

ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE-
AMENDMENT NO. 1

Ordinance No. 294 -2017

WHEREAS, on December 13, 2016 the Board of County Commissioners approved and adopted Ordinance No. 287-2016, the Unified Development Code for Doña Ana County; and

WHEREAS, the Unified Development Code is a single document that incorporates and updates all related land use regulations, including zoning and the official zoning map, subdivision, construction and development standards; and

WHEREAS, County Staff has been using the Unified Development Code since its effective date of February 2, 2017 and has identified areas that need improvement, corrections and clarifications in order to minimize variance applications and improve the document to make it more user friendly; and

WHEREAS, the Planning and Zoning Commission reviewed and discussed staff's proposal at three of their regular meetings, voting unanimously (of those present) on July 27, 2017, August 24, 2017 and September 14, 2017 to recommend the proposed UDC amendments, to be known as Amendment No. 1 to Ordinance No. 287-2016, to the BOCC; and

WHEREAS, the Development Review Committee also reviewed and discussed these amendments on August 3, 2017 and agreed by consensus with staff's and the P&Z recommendation to amend the UDC; and

WHEREAS, County Staff, the Planning and Zoning Commission, the Development Review Committee and the Board of County Commissioners have determined this first amendment is in the public interest and is necessary to improve the overall public health and safety of its residents;

NOW THEREFORE, BE IT ORDAINED, the Board of County Commissioners hereby adopts Amendment No.1 to the Unified Development Code for Doña Ana County, Ordinance No. 287-2016 as identified in Exhibit A.

ADOPTED this 14th day of November 2017.



COUNTY OF DONA ANA)
STATE OF NEW MEXICO) ss ORDINANCE/DAC
PAGES: 80

I hereby Certify That This Instrument Was Filed for
Record On NOV 29, 2017 12:00:23 PM
And Was Duly Recorded as Instrument # 1727734
Of The Records Of Dona Ana County



Witness My Hand And Seal Of Office,
Scott Krahlng, County Clerk, Dona Ana, NM

puty Renee Torres



COUNTY OF DONA ANA)
STATE OF NEW MEXICO) ss ORDINANCE/DAC
PAGES: 80

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Witness My Hand And Seal Of Office,
Scott Krahlng, County Clerk, Dona Ana, NM

Deputy Gerardo Barrera

BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO

Isabella A. Solis

Isabella A. Solis, Chair, District 4

For / Against

John L. Vasquez

John L. Vasquez, Vice Chair, District 4

For / Against

Billy G. Garrett

Billy G. Garrett, District 1

For / Against

Ramon S. Gonzalez

Ramon S. Gonzalez, District 2

For / Against

Benjamin L. Rawson

Benjamin L. Rawson, District 3

For / Against



ATTEST:

Scott Krahling

Scott Krahling
County Clerk



Exhibit A

1.4.3 Planning and Zoning Commission

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 (BOCC). Members may be reappointed at the completion of their term by the BOCC. Members shall not receive compensation for performing their duties, but they may be reimbursed for training or attendance at conferences upon prior approval by the County Manager. The P&Z shall:

- a. Adopt bylaws for the election of officers, conduct of meetings, and establishment of operations of the P&Z, subject to approval by the BOCC;
- b. Receive, hear, and make final determinations to approve, approve with conditions, or deny applications for variances and Special use permits, as prescribed by; and subject to; the procedures established herein;
- c. Receive, hear, and make final determinations to approve, approve with conditions, or deny applications for zone changes;
- d. Receive, hear and make recommendations to the BOCC, on requests for amendments and changes to this Chapter;
- e. Hear and decide appeals ~~from the Zoning Administrator's~~ interpretation of the meaning of terms and language of this Chapter. The P&Z may affirm, modify or reverse the interpretation;
- f. Hear and decide appeals of actions taken by the Zoning Administrator. The P&Z may affirm, modify or reverse actions of the Zoning Administrator;
- g. Report on all matters requested by the BOCC;
- h. Review, and when necessary, recommend changes and amendments to the Comprehensive Plan and UDC to the BOCC, at a minimum of once a year or as needed;
- i. Review and make recommendations for approval, approval with conditions or denial of preliminary plats and replats to the BOCC; and
- j. Carry out special studies and prepare plans for land use and development of public facilities as directed by the BOCC.

1.4.4 Board of County Commissioners

The Board of County Commissioners of Doña Ana County (BOCC) is authorized to zone land, approve the Subdivision of land, assure standards protect the health, safety and welfare of the County, hear appeals and shall:

- a. Receive and consider recommendations on requests for amendments to this Chapter from the Planning and Zoning Commission (P&Z);
- b. Consider and make final determinations on the creation of new zoning districts, zone changes, preliminary and final plats and replats, and appeals

2.2 SPECIFIC LAND USE APPLICATION PROCEDURES

2.2.1 Town Hall Meeting

The town hall meeting is intended to provide for an exchange of information between the applicant, community residents and property owners of affected adjacent properties. The applicant shall present a conceptual site plan and other associated information explaining the land use proposal. This meeting affords the community with the opportunity to provide input regarding health, safety and quality of life concerns prior to major investment for a development project. The town hall meeting also aligns with the Livability Principles of the Comprehensive Plan.

- a. The applicant shall convene a town hall meeting for the following:
 - i. All community types pursuant to Article 3 Community Types;
 - ii. All master plans; and
 - iii. Any zone change request over ~~10-20~~ acres from a residential designation to a commercial or industrial designation.
- b. The applicant shall provide a notice of the town hall meeting at least 21 days prior to the date of the meeting and shall be:
 - i. Published one time in a newspaper of general circulation in the County;
 - ii. Posted at local community centers and post office;
 - iii. Mailed by first-class mail to the adjacent property owners, as shown by the records of the County Assessor, of properties within 300 feet of any lot line of the site in question, excluding streets, alleys, channels, canals or other public rights-of-way and railroad rights-of-way. A minimum of 10 different owners shall be required to be notified. This area shall be the area of notice; and
 - iv. Signs, supplied by the CDD, posted on the subject property in conspicuous locations to notify adjacent property owners and passersby of the proposed land use request.
- c. No P&Z or BOCC Commissioner shall attend the town hall meeting.
- d. The applicant shall arrange for the facilities in which the town hall meeting is to be held, including accessible locations and accommodations for English/Spanish translation prior to the meeting. County staff shall be in attendance to observe, take notes, and answer any questions related to the County Code.
- e. The applicant shall hire a moderator to preside over the town hall meeting. The moderator shall conduct the meeting, decide all questions of order and manage the order of speakers at the meeting. The moderator may order the removal of a person who persists in behaving in a disorderly manner.

- administrative decision in a newspaper of general circulation in the jurisdiction of the County.
- iii. Notice of an administrative SUP shall be mailed by first-class mail to the adjacent property owners, as shown by the records of the County Assessor, of properties within 300 feet of any lot line of the site in question, excluding streets, alleys, channels, canals or other public rights-of-way and railroad rights-of-way. A minimum of 10 different owners shall be required to be notified.
- b. SUPs Decided by Public Hearing:
- i. Signs supplied by the CDD, shall be posted for a minimum of 21 days on the subject property, in conspicuous locations, in a manner that is reasonably calculated to notify adjacent property owners and passersby of the hearing for the proposed special use permit.
 - ii. Notice of public hearing shall be published one time at least 21 days prior to the date of the hearing in a newspaper of general circulation in the jurisdiction of the County.
 - iii. Notice of the SUP shall be mailed by first-class mail to the adjacent property owners, as shown by the records of the County Assessor, of properties within 300 feet of any lot line of the site in question, excluding streets, alleys, channels, canals or other public rights-of-way and railroad rights-of-way. A minimum of 10 different owners shall be required to be notified.

