or property owner. If such notice is not acted on within seven days, the County may initiate proceedings to revoke the sign permit (if any was issued) and remove the sign.

## Article X. Off-Street Parking and Loading; Fire Lanes

### § 250-89. Location; control; access; computation of required spaces.

Parking requirements shall be based on the use or type and intensity of residential and nonresidential use, facility or business. Uses not specified herein shall follow the parking requirements within the category most appropriate to that use. Off-street parking is permissible in all front yards except as otherwise specified. The number of spaces shall be rounded to the nearest whole number. All parking shall be provided on the same lot as the structure served except as otherwise allowed in this Code.

- A. Location and control of parking facilities. The off-street parking facilities shall be located on the same lot or parcel of land as the building they are intended to serve, except that in cases of practical difficulty for uses other than dwellings, the Zoning Administrator may consider a satellite lot meeting the following conditions:
- (1) All or part of a satellite lot must be adjacent to or within 200 feet from the main building or use, measured along the shortest available pedestrian route of access.
  - (2) The satellite lot must be in the same ownership or control as the building or use it is intended to serve and must be maintained as long as the building or use exists. Such ownership or control may be by deed or by a long-term lease that runs concurrently with the building or use. Where a satellite lot is to be used for off-street parking, the applicant for a building permit shall submit with his/her application an instrument duly executed and acknowledged that subjects the satellite lot to parking in connection with the principal building or use. If a building permit is authorized, the Building Inspector shall cause same instrument to be recorded in the Office of the County Clerk. The recording fee shall be paid by the applicant.
- B. Access to parking facilities. Access driveways shall be provided for ingress to and egress from all parking and loading facilities and shall be designed in a manner that will not interfere with the movements of vehicular and pedestrian traffic. Forward travel from a dedicated street shall be required for all uses except in connection with one- or two-family dwellings. All access driveways shall comply with all other applicable standards.
- C. Computation of required parking spaces. For the purpose of computing off-street parking spaces that are required by this Code, the following rules shall apply:
- (1) "Floor area" shall mean gross floor area, unless otherwise specified for a particular use.
  - (2) In auditoriums, sports arenas, churches and other places of assembly in which benches or pews are used in place of seats, each 18 inches of length of such benches or pews shall be counted as one seat.

### § 250-90. Number of spaces required.

The following off-street parking spaces are required:

- A. Residential.
- (1) One-family and two-family dwellings: two spaces per unit.
  - (2) Multiple-family dwelling, three or more:
    - (a) Dwelling units for elderly: 0.7 space per unit.
    - (b) Efficiency dwelling units: one space per unit.
    - (c) One-bedroom dwelling units: 1 1/2 spaces per unit.

(d) Two-or-more-bedroom dwelling units: two spaces per unit.

(e) One additional space per five units.

B. Miscellaneous, room-for-rent situations.

- (1) Rooming, boarding- or lodging house: one space per sleeping room.
- (2) Private clubs, fraternities, sororities and lodges, with sleeping rooms: one space for each member/resident.
- (3) Motel, motor hotel, motor lodge, hotel or tourist court: one space for each sleeping room, plus additional spaces required for auxiliary uses, such as restaurants, lounges, and shops.

C. Homes emphasizing special services, treatment, or supervision.

- (1) Adult foster care home, private care home, or personal care home/facility: one space for every seven residents or portion thereof or one space for each employee or portion thereof on the maximum shift, whichever parking requirement is greater. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (2) Registered home, group day-care center, residential day-care center, or child-care center or day-care center: two spaces plus a minimum of one fifteen-foot-wide stacking lane, 27 feet long and 15 feet wide, for greater than 10 students.

D. Offices and personal service establishments.

- (1) Professional services, such as medical and dental offices, hairdressers, barbers, beauticians and other similar uses: one space for each 100 square feet of gross floor area.
- (2) Small office establishments, such as law, accounting, engineering, real estate offices, and other similar uses: two spaces plus one space for each 300 square feet of gross floor area.
- (3) Large business offices, such as telephone and electric companies, and other similar offices: one space for each company-owned vehicle, plus one space for each 300 square feet of gross floor area.
- (4) Low-volume service establishments, such as dry cleaning, equipment rentals, small and large item repair shops, and similar uses: one space for each 300 square feet of floor space.
- (5) High-volume service establishments, such as coin-operated laundry and other similar uses: one space for each 300 square feet of floor area.
- (6) Funeral homes: one space per 50 square feet of floor area in funeral service areas plus one space for each 250 square feet of office space. Parking lanes shall be provided, 15 feet in width and with a total length of 100 feet.
- (7) Drive-up window service establishments: one space per 200 square feet of floor area plus one stacking lane 15 feet in width and 200 feet in length for each drive-up window.