2.4.4 Decisional Criteria for Special Use Permits

A proposed SUP must be consistent with the health, safety, and general welfare of the residents of the County per the intent of this Chapter. The Zoning Administrator, P&Z, and BOCC shall use the following general criteria when reviewing special use permits but are not limited to:

- a. Potential traffic flows and impacts;
- b. Need for new commercial or residential activity;
- c. Potential water and sewer needs;
- d. Existing infrastructure capacities and the ability of existing systems to accommodate new development;
- e. Environmentally sensitive areas in the vicinity, areas of historical significance, or areas that contain endangered or rare species of animal and plant life;
- f. The impact of a proposed SUP because of its size and intensity on surroundings properties; and
- g. Implementation of Best Management Practices for the development.

2.4.5 Approval Procedures and Conditions

The Zoning Administrator, P&Z or the BOCC may approve, conditionally approve or deny the SUP with right of appeal in accordance with the provisions of Section 2.16 Appeals. Approval may be granted with conditions that are deemed necessary to ensure that the purpose and intent of this Chapter are met and to mitigate potentially

location standards for the placement of mobile homes in effect at the time of application. A MHIP may be refused until compliance with all County Codes is demonstrated.

- c. Elevation Certificates, Construction. 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 agency: the Flood Commission or County Engineer. Designs for construction in the floodplain shall be prepared by a professional engineer licensed in New Mexico.
- d. Elevation Certificates, Limits on Liability. The acceptance of an elevation certificate and related information will not constitute a representation, 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.

2.10.1 Certificate of Occupancy

Certificates of occupancy shall not be issued until all applicable requirements of the currently adopted Building Code and this Chapter are met. Once a certificate of occupancy is issued, a business registration shall be obtained for nonresidential uses when required by law.

2.11 SUBDIVISION AUTHORITY AND CONFORMANCE

2.11.1 Subdivisions Authorized

Subdivisions are authorized by NMSA 1978, §47-6-1 *et seq.*, §4-37-1, §3-20-5, §3-20-6, §3-20-9.

2.11.2 Approval Required

The P&Z shall make a recommendation to the BOCC on preliminary plats. The BOCC shall approve, approve with conditions, or deny proposed preliminary and final plats and vacation of plats.

2.11.3 Subdivision Conformance

Subdivisions shall conform to the provisions of this Chapter prior to being approved by the BOCC and recorded in the Office of the County Clerk. Subdivisions may be approved along with related zone changes at the same hearing.

2.11.4 ETZ Subdivisions

Multi-phased subdivisions that have been previously approved by the ETZ shall be deemed as valid preliminary plats under the UDC. These preliminary plats shall not expire if one phase of the preliminary plat has received final plat approval and recorded prior to the adoption of the UDC. Support documentation used to gain final plat approval under the ETZ and previously approved by Dona Ana County shall be deemed satisfactory for the purpose of final plat requirements under this code.

2.12 SUBDIVISION PROCEDURES

2.12.1 General Rule

- a. No person shall divide a surface area of land into 2 or more parcels for the purpose of sale, lease or other conveyance or for building development, whether immediate or future, except as provided herein, or by submitting a claim of exemption for a matter not falling under the definition of subdivision in NMSA 1978, §47-6-2. The Zoning Administrator shall approve, approve with conditions, or deny the claim of exemption. The definition of “subdivision” and matters eligible for exemptions are provided in Article 7 of this Chapter. The County, property owner, or their authorized representative may initiate a subdivision application.
- b. The subdivision application may include the following procedures:
 - i. At least 1 pre-application conference prior to submission of a formal application and initiation of engineering or design work;
 - ii. Pre-engineering conference for subdivisions that include thoroughfares;
 - iii. Agency review;
 - iv. Summary plat review;
 - v. preliminary plat review; and
 - vi. final plat review.
- ~~e.~~ c. ~~_____~~ -The data requirements for these reviews are set forth in Article 4.
- ~~d.~~ d. ~~___~~ Subdivisions may be submitted in phases and final plats for each phase may be filed separately.

2.12.2 Pre-application Conferences

An applicant for a subdivision shall attend at least 1 pre-application conference with County staff. In this conference, the applicant shall be given general guidance about the procedures and data requirements for the subdivision application. The applicant may be informed as to the availability of alternatives for the proposed plan, available programs, and other options. The applicant shall prepare a sketch plan for at least 1 pre-application conference, but shall not prepare engineering or architectural drawings prior to the first pre-application conference. The Zoning Administrator shall review the proposed subdivision and shall advise the applicant as to the fees, reviews and approvals required. Article 4 Subdivisions outlines the required documentation for submittal. Neither the applicant nor the County shall be bound by any statements or determinations made during the pre-application conference.

2.12.3 Pre-engineering Conference for Thoroughfare Network and Traffic Impact Analysis

all other facets of the plan and specific components of the subdivision proposal conform to all applicable standards.

- (ix) County Flood Commission to:
 - (a) Determine whether the subdivision lies within a FEMA-designated floodplain;
 - (b) Notify the developer of any ongoing or proposed flood-control projects that will affect the proposed subdivision; and
 - (c) Determine whether the design, layout, construction details, disclosure statement and all other facets of the subdivision proposal conform to all applicable standards, as they relate to drainage.
- (x) All utility companies affected by the proposed subdivision to determine whether the proposed subdivision can provide easements to meet their respective service needs.
- (xi) The affected school district to review the plat and state whether a school site is proposed in or adjacent to the subdivision.

e. If, in the opinion of the appropriate public agency or an Indian nation, tribe or pueblo, a subdivider cannot fulfill the requirements of Subsection 2.12.4.d above and Section 4.7 or, if the appropriate public agency or the Indian nation, tribe or pueblo does not have sufficient information upon which to base an opinion on any one of these subjects, the subdivider shall be notified of this fact by the BOCC, and the procedure set out below shall be followed:

- (1) if the appropriate public agency or the Indian nation, tribe or pueblo has rendered an adverse opinion, the board of county commissioners shall give the subdivider a copy of the opinion;
- (2) the subdivider shall be given 30_days from the date of notification to submit additional information to the public agency or the Indian nation, tribe or pueblo through the board of county commissioners; and
- (3) the public agency or the Indian nation, tribe or pueblo shall have 30 days from the date the subdivider submits additional information to change its opinion or issue a favorable opinion when it has withheld one because of insufficient information. No more than 30_days following the date of the expiration of the thirty-day period, during which the public agency or the Indian nation, tribe or pueblo reviews any additional information submitted by the subdivider, the board of county commissioners shall hold a public hearing in accordance with Section 2.12.5 below to determine whether to approve the preliminary plat. Where the public agency has rendered an adverse opinion, the subdivider has the burden of showing that the adverse

- b. The AHSD will be coordinated with the Zoning Administrator to ensure consistency with the design review and approval process per Section 2.12.
- c. The AHSD shall include the following BMPs in Article 6:
 - i. Erosion Control Best Management Practices (6.1.6)
 - ii. Grading and Pre-Development Best Management Practices (6.1.7.c)
 - iii. Road and Thoroughfare Best Management Practices (6.2.5.g)
 - iv. Roadway Drainage Best Management Practices (6.5.13.e)
 - v. Detention Pond Best Management Practice (6.5.15.c)
 - vi. Water Conservation Best Management Practice (6.6.2.d)

2.13 COMMUNITY TYPES

2.13.1 General Provisions and Procedures

Approval of a community type shall not be considered a zone change. A community type as defined in Article 3 is an optional development standard permitted in every Zoning District, except **R5L and** industrial zones, on any parcel of land 10 acres or greater within the County. Community types shall be in accordance with the sector plan as defined by the Comprehensive Plan in Table 3.1 Community Types by Sector. The development of community types is intended to promote mixed-use communities, including neighborhoods at various scales that include residential, commercial, institutional, civic spaces and have access to water and wastewater services, see Table 3.2 Community Types, Criteria. Development intensities for mixed-use community types include Small Villages, Villages, Towns, Neighborhoods, and Urban Centers as specified in Table 3.3 Community Types, Areas and Civic Space.

2.13.2 Application Requirements

Community types shall include the submittal and review of a community type application per the standards of Articles 3, 4 and 5, and all other applicable sections of this Chapter. The community type shall be designed and structured by the percentages of development intensities as shown in Table 3.3. The application for a community type shall include the following:

- a. A conceptual site plan including details such as, but not limited to:
 - i. Size and location of community type;
 - ii. Description of the thoroughfare network;
 - iii. Locations and percentages of development intensities;
 - iv. Proposed dwelling unit densities;
 - v. Main civic space type, location, and size;
 - vi. Location and percentage of additional civic space;
 - vii. Connectivity of pedestrian sheds;
 - viii. Description and location of existing and proposed utilities;

- g. The Zoning Administrator shall notify the applicant of the approval, approval with conditions, or denial for the community type in writing. The notice shall either state the nature and conditions of approval of the community type or shall state the reasons for denial of the community type. The notice shall also advise the applicant of the next action they may take to address any outstanding issues.
- h. When approved, the community type shall be mapped on the Official Zoning Map of Doña Ana County.

2.14 EXPIRATION OF LAND USE APPLICATIONS

All land use applications submitted to the CDD shall expire by limitation and become null and void if no action is taken by the applicant within 180 days after receiving written notification of inaction from the Zoning Administrator. The Zoning Administrator may grant extensions to the applicant for periods not exceeding 90 days upon written request by the applicant explaining the circumstances beyond the control of the applicant that have prevented any action from being taken.

2.15 MASTER PLANS

2.15.1 General Provision and Procedures

A master plan is considered part of the planning process in which the proposal is viewed as a conceptual tool reflecting the ideas and thoughts for future development and the need for flexibility in land development. The master plan process is intended to ensure that proposed development is suitable and appropriate for a given parcel of land, based on its location and its environmental characteristics, which may offer a change in design criteria and to advance the goals and objectives of the Comprehensive Plan. The master plan process permits changes that conform with the intent to provide health, safety, and general welfare to County residents. Approved master plans shall be used as a general guide to land development with successive steps established for specific plans that shall be consistent with the adopted master plan.

2.15.2 General Provisions

- a. A master plan shall be required when any of the following criteria apply:
 - i. A development is to be divided into ~~multiple~~ three or more phases;
 - ii. A development application is proposing multiple land uses; ~~or~~
 - ~~iii. An application is for the single development of 40 or more lots; or~~
 - ~~iv-iii.~~ When a commercial, office, or industrial development application is proposing to utilize the summary subdivision procedure more than once on contiguous parcels owned by the same owner.
- b. For smaller residential developments of 10 or fewer acres, with 39 or fewer lots and built in no more than 2 phases, a master plan is not required.
- c. The subdivider is responsible for including on the master plan all contiguous property owned, legally controlled by, or of any development and/or financial interest to said subdivider.
- d. A preliminary plat may be submitted simultaneously with the master plan.

- (6) Avoid jogs in thoroughfares in which the centerline is offset by less than 200 feet.
- (7) Ensure that horizontal and vertical curves for all thoroughfares meet the standards of Section 6.3 Access and Parking, including any design adjustments to connect proposed subdivision thoroughfare to neighboring thoroughfares.
- (8) Design intersections at right angles and not less than 80 degrees where possible, in accordance with Section 6.3 Access and Parking.
- (9) Ensure clear sight triangles and required setbacks have been removed from the buildable area of corner lots so the remaining size of the buildable area is sufficient for builds with at least the same amount of surface area as the ones abutting in the same zone or development intensity.
- (10) Ensure thoroughfares meet engineering and thoroughfare design standards per Section 6.3 Access and Parking.
- (11) Avoid half thoroughfares by which only 1 side of the thoroughfare's pavement is platted or constructed, except that a thoroughfare may be constructed on the boundary of a parcel between two phases of the same subdivision.
- (12) ~~Ensure both ends of every thoroughfare terminate at intersections and form a network of lots and blocks. Zoning Administrator or the Design Review Committee may review a variance to this requirements where the terrain or width of a parcel to be subdivided is not practical to serve an area except by using a cul-de-sac. No cul-de-sac shall exceed 600 feet to the center of the bulb or ½ block in length for the zone or development intensity. No cul-de-sac shall exceed 800 feet to the center of the bulb or a maximum of 30 dwelling units. Zoning Administrator or the Design Review Committee may review a variance to this requirement where the terrain or width of a parcel to be subdivided is not practical.~~
- (13) Provide separate, legally described paved access directly to the nearest arterial or collector highway.
- (14) Provide any necessary dedication of land for rights-of-way at the project's perimeter to ensure that the subdivision will not become inaccessible during a 100-year storm.

B. Thoroughfare Network Plan

Preliminary and final plats shall include a thoroughfare network plan which shall include the following:

- (1) Existing major thoroughfares networks including thoroughfares leading to commercial and mixed-use areas and connecting between them railroad lines, highways, and designated County, State, and Federal Routes.
- (2) Designation for each thoroughfare mapped (both within and near the proposed subdivision). See Section 6.3 Access and Parking.
- (3) Proposed network of thoroughfares and their intersections including the following:
 - (a) Width of right-of-way;
 - (b) Design of parkways;
 - (c) Curb and turning radii at intersections;
 - (d) Location and type of traffic control devices; and

- (e) Dimensions dictated by safety standards and engineering requirements.
- (4) Proposed modifications to existing thoroughfares.
- C. Thoroughfare Assemblies
Thoroughfare assemblies shall be designed according to Section 6.3 Access and Parking.
- D. Block Standards
 - (1) Blocks shall consist of lots surrounded by thoroughfares.
 - (a) Lengths of block faces shall not exceed the maximum length of a block face, measured along lot lines, for the zone or development intensity per Table 4.1 Maximum Block Face Length, except that the Zoning Administrator may adjust the length of a block face by up to ~~10%~~100% by approval of an administrative variance to accommodate specific site conditions. See Section 2.7.3 Administrative Variances.
 - (b) Where two or more zones or development intensities occur on the same block face, the block face length shall not exceed that shortest required length.
 - (c) The block face length in Mobile Home Parks (DM) shall apply to the internal blocks to each DM or subdivision as well as to the sum of all contiguous land under the same ownership within the zone.
 - (2) The Zoning Administrator may exempt blocks adjacent to undeveloped land, areas unsuitable for development, or pre-existing incomplete blocks from a limitation on block length by approval of an administrative variance. See Section 2.7.3 Administrative Variances.
 - (3) ~~Block faces exceeding 500 feet shall be subdivided with a sidewalk extending through the block and is a minimum of 12 feet in width.~~
 - (4~~3~~) Rear lanes or alleys shall be required for medium and high intensity areas within a new community and within T4 and T5 Transect Zones. Rear lanes and alleys are not mandatory where the rear lot lines are at the edge of the site to be subdivided or where the block has been previously subdivided.