E. Retail establishments.

- (1) Large-volume retail sales of small domestic products and groceries and shopping center: one space for each 200 feet of gross floor area.
- (2) Small-volume retail sales of domestic and specialized products such as plumbing, electrical and hardware stores, furniture stores, parts stores, cabinet stores, carpet stores, clothing and shoe stores and similar businesses: a minimum of three spaces plus one space

for each employee on the maximum shift. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- (3) Retail sales of vehicles, heavy equipment, and other large products, such as automobiles, mobile homes, recreational vehicles, farm equipment sales, and similar businesses: one space for each company vehicle, in addition to one space for each 350 square feet of gross interior floor area, or five spaces, plus one space for each employee on the maximum shift, whichever is greater. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (4) Open-air markets, such as farm or craft markets, flea markets, produce markets and other similar businesses: one space for each display stand or area and one space for every 200 square feet designated as the entire display area.
- (5) Storage areas in retail businesses: When a building used for retail sales has an area larger than 20% of its gross floor area being used specifically for storage of products sold within the store, 80% of the total area used for storage may be subtracted from the gross floor area used for off-street parking computations.

#### F. Restaurants and entertainment establishments.

- (1) Food and beverage establishments, such as restaurants, cafes, bars and lounges, coffee shops, doughnut shops, and similar uses: one space for each 75 square feet of gross floor area, in addition to one space for each two employees on the maximum shift; one space for each 200 square feet of outdoor patio area. Drive-up window establishments are required to provide a stacking lane at least 15 feet in width and 200 feet in length.
- (2) Entertainment and amusement enterprises, such as auditoriums, theaters, sports arenas, dance halls, private clubs and lodges, meeting halls, skating rinks, adult entertainment and similar uses: one space for each 75 square feet of gross floor area, in addition to one space for each employee on the maximum shift.
- (3) Court or alley entertainment uses that involve courts and alleys such as tennis courts, handball courts, bowling alleys, and similar uses: four spaces for each court or bowling lane, in addition to one space for each employee on the maximum shift.
- (4) Golf courses: one space for each 10 linear feet of practice tees, and four spaces for each green, in addition to parking requirements for auxiliary uses such as restaurants, bars and clubs.

#### G. Schools, churches, community centers and hospitals.

- (1) College or high school: one space per five seats or bench seating spaces (seats in main auditorium or field house only) or one for each two students, whichever is greater, plus one space for each administrator and faculty member.
- (2) Elementary or junior high school: one space per 10 seats in main assembly room or two spaces per classroom, whichever is greater, plus one space for each administrator and faculty member.
- (3) Community buildings, libraries, museums, administration buildings, art galleries and centers: one space per 250 square feet of floor area.
- (4) Churches: one space for every four seats in the primary assembly room.
- (5) Hospitals and nursing homes: one space for each two beds, in addition to one space for each employee on the maximum shift.

#### H. Industry, manufacturing, warehouse, and wholesale establishments.

- (1) Production line industries employing large numbers of office and production workers: one space per maximum number of employees per shift, plus one space for each company-owned truck/vehicle, in addition to one visitor space for each 1,000 square feet of floor area, up to 20,000 square feet.
- (2) Warehouses, the primary use of which is storage and which require few employees: one space per employee on the maximum shift, plus one space per 2,000 square feet of floor area up to 30,000 square feet, plus one space for all company-owned trucks/vehicles.  
*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- (3) Wholesale establishments, the primary use of which are wholesale sales: one space for each 500 square feet of floor area.
- (4) Storage areas: one space for each 1,000 square feet of floor area. In cases of wholesale establishments where more than 30% of the total floor area is used for storage, 70% of the given storage area shall be used for parking computations.

I. Parking spaces for the handicapped. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

| Total Spaces in Parking Lot | Minimum Designated Parking Spaces    |
|-----------------------------|--------------------------------------|
| 0 to 25                     | 1                                    |
| 26 to 35                    | 2                                    |
| 36 to 50                    | 3                                    |
| 51 to 100                   | 4                                    |
| 101 to 300                  | 8                                    |
| 301 to 500                  | 12                                   |
| 501 to 800                  | 16                                   |
| 801 to 1,000                | 20                                   |
| More than 1,000             | 20 + 1 for each additional 25 spaces |

The designated parking spaces shall be located so as to provide the most convenient access to entryways or to the nearest curb. All spaces shall comply with ADA accessibility guidelines.