Table 4.1 Maximum Block Face Length

	N&T1	R&T2	R5/ & R5L	L&T3	M&T4	H & T5	D1/D1L	D2/D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Maximum Block Length (feet)	-	-	-	660 <u>1320</u>	600 <u>1200</u>	500 <u>1000</u>	660 <u>1320</u>	600 <u>1200</u>	500 <u>1000</u>	500 <u>1000</u>	500 <u>1000</u>	500 <u>1000</u>	600 <u>1200</u>	600 <u>1200</u>	-	-	-

Legend “-” means “no maximum.” Numbers refer to length in feet.

E. Parkway Assemblies

- (1) Each segment of a thoroughfare shall include a parkway corresponding to its adjacent zone(s) or development intensity in Section 6.3 Access and Parking.
- (2) Public lighting shall be located within the furnishings zone.
- (3) Public planting shall follow Section 5.7 Landscaping, Buffering, and Fencing.
- (4) Parkways in high intensity areas within a community type, within T5 Transect Zone and with portals or shopfronts may replace public planting with sidewalk pavement.
- (5) Sidewalks shall be provided per the minimum widths of Table 4.2 Minimum Width of Sidewalk Standards. Sidewalks shall meet the current Americans with Disabilities Standards for Accessible Design (ADA SAD) for curb ramps and accessible routes for all new construction.
- (6) Sidewalks shall be optional where no sidewalks exist in parkways or lots adjacent to and across a thoroughfare from the subject lot.
- (7) Sidewalks shall be a minimum of 10 feet in width at shopfronts, space permitting.

Table 4.2 Minimum Width of Sidewalk Standards

	N&T1	R&T2	R5/R5L	L&T3	M&T4	H&T5	D1/D1L	D2/D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Minimum Sidewalk Width	-	-	-	5 <u>4</u>	5 <u>4</u>	6 <u>5</u>	-	5 <u>4</u>	5 <u>4</u>	5 <u>4</u>	6 <u>5</u>	6 <u>5</u>	6 <u>5</u>	6 <u>5</u>	5	5	5

Legend “-” means “not required.” Numbers refer to width in feet.

F. Lot Structure

- (1) Lots shall have minimum and maximum widths and lot sizes per Tables 5.4 through 5.17 Site Standards, except claims of exemptions in the Rural (T2) Zone may be platted per NMED standards.

- (2) Each lot shall have a primary frontage along the vehicular thoroughfare except that the Zoning Administrator may permit a primary frontage along a sidewalk by approval of an administrative variance. See Section 2.7.3 Administrative Variances.
- (3) Where lots have multiple frontages as shown in Table 5.3 Facades, Elevations and Lot Lines Illustrated, 1 frontage line shall be designated as primary and any other frontage lines shall be designated as secondary.
- (4) All lots shall meet all relevant federal, state and local governmental regulations.
- (5) Lots with double frontage shall identify the intended front of the lots for driveway and address purposes. ~~Double frontage lots on adjacent cul-de-sacs shall not be permitted.~~
- (6) Legal access to a public thoroughfare within the development shall be required for all lots.

4.4 Civic Space Requirements

The purpose of civic spaces is to ensure civic amenities are of appropriate types and are in strategic and accessible locations and compatible land uses.

A. Civic Spaces

Civic spaces shall be assigned to each pedestrian shed during the design process. The minimum and maximum percentage of land to be dedicated and deeded as land in civic space is shown in Table 3.3 Community Types, Criteria. Civic spaces shall be assigned per Tables 3.5 Land Use Classification Matrix: Development Intensities and 5.1 Land Use Classification Matrix: Zoning Districts, and shall be designed per Table 4.3 Civic Space Types to conform to the zone and development intensity and to the following:

- (1) Those portions of N Zone, if any, within the transect zone or community type shall be part of the civic space allocation and shall be a park, per Table 4.3 Civic Space Types.
- (2) Pedestrian sheds shall contain at least one main civic space that is a square, plaza or green, per Table 4.3 Civic Space Types. An entrance to the main civic space shall be within 1,000 feet of the center point of the pedestrian shed unless topographic conditions, pre-existing thoroughfare alignments or other approved circumstances prevent such location.
- (3) Playgrounds conforming to Table 4.3 Civic Space Types shall be located so that every residential lot is within 1,000 feet of a playground.
- (4) At least 50% of the perimeter of each square or plaza per Table 4.3 Civic Space Types shall abut a thoroughfare.
- (5) Small spaces not conforming to the specific standards of Table 4.3 Civic Space Types are permitted and encouraged, although they shall not contribute to the minimum percentage of land required to be dedicated as civic space.
- (6) The County shall accept ownership of land in civic space unless accepted for ownership by a homeowner association or civic organization. Homeowner associations or civic organizations may elect to accept ownership of land in civic

4.5 Public Lighting

A. Purpose

Public Lighting is not required by this code. If Public Lighting is proposed than it shall follow the following guidelines. The purpose is to tailor design of lighting to context and assure adequate lighting for safety. Lighting within the County shall maintain the rural character of the region, in part by preserving the visibility of night-time skies while providing for safety and security.

B. Standards

Within parkways, prescribed types of public lighting shall be as shown in Table 6.11 Parkway Assemblies.

- (1) New development within the R and L Development Intensities and within T2, T3, R5 or D1 Zones shall meet the following standards:
 - (a) All lighting installations shall be designed and installed to be fully shielded except as exempted below and commercial lighting shall have a maximum lamp wattage of 250 watts HID (or approximately 1,600 lumens).
 - (b) Residential lighting shall be shielded such that the lamp or the lamp image is not directly visible outside the property perimeter.
 - (c) Exemptions:
 - [1] Lighting in swimming pools and other water features governed by the National Electrical Code.
 - [2] Exit signs and other illumination governed by the International Building Code.
 - [3] Lighting for stairs and ramps as required by the International Building Code.
 - [4] Holiday and temporary lighting less than 30 days use in any one year.
 - [5] Athletic field lighting, when field is in use.
 - [6] Low voltage landscape lighting, but such lighting shall be shielded to eliminate glare and light trespass.
- (2) All light standards shall comply with NMSA 1978, §§74-12 Night Sky Protection.

4.6 Public Utilities

A. Utility and Pedestrian Easements

The purpose is to ensure that easements provide adequate space for utilities and pedestrian access. This section also ensures that the easements are located in a manner appropriate to their zones and development intensities. This is accomplished by ensuring that:

- (1) Utility easements are concealed from view of the street where possible and they are not located where they would hinder the further development of lots over time; and
- (2) Pedestrian easements are located for the convenience and safety of pedestrians.

B. Location

ARTICLE 5 ZONING DISTRICTS AND REQUIREMENTS

The purpose of the requirements of this Article provide standards for the development of properties in a manner compatible with the Comprehensive Plan and zoning standards suitable for development and subdivision applications. The Official Zoning Map for Doña Ana County is located in the Community Development Department (CDD), which is the final authority on the zoning status of all lands within the County. Whenever changes are made to the zoning district boundaries, via approval of a zone change, the Zoning Administrator shall amend the Official Zoning Map of Doña Ana County.

5.1 ZONING DISTRICTS

This Chapter establishes two types of zoning districts: transect zones and use zones.

5.1.1 Transect Zones

Transect zones reflect the historic development patterns of Doña Ana County and are predominantly mixed uses and compact development. These zoning districts are located and map zoned to the existing historic communities and townsites that includes natural and rural conditions.

- a. Each zone shall have a distinct character as described below and specific land uses can be found in Table 5.1 Land Use Classification Matrix: Zoning Districts:
 - i1. N (Natural) Zone consists of lands in or reverting to a natural condition, including lands unsuitable for settlement or development due to topography, hydrology or vegetation.
 - ii2. T2 (Rural) Zone consists of sparsely settled lands in open or cultivated conditions. These include bosque, agricultural land and grazing land. Typical buildings include single family residential site-built homes and mobile homes, farmhouses and agricultural buildings. Thoroughfares are rural in character and have no pedestrian facilities. Landscaping is agricultural or that which occurs naturally.
 - iii3. T3 (Neighborhood Edge) Zone consists of low density single-family residential dwelling areas, with some mix of uses, home occupations and outbuildings. Parkways within thoroughfares and yard plantings shall be naturalistic and building setbacks shall be relatively deep. Blocks are large and thoroughfare networks irregular.
 - iv4. T4 (General Neighborhood) Zone consists of a mix of uses but is primarily mixed density residential. It contains a wide range of building types: houses, compounds, townhouses, duplexes, small apartment buildings and live-work units. Setbacks and landscaping are variable. Thoroughfares with sidewalks define medium-sized blocks.
 - v5. T5 (Town Center) Zone consists of higher density mixed-use buildings that accommodate retail, offices, townhouses and apartments. It shall have a tight network of thoroughfares with wide sidewalks, regularly spaced street tree plantings and buildings set close to the sidewalks.

5.1.2 Use Zones

Use zoning districts are one of several zones that are developed and regulated primarily by specific uses and are typically characterized by adjacent or similar development.

- a. Each use zoning district shall permit the following uses as described below and specific land uses can be found in Table 5.1 Land Use Classification Matrix: Zoning Districts:

- ~~i~~1. R5 (Rural Density Residential) Zone permits single-family residential site-built homes, mobile homes and related uses necessary to serve residential areas on lots 5 acres or greater.
- ~~ii~~2. R5L (Rural Density Residential – Limited) Zone permits single-family site-built homes and manufactured homes on lots 5 acres or greater. All government land shall be zoned R5L automatically upon transfer to private ownership and the CDD shall be responsible for initiating subsequent zoning for lands transferred into private ownership. A private owner of such land may request the CDD to consider another zoning district.
- ~~iii~~3. D1 (Low Density Residential) Zone permits single-family site-built homes, mobile homes, and related uses necessary to serve residential areas.
- ~~iv~~4. D1L (Low Density Residential – Limited) Zone permits single-family site-built homes and manufactured homes.
- ~~v~~5. D2 (Medium Density Residential) Zone permits a mixture of single-family site-built homes, mobile homes, duplex residences, and related residential support uses.
- ~~vi~~6. D2L (Medium Density Residential – Limited) Zone permits a mixture of single-family site-built homes, manufactured homes, duplex residences, and related residential support uses.
- ~~vii~~7. D3 (High Density Residential) Zone permits triplex, fourplex, and 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.
- ~~viii~~8. DM (Mobile Home Park) Zone permits single-family site-built homes, manufactured homes or mobile homes (ground-installed or blocked and screened), recreational vehicles and related community services that serve a mobile home park.
- ~~ix~~9. MU (Mixed Use) Zone permits small-scale commercial activities mixed with residential uses (site-built structures). 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.
- ~~x~~10. C1 (Neighborhood Commercial) Zone permits neighborhood commercial activities and small-scale freestanding businesses.

- ~~xii~~11. C2 (Community Commercial) Zone permits a range of commercial activities that serve a community or several communities, and allow larger commercial businesses.
- ~~xiii~~12. C3 (Regional Commercial) Zone permits a wide range of regional commercial activities generating large amounts of employment and traffic, serving a wide region on the County.
- ~~xiv~~13. I1 (Light Industrial) Zone permits light-intensity industrial activities that serve a community or several communities and are compatible with other commercial uses.
- ~~xv~~14. I2 (Medium Industrial) Zone permits medium-intensity industrial activities that serve a community or several communities.
- ~~xvi~~15. I3 (Heavy Industrial) Zone permits heavy-intensity industrial activities properly buffered from surrounding communities.

Table 5.1 Land Use Classification Matrix: Zoning Districts

LEGENDLegend

Permitted	P
Conditional Uses, See Table 5.2	C
Permitted if Assessed as Agriculture for On-Farm Operations Only	A
Special Use Permit	S
Retail Uses Not Elsewhere Classified, Limited By Building Size	*
Natural	N
Rural	T2
Neighborhood Edge	T3
General Neighborhood	T4
Town Center	T5
Rural Density Residential	R5
Rural Density Residential - Limited	R5L

Low Density Residential	D1
Low Density Residential - Limited	D1L
Medium Density Residential	D2
Medium Density Residential - Limited	D2L
High Density Residential	D3
Mobile Home Park	DM
Mixed Use	MU
Neighborhood Commercial	C1
Community Commercial	C2
Regional Commercial	C3
Light Industrial	I1
Medium Industrial	I2
Heavy Industrial	I3

Consult Sections 5.1, Table 5.1, 5.2 and 5.3 for additional restrictions on uses. Lots in all zones shall conform to Tables 5.4 through 5.17 Site Standards.

Table 5.1 Land Use Classification Matrix: Zoning Districts	ZONING DISTRICTS																			
	Transect Zones					Use Zones														
	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
PRIMARY USE OF PROPERTY																				
Civic Space																				
Park		P	P	P		P	P	P	P	P	P	P	P							
Green		P	P	P	P	P	P													
Square				P	P															
Plaza				P	P															

Table 5.1 Land Use Classification Matrix: Zoning Districts

PRIMARY USE OF PROPERTY	ZONING DISTRICTS																			
	Transect Zones					Use Zones														
	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Neighborhood Multipurpose Field				P	P			P	P	P	P	P	P	P						
Playground		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Community Garden, Small		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Community Garden, Medium		P	P	P		P	P	P	P	P	P		P	P	P	P	P			
Community Garden, Large		P	P			P	P	P	P				P	P	P	P	P			
Residential	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Apartment or Condominium Complex				P	P					P	P	P								
Duplex				P	P					P	P	P								
Accessory Dwelling		P	P	P	P	S	S	S	S	S	S									
Fourplex				P	P							P								
Home Occupation (see Section 5.10 Home Occupation Permits)		P	P	P	P	P	P	P	P	P	P	P	P	P						
Live-Work Unit				P	P									P						
Mobile Home Park		S	S									S	P		S	S				
Single-family Dwelling, Mobile Home		P	P	P		P		P		P			P							
Single-family Dwelling, Site-built		P	P	P		P	P	P	P	P	P	P	P	P						
Townhouse				P	P							P		P						
Triplex				P	P							P		P						
Community Types		P	P	P	P	P		P	P	P	P	P	P	P	P	P	P			
Lodging	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Bed and Breakfast		P	S	P	P	S	S	S	S	P	P	P		P						
Hotel and Motel				C	P									P		P	P			
Inn				C	P									P	P	P	P			
Recreational Vehicle Park		S		C									P		S	P	P	P		
Office	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Laboratory, Scientific, <u>Agricultural</u> Research, Office, and Service		S	S	C	P									P	P	P	P	P	P	P
Office, General			S	C	P									P	P	P	P	P		
Office, Small			S	P	P									P	P	P	P	P	P	P
Retail & Service	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Adult Bookstore or Adult Entertainment																S	S	S	S	S