**§ 250-91. Flexibility in administration of parking standards required.**

- A. In view of the unique need of any given development, the inflexible application of the parking standards set forth in this article may result in a development either with inadequate parking space or parking space far in excess of its needs. Therefore, the Zoning Administrator may permit deviations from the requirements of this article or may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standards set forth in this article.
- B. The Zoning Administrator may allow deviations from the parking requirements set forth in this article when the Administrator finds that:
  - (1) A residential development is primarily oriented toward the elderly; and
  - (2) A business is primarily oriented to walk-in trade.

- C. Whenever the Zoning Administrator allows or requires a deviation from the parking requirements set forth in this article, the Administrator shall enter on the face of the permit the parking requirement that he/she imposes and the reasons for allowing or requiring the deviation.

**§ 250-92. Size of parking spaces and aisles.**

- A. Parking stalls and aisles shall be provided according to the following requirements in all zoning districts. See parking diagrams in Appendix A *Editor's Note: Appendix A is included at the end of this chapter.* :

| Parking Angle | Stall Width<br>(feet) | Base<br>(feet) | Depth<br>(feet) | Stall/Width of Aisle<br>(feet) |       |
|---------------|-----------------------|----------------|-----------------|--------------------------------|-------|
|               |                       |                |                 | 1-Way                          | 2-Way |
| 30°           | 9                     | 18             | 18.2            | 11                             | 24    |
| 45°           | 9                     | 12.73          | 19.8            | 13                             | 24    |
| 60°           | 9                     | 10.39          | 20.95           | 18                             | 24    |
| 90°           | 9                     |                | 20              | 25                             | 25    |
| Parallel      | 10                    | 22             | 12              |                                | 24    |

- B. Each full-size space shall be not less than nine feet by 19 feet in length. Each compact space shall be eight feet by 16 feet in length. Compact spaces must be marked and shall be limited to 10% of the total spaces.

**§ 250-93. Parking area design requirements.**

- A. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units.
- B. The parking area of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- C. Every parking area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such area shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation or other structure.
- D. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

**§ 250-94. Parking area surfaces.**

- A. Parking areas for businesses with gross floor area exceeding 2,000 square feet shall be graded and paved with at least a 1 1/2 inch thickness of Hot-Mix pavement.
- B. Parking areas for businesses requiring 10 or fewer parking spaces under this article can be graded and surfaced with surface material other than Hot-Mix pavement, provided that protection against potholes, erosion, and dust can be assured.

- C. Parking spaces shall be appropriately demarcated with painted lines or other markings.
- D. Parking areas shall be properly maintained in all respects. In particular and without limiting the foregoing, parking area surfaces shall be kept in good condition (free from potholes, etc.), and parking space lines or markings shall be kept clearly visible and distinct.

**§ 250-95. Exterior lighting in parking areas.**

See § 250-87.

**§ 250-96. Joint use of required parking spaces.**

- A. One parking area may contain required spaces for several different uses; except as otherwise provided in this section, the required spaces assigned to one use may not be credited to any other use.
- B. To the extent that developments agreeing to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building Monday through Friday, but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. If a church parking lot is generally occupied only 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.
- C. If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of § 250-89A are also applicable.
- D. A written agreement between the affected property owners is required for all joint uses of parking areas, thereby assuring retention for such purposes and stating hours of operation. The agreement is to be approved as to content and form by the County Attorney and Community Development Director and filed with the building permit application, if one is to be issued.  
*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*

**§ 250-97. Enlargement of original business or use.**

- A. Whenever an original building or use is changed, resulting in 30% enlargement or more of the original floor area, the entire building shall then and thereafter comply with the parking requirements set forth herein. Whenever a building is enlarged in floor area less than 30% of the original floor area, additional spaces shall be provided on the basis of only the enlargement.
- B. Whenever there is a change of use of the lot or the building that increases parking requirements, the parking standards in this chapter must be met.