Table 5.1 Land Use Classification Matrix: Zoning Districts	ZONING DISTRICTS																			
	Transect Zones					Use Zones														
	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
PRIMARY USE OF PROPERTY																				
Commercial Laundry				C	P										P	P	P			
Commercial Use Not Elsewhere Classified		S	S	C	P									P	P	P	P			
Convenience Store					P									P	P	P	P	P		
Display Gallery				C	P									P	P	P	P			
Gas Station				P	P									S	P	P	P	P	P	P
Kiosk				P	P									P	P	P	P			
Retail Facility, Large, over 25,000 sq. ft.*					S										P	P	P			
Retail Facility, Medium, 10,000 to 25,000 sq. ft.*					P										P					
Retail Facility, Small, under 10,000 sq. ft.*			S	C	P									P	P					
Open Market Building			S	P	P									P	P	P	P			
Personal Service			S	C	P									P	P	P	P	P		
Bar, Pub, Tavern, <u>Wine Tasting Room</u>				C	P									P	P	P	P	P		
Nightclub					S										P	P	P			
Restaurant, Bakery, Catering Service			S	C	P									P	P	P	P	P	S	S
Food Truck/Push Cart		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Institutional	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Community Building, Public or Private		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Convention or Exhibition Hall														P			P			
Cultural Center				C	P									P						
Entertainment Facility, Not Adult Entertainment					P										P	P	P			
Exhibition Center					P									P						
Institutional Use such as Library, Educational or Cultural				C	P										P	P	P			
Museum				C	P									P	P	P	P			
Off-Site Parking Area for Commercial and Industrial Use				C	P										P	P	P	P	P	P
Prison																			S	S
Recreation and Sports Facility, Private		P		P								P	P		P	P	P			
Recreation and Sports Facility, Public		S	P	P		S	S	S	S	S	S	S	S	S	P	P	P			
Religious Institution		S	S	P	P	S	S	S	S	S	S	S	S	P	P	P				
Theater and Like Places of Assembly				C	P									P	P	P				
Sports Stadium					P									P	P	P		P		
Agriculture	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Agricultural Packaging and Warehousing		A				A	A	A	A							P	P	P	P	P
Agricultural Processing Facility		A				A	A	A	A								S	P	P	P

PRIMARY USE OF PROPERTY	ZONING DISTRICTS																			
	Transect Zones					Use Zones														
	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Aquaculture		S				S								S			P	P	P	P
Auction Yard		S													P	P	P	P	P	P
Dairy and Related Operations																		S	P	P
Feed Lot																		P	P	P
Farming and Ranching		A	A	A	A	A	A	A	A	A	A	A	A	A	P	P	P	P	P	P
Grain Storage		A				A	A	A	A									P	P	P
Greenhouse and Nursery, Commercial		S	S	C	P	S	S	S	S					S	P	P	P	P		
Livestock Pen		A	A			S	S	A	A									P	P	P
Poultry Raising, Commercial		S																	P	P
Poultry Slaughtering and Processing, Commercial																			P	P
Research		P	S											PS				P	P	P
Stable, Private		P	P	C		P	P	P	P	P	P									
Stable, Public, Commercial		S				S	S													
Stockyard or Slaughter House																			P	P
Swine Production																			P	P
Wine Tasting Room for Winery		S	S	C	P	S	S	S	S					P	P	P	P	P	P	P
Automotive	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Automobile, SUV Repair, Sales or Service		S	S		P													P	P	P
Automobile Garages, Painting or Auto Body Work		S																P	P	P
Auto-Related Repair and Service, But Not Auto Painting or Body Work		S		C											P	P	P	P	P	P
RV or Truck Repair, Sales or Service																		P	P	P
Truck Stop																		P	P	P
Civil-Civic Support	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Animal Hospital, Veterinary Clinic, and Kennel, and Agricultural Office, and Medical Research		P	S	C		S	S	S	S				S	P	P	P	P	P		
Cemetery		S		C												P	P	P		
Crematorium																	P	P	P	P
Funeral Home and Funeral Chapel																P	P	P		
Health Service, Public or Private		S		C	P			S	S						P	P	P	P		
Hospital																P	P	P	P	P

Table 5.1 Land Use Classification Matrix: Zoning Districts	ZONING DISTRICTS																			
	Transect Zones					Use Zones														
	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
PRIMARY USE OF PROPERTY	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Education	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Child and Adult Care, Commercially Operated		S	S	C	P	S	S	S	S	S	S	P	S	P	P	P	P			
Childcare, Home Occupation		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
College or University					P										P	P	P			
Elementary School		S	S	C	P	S	S	S	S	S	S	S	S	S						
High School, Jr. High School, Middle School		S	S	S	P	S	S	S	S	S	S	S	S	S						
Trade School					P										P	P	P	P	P	
Industrial	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Borrow Pit, Batching Plant and Asphaltic Mix Plant																			P	P
Wireless Communications Facility		S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P
Construction Equipment, Related sales, Services, Storage and Distribution Facility																P	P	P	P	P
Drilling of Oil, Gas Well or Other Shaft Mining																				P
Energy Generation Operation																				P
Explosive Materials, Manufacturing or Storage																				P
Fat Rendering Plant																				P
Fertilizer Plant																				P
Food and Fiber Processing		S																P	P	P
Foundry																				P
Ground Transportation Terminal																P	P	P	P	P
Junkyard and Dismantling																				P
Laboratory Facility				C	P										P	P	P	P	P	P
Light Manufacturing				C	P												P	P	P	P
Major Facility for Distribution of Electric, Natural Gas, Water, Sewer, Cable		S													S	S	P	P	P	P
Heavy Manufacturing																				P
Mini-Storage Unit		S														P	P	P	P	P
Petroleum Refinery and Storage																				P
Recycling Center		S															P	P	P	P
Renewable Energy Facility		S																P	P	P
Utility Building, Wastewater Lift Station and Substation, Minor, Private or Public	S	S	S	S	P	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P
Warehouse																		P	P	P
Wholesale Sales and Storage																	P	P	P	
Wrecking Service		S															P	P	P	P

5.2 REGULATIONS GENERAL TO ALL ZONES

5.2.1 Purpose

The purpose of this section is to provide regulations general to all zones, including the classification and regulation of uses in all zones.

5.2.2 General Use Standards

Land uses in transect zones and use zones shall be in accordance with Table 5.1 Land Use Classification Matrix: Zoning Districts:

- a. Coexistence of Uses. All of the uses permitted by Table 5.1 shall be permitted to coexist on a property simultaneously within a given zoning category.
- b. Special Use Permits. A specific use that is not permitted by right within a zoning district will require a special use permit (S) per Table 5.1. Landscaping, Buffering, and Fencing requirements shall apply per Section 5.7.
- c. Conditional Use. A conditional use (C) is permitted with certain conditions limiting size or intensity per Table 5.2 Conditions for Transect Zones.

Table 5.2 Conditions for Transect Zones

	T4
Lodging	12 rooms/RV spaces maximum.
Office	6,000 sq. ft. building footprint maximum.
Retail & Services	12,000 sq. ft. building footprint maximum. Alcohol and food service establishments shall seat no more than 40.
Institutional	20 parking spaces maximum.
Agricultural	20 parking spaces maximum.
Automotive	Accessory to residential only. No exterior storage permitted.
Civil Support	30 parking spaces maximum.
Education	Childcare facilities shall have no more than 4 parking spaces. Elementary school sites shall be 5 acres maximum unless playground has 24-hour shared community access.
Industrial	20 parking spaces maximum.

- d. Limited Overlay. Where a “Limited” Overlay (L) is mapped in a zone, the overlay restricts additional uses in the zone as follows:
 - i. Limited Overlay in any low or medium density residential zone (R5L, D1L and D2L) prohibits the use of mobile homes. Allows for site-built homes and manufactured homes groundset only.
- e. Group Homes. Group homes, including all uses meeting the definition of “Group Home” in the Fair Housing Act and Federal Housing Amendments Act, shall be permitted where a single-family, duplex, triplex, fourplex, or multi-family dwelling

use is permitted, and shall obey any zoning restrictions for such a dwelling use. Group homes or halfway-houses for prisoners, parolees, juvenile offenders, and similar uses shall be approved by the Planning & Zoning Commission (P&Z) as special use permits (S).

- f. Travel Trailers and recreational vehicles shall be located in approved mobile home parks or recreational vehicle parks. Temporary location of mobile homes and recreational vehicles shall be permitted outside mobile home parks or recreational vehicle parks under the following conditions:
 - ~~i.1~~ Property owner is constructing or remodeling a residential dwelling unit and has obtained a valid building permit, along with a temporary use permit for the mobile home or recreational vehicle. Temporary permits are valid for one year and may be renewed for an additional year if work is proceeding on the site-built home. This exception becomes void 30 days after the house receives a certificate of occupancy; or
 - ~~#2.~~ With a temporary use permit, intended for a period exceeding 7 days. Only one travel trailer or recreational vehicle is allowed per property.
- g. Sales on Residential Lots. Garage, yard sales or similar uses are limited to three sales in one year per street or unit address, and each sale shall be limited to three consecutive days. For the purpose of this regulation, the address includes unit number or letter.
- h. Commercial Vehicle Parking. Commercial vehicles with more than six wheels, and semi-trucks or semi-trailers cannot park in residential areas except for reasonable period for loading and unloading. Agricultural vehicles parked on farms (as defined by the Tax Assessor's records) are exempt from this provision. One semi-truck may be parked on properties of 3/4 acre or larger. Such vehicles may not be parked in the front yard, forward of the front building line of the residential structure.
- i. Adult Bookstores and Adult Entertainment. Adult bookstores and adult entertainment uses shall be located 1,000 feet from the property line of any church, school, public park or recreational facility, residential zone, or residential use and shall require a public hearing by the P&Z.
- j. Other Structures. Structures that do not meet the definition of principal buildings or accessory buildings shall be approved by the Zoning Administrator as long as the structures are no larger than is reasonably necessary to serve a use allowed on the property. The determination of what is reasonably necessary shall be based upon generally accepted standards associated with the proposed use. Any accessory building with a roof shall not be allowed except where a principal or accessory building is permitted.
- k. Swimming Pools, Hot Tubs and Spas. Open and uncovered swimming pools, hot tubs, or spas may occupy a setback, provided they are located no closer than 5 feet to a property line, building, or fence, provided they are surrounded by an approved wall or fence, at least four feet in height with self-closing devices on the gates. 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 requirement for barriers surrounding swimming pools. All hot tubs and spas shall have an approved safety cover.

- l. Outside Storage. Outside storage of any materials that total 200 square feet or greater, shall be enclosed by a 6 foot solid wall or opaque fence on all sides.

5.2.3 Lots, ~~and Driveways, and Residential Access~~

- a. Cul-de-Sacs. The width of a lot on a cul-de-sac shall be measured at the minimum front setback line.
- b. Flag Lots. Where permitted, the width of the primary frontage line of a flag property shall be 25 feet including a driveway.
- c. Odd-Shaped Lots. The Zoning Administrator shall determine the setback and yard coverage standards for odd-shaped properties.
- d. Driveways. Except as specifically permitted in Tables 5.4 through 5.17, driveways shall be a minimum 10 feet wide in the private frontage for one-way travel and 20 feet wide for 2-way travel, measured perpendicular to the direction of travel, except they may have wider unimproved shoulders in N, R and R5 Zones. The DRC may require a wider driveway for reasons of practical difficulty such as fire lanes, queuing or to accommodate oblique angles. Legal non-conforming lots may be developed with existing and improved access. Non-residential driveways and parking areas shall be paved in accordance with Article 6.
- e. Lot Coverage. Lot coverage shall be per Tables 5.4 through 5.17.

~~f. 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 comply with the access requirements in Tables 5.19, 6.5, 6.6, and 6.7, unless a lesser width is approved by the Zoning Administrator because of a physical hardship and other criteria for variances per Section 2.7.2 are met. The composition of road surfaces shall be designed to withstand the anticipated loading. Width and design may vary depending upon the use. Drainage swales and drainage structures shall be part of the road design.~~

~~1. The Zoning Administrator may approve a reduction in the required road width to not less than 30 feet of right-of-way or road and utility easement with a minimum width of 20 feet of improved roadway if it is determined by a professional engineer, that is approved by the County Engineer, 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.~~

~~2. The Zoning Administrator may approve, for residential development proposing no more than one additional dwelling unit, a reduction in the required road width to a minimum travelled roadway width of 20 feet, with a secondary outlet or turnaround, approved by the Fire Chief. The roadway and turnaround may be unimproved but must be capable of supporting fire apparatus weighing at least 75,000 pounds. Only one approval per parcel every five years may be granted under this subsection. The five-year time period shall be documented on the approved residential site plan for the development or the claim of exemption application.~~

5.2.4 Principal Building, Accessory Building, Setbacks and Building Height

One principal building shall be built at the primary frontage. Required building placement, setbacks and building heights shall conform to Tables 5.4 through 5.17.

- a. Setbacks, Administrative Adjustment. Setbacks may be adjusted by up to 20% by the Zoning Administrator to accommodate specific site conditions and shall meet the requirements of an administrative variance per Section 2.7.3.
- b. Frontage Buildout. Principal building shall occupy at least the percentage of the property width specified in Tables 5.4 through 5.17, measured at the minimum setback.
- c. Façade Area. Façade shall be located entirely within the façade area indicated in Tables 5.4 through 5.17.
- d. Setbacks, Railroad. 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.
- e. Setbacks, Buffer. Whenever Landscape Buffer Class widths and building setbacks are both involved in a project, the development shall comply with both requirements.
- ef. Building Separations. There shall be no less than 6 feet between detached buildings on the same lot, measured eave to eave.
- fg. Easement Encroachments. There shall be no permanent structures or obstructions located on or over easements without written approval from the entity/party for which the easement is provided, and review and approval by the Zoning Administrator providing it does not compromise the health, safety and welfare of the public.

5.2.5 Building Arrangement

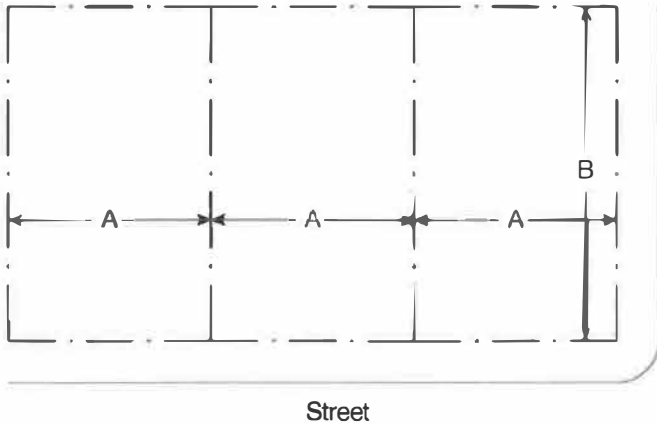
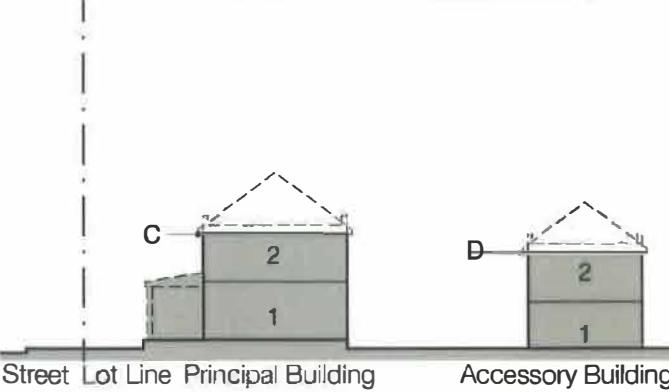
- a. NMED Standards. In no case shall the lot standards be reduced below the New Mexico Environment Department standards, if applicable.
- b. Outdoor Equipment. All outdoor electrical, plumbing and mechanical equipment shall be located behind the façade or concealed from frontage view with a screen or wall. These facilities shall not encroach into the private frontage.