**§ 250-98. Loading space requirements.**

Off-street loading space shall be provided and maintained for every building or part thereof occupied by manufacturing, storage, warehouse, store, market, hotel, mortuary, hospital, laundry, dry-cleaning establishment, or other similar uses requiring the receipt or distribution by vehicles of materials or merchandise. Spaces to be provided shall be in accordance with the following requirements:

- A. One space for the first 10,000 square feet or less of gross floor area.
- B. One additional loading space for each 10,000 square feet of gross floor area in excess of 10,000 square feet.
- C. Minimum dimensions for each loading space are 12 feet by 45 feet, with a minimum overhead clearance of 14 feet from the surface to the loading area.

- D. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way or any parking space or parking lot aisle.
- E. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street area be used to satisfy the area requirements for loading and unloading facilities.

**§ 250-99. Fire lane requirements.**

- A. Authority to design; maintenance responsibility. The Fire Marshal or his/her designee is authorized to designate fire lanes on property of shopping centers and other private or public property, as defined in this article, where such areas must be kept free of parked vehicles and other obstructions to provide ready access in such areas in case of fire or other emergency. The designation by the Fire Marshal of such fire lanes shall never be held to make the County responsible for the maintenance of such fire lanes on private property, but the owner of such property shall continue to be responsible for the maintenance of such area. The official records of the designation and location of any such fire lanes shall be kept in the Office of the Fire Marshal.
- B. Construction on private property; shopping center construction. Before site plans of proposed shopping center construction or construction on private property, as defined in this chapter, are submitted to the Community Development Department, Building Services, for issuance of building permits, such plans shall be submitted to the Fire Marshal for his/her review and approval of the adequacy of the fire lanes provided therefor. The specific requirements of this section as applicable to a specific structure may be modified by the Fire Marshal in recognition of varying occupancies, size, and a hazard of buildings and the provision of other means of access of fixed fire protection. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*
- C. Submission of site plan to Fire Marshal. The Fire Marshal or his/her designee may require the owners of existing shopping centers and existing facilities on private property, as defined in this chapter, to submit site plans for his/her use in determining whether to designate fire lanes on the property. The Fire Marshal may require that the fire lane for existing buildings be established to provide access for fire suppression operations by improving existing conditions. Fire lanes established for new and existing structures shall conform to fire lane requirements applicable at the time of construction. If no fire lane requirements were applicable at the time of construction, the Fire Marshal or designee may require establishment of fire lanes to conform with the requirements of this section, insofar as is practicable without requiring any construction, structural modification or substantial financial hardship.
- D. Posting of parking signs required; parking in posted area prohibited; exemption. Upon the designation of a fire lane pursuant to this section, the Fire Marshal or his/her designee shall give notice of such designation to the owner of such shopping center and other areas, as defined in this section, directing the owner to cause signs to be posted, at the expense of the owner, at designated locations, lettered "No Parking At Any Time — Fire Lane (Tow Away Zone)." Such signs shall be of a standard size and color, of standard lettering and mounting, conforming to specifications established by the Traffic Engineer and Fire Marshal and their designees. It is unlawful to park any vehicle other than authorized emergency vehicles in a designated fire lane when such signs are in place, except as set forth in Subsection E.
- E. Unlawful to park; exemption. It is unlawful to park any vehicle other than an authorized emergency vehicle in any fire lane established pursuant to this section, except as may be specifically permitted by the Fire Marshal or his/her designee (i.e., an armored vehicle may park in the fire lane for brief periods of time during the performance of its duty after obtaining a permit from the Fire Marshal's Office).

- F. Towing authorized. Unauthorized vehicles parked in designated fire lanes that block Fire Department or other emergency vehicle access may be towed at the owner's expense to a designated storage facility by the authority of the Fire Marshal or his/her designee and the Doña Ana County Sheriff's Department.
- G. No parking signs; removal declared unlawful. It is unlawful for any person, without lawful authority, to attempt to remove any signs designating a fire lane established pursuant to this section.
- H. Display of unauthorized signs unlawful; declaration of nuisance. It is unlawful for any person to place, maintain or display any unauthorized sign that purports to be or is an imitation of or resembles an official sign designating a fire lane. Every such prohibited sign is declared to be a public nuisance, and the Fire Marshal is empowered to remove the same or cause it to be removed. Undesignated fire lanes in compliance with the fire lane requirements shall meet the stipulations of this section. Failure to comply with proper fire lane establishment procedures shall, in addition to this section of this chapter, shall be prosecuted according to the limitations of this code.
- I. Fire lane standards. Fire lanes designated by the Doña Ana County Fire Marshal's Office, in accordance with all County standards, shall be posted in the following manner:
- (1) Curb markings.
    - (a) The curb adjacent to an officially designated fire lane shall be painted red.
    - (b) The legend "FIRE LANE" shall be stenciled in white with four-inch uppercase letters on the top and face of the curb adjacent to a fire lane. This legend shall be repeated at intervals of 50 feet.
    - (c) "No parking" areas not officially designated as fire lanes shall not be painted red or marked in such a fashion as to be confused with an official fire lane.
  - (2) Signs.
    - (a) The standard color of an official fire lane sign shall be as follows:
      - [1] The background shall be reflective white.
      - [2] The lettering and border shall be red.
      - [3] The standard legend and lettering of an official fire lane shall be as shown on the attached drawing (see Appendix B *Editor's Note: Appendix B is included at the end of this chapter.* ).
    - (b) The standard fire lane sign shall be posted as follows:
      - [1] One sign shall be posted at each end of an official fire lane. Each sign shall have a single-head arrow showing the appropriate direction of the fire lane.
      - [2] A fire lane longer than 150 feet shall have intermediate signs posted at even intervals. Intermediate signs shall have a double-head arrow indicating that the fire lane is continuous. The intermediate signs may be posted as necessary, but in no case shall the intervals between fire lane signs be greater than 100 feet.
      - [3] The fire lane sign shall be securely fastened to a suitable pole or support, with a minimum vertical clearance above the sidewalk of seven feet.

- [4] When poles are used to mount fire lane signs, they shall be placed two feet six inches behind the face of the curb. In accordance with the Uniform Fire Code, no pole or obstruction may be placed within three feet of a fire hydrant.
- [5] Fire lane signs shall be posted parallel to the lane or curb to which they apply.
- [6] When the distance between the curb and a building, light standard, or other structure is eight feet or less, the fire lane signs may be posted on the face of the building, light standard, or other structure. The bottom of the sign shall be located seven feet above the adjacent sidewalk.

## **Article XI. Land Use Classification Matrixes**

### **§ 250-100. Performance, Community and Village Districts.**

The Land Use Classification Matrixes for the Performance District and Community and Village Districts are included at the end of this chapter.

## **Article XII. Keeping of Livestock**

### **§ 250-101. Purpose; general provisions.**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* The following regulations are established for the keeping of livestock in all zoning districts, unless the standards or regulations for a particular zoning district or category differ, in which case the more specific regulations or provision for that zoning district shall apply. The keeping of livestock shall be allowed, as long as minimum lot size requirements, development standards, care, maintenance and other requirements are met (see § 250-103). This article shall not be deemed to supersede or otherwise affect the enforceability of any private covenants restricting or allowing the keeping of livestock on a particular parcel. Density restrictions in this article shall not be applied to lots that are subject to less restrictive covenants that are of record in the County Clerk's office prior to the filing of these amendments and which benefit at least one other lot. If the provisions of this article conflict with the provisions of any other ordinance or other law, the more restrictive provision shall apply. Commercial uses proposed shall submit an application for a planned unit development under Article VIII of this chapter. Agricultural uses shall be exempt, except within Community Districts and Village Districts, where a PUD application shall be required.

### **§ 250-102. Lot size regulations; exception.**

- A. A minimum lot size of 0.75 acre or 32,670 square feet shall be required for the keeping of livestock, other than mature stallions, bulls, buffalo and beefalo, which shall be prohibited from lots containing less than two acres. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- B. These requirements shall not apply on parcels when the youth are involved in a sanctioned 4-H and/or Future Farmers of America (FFA) program and the livestock are housed on the property on a temporary basis.

### **§ 250-103. Minimum development standards.**

- A. The minimum standards for the keeping of livestock shall follow the USDA's Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching.
- B. In accordance with state law, no animal dwelling unit shall be kept closer than 100 feet to any private domestic water well or closer than 200 feet to any public water well.
- C. A lot used for the keeping of livestock shall have appropriate improvements to ensure that:

- (1) The animals are secured on the lot;
- (2) The animals have adequate and appropriate protection from the elements;
- (3) The animals have area for exercise;
- (4) The animals have access to clean drinking water and feeding facilities; and
- (5) Negative impacts on adjacent properties are minimized.

**§ 250-104. Compliance with health and environmental regulations.**

In keeping livestock consistent with the provisions of this article, all health and sanitation laws and regulations of the State Environment Department, the State Health Department, the State Livestock Bureau, the County, and all other state and federal agencies must be met. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, safe, and sanitary condition at all times.