5.2.6 Parking Standards

Except where specified otherwise for the zone, the following apply to parking within a property in all zones:

- a. Parking for transect zones shall be located on the portion of a property shown in Tables 5.4 through 5.17.
- b. Parking for use zones shall be confined to the portion of the lot outside of setbacks, except that 1/3 of the area between the front of the principal building and the primary frontage line may be occupied by parking. This calculation excludes driveways.

Table 5.5 Site Standards: T3 Zone

Neighborhood Edge Zone (T3)	
Lot Standards	
	<p>Legend:</p> <p>— · — Property Line</p> <p>- - - - Setback Line</p> <p>1. Lot Size and Density</p> <p>A Lot Width: 60 feet (min)</p> <p>B Lot Depth: not applicable</p> <p>1.1 Lot Area: 6,000 square feet (min)</p>
2. Other Lot Standards	
Accessory Dwelling	1 Accessory dwelling permitted per lot limited to 800 1,250 sq. ft.
Building Form	
	<p>3. Building Height</p> <p>C Principal Building Height: 2 stories (max)</p> <p>D Accessory Building Height: 2 stories (max)</p> <p>4. Private Frontage</p> <p>4.1 Private Frontage Type: Common yard or Fenced/Walled yard</p> <p>4.2 Frontage Buildout: not applicable</p>

- c. Institutional, Manufacturing and Industrial Uses. Institutional, manufacturing and Industrial uses are prohibited unless they are accessory to agricultural use, per Table 5.1 Land Use Classification Matrix: Zoning District.
- d. Agricultural Use. Agricultural use is permitted by right per the definition of agriculture.
- e. Agriculture-Related Buildings. Agriculture-related buildings, barns workshops and sheds shall be a minimum of 50 feet from all adjacent front and rear property lines and 20 feet from all side property lines, or 100 feet from a public right-of-way, whichever is greater. Such buildings shall not exceed 40 feet in height.
- f. ~~Accessory Buildings. One accessory building may be used as a dwelling. Additional accessory buildings cannot be used as living quarters per Table 5.4.~~

5.3.9 Regulations Specific to T3 Zone

- a. Office Use, Area and Location. Building area available for office use on each property is restricted to 600 square feet within the principal or accessory building.
- b. Retail Use, Area. Building area available for retail use ~~is restricted to buildings at corner locations and~~ may not exceed 2,000 square feet.
- c. Retail Use, Food Service. Food service is limited to no more than 600 square feet of seating area.
- d. Institutional, Manufacturing and Industrial Uses. Institutional, manufacturing and industrial uses are prohibited unless they are accessory to agricultural use.
- e. Agricultural Use. Agricultural use is limited to the specific uses in Table 5.1 Land Use Classification Matrix: Zoning Districts.

5.3.10 Regulations Specific to T4 Zone

- a. Retail Use, Area and Location. Retail use, area and location are limited per Table 5.1
- b. Office Use, Area and Location. Building area available for office use on each property is limited to 2,500 square feet.
- c. Agricultural Use. Agricultural use is limited to the specific uses in Table 5.1 Land Use Classification Matrix: Zoning Districts.

5.3.11 Regulations Specific to T5 Zone

- a. Retail Use, Area and Location. Retail uses are not limited in area.
- b. Institutional Use. Institutional uses may occupy any building story.
- c. Agricultural Use. Agricultural use is limited to the specific uses in Table 5.1 Land Use Classification Matrix: Zoning Districts.

5.4 REGULATIONS SPECIFIC TO USE ZONES

The purpose of these regulations of use zones is to maintain compatibility both with certain existing forms of development and with the regulations under which they were previously permitted. See the specific uses in Table 5.1 Land Use Classification Matrix: Zoning Districts.

- a. Recreational Space. 10% or 20,000 square feet of the total development, whichever is less, shall be devoted to usable space for recreational activities. Ponding and drainage areas may contribute to this recreational space.

5.4.8 Regulations Specific to DM Zone

The DM Zone is primarily for mobile home and recreational vehicle ("RV") parks; see Section 5.9 for additional standards.

- a. ~~a.~~ Mobile Homes, Type. Mobile homes shall be equal to or greater than 8 feet in width or 40 feet in length and 11 feet in height.
- b. Recreational Vehicles, Types. RV's include motor homes, travel trailers, pick-up campers, and tent trailers.
- b. Site Conditions. If the site accommodates mobile homes, it shall be approve for a:
 - ~~i1.~~ Mobile home park with community water and sewer;
 - ~~ii2.~~ Subdivision with community water and sewer; or
 - ~~iii3.~~ RV park or campground.
- c. Mobile Home Site. Each mobile home site/space shall be governed by the site standards for the DM Zone in Table 5.11 Site Standards: DM Zone.
- d. Dwellings, Number: ~~A minimum of 5 dwellings are permitted-required~~ per mobile home ~~or RV park or subdivision; with a maximum of~~ one dwelling per each space allotted for a mobile home or RV.
- e. Space for a Mobile Home, Area: ~~minimum~~ 3,500 square feet, excluding roadways.
- f. Space for a Mobile Home, Width: ~~minimum~~ 50 feet.
- g. Space for a Mobile Home, Depth: ~~minimum~~ 70 feet.
- h. Recreational Space: ~~10% or 20,000 square feet of the total development, whichever is less, shall be devoted to usable space for recreational activities. Ponding and drainage areas may contribute to recreational space.~~
- i. Space for a Recreational Vehicle, Area: minimum 1,500 square feet having utility hook-up or 900 square feet without hook-ups, excluding roadways.
- j. Space for a Recreational Vehicle, Width: minimum 10 feet.
- k. Space for a Recreational Vehicle, Depth: minimum 40 feet.

5.4.9 Regulations Specific to MU Zone

The MU Zone is primarily for mixed land uses.

- a. Additional Uses. The Zoning Administrator may approve other similar uses that are compatible with those uses listed in Table 5.1 Land Use Classification Matrix: Zoning Districts.
- b. Driveways. Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Chief; minimum 25 feet of driveway width for non-dedicated streets or driveways within a property for

two-way traffic and minimum 20 feet for one-way traffic (measured perpendicular to the direction of travel). Driveways shall be paved.

5.4.10 Regulations Specific to C1, C2 and C3 Zones

The C1 Zone is primarily for neighborhood commercial uses. The C2 Zone is primarily for community commercial uses. The C3 Zone is primarily for regional commercial uses.

- a. Driveways. Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Chief; minimum 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and minimum 20 feet for one-way traffic (measured perpendicular to the direction of travel). Driveways shall be paved.

5.4.11 Regulations General to I1, I2 and I3 Zones

The I1, I2 and I3 Zones are primarily for light, medium, and heavy industry, respectively.

- a. The three zones differ in their uses permitted, which are listed separately in Table 5.1 Land Use Classification Matrix: Zoning Districts.
- b. Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to 0 feet. Driveways and loading docks shall be paved.

5.5 PARKING AND LOADING LOCATION AND DESIGN

This regulation ensures parking and loading are located and regulated safely and in a manner that supports economic opportunity and pedestrian activity. This is accomplished by ensuring off-street parking and loading do not interfere with the spatial enclosure and harmony of the public realm, and that on-street loading is located and timed for convenience and compatibility with adjacent uses.

5.5.1 Conformance

Parking shall comply with Americans with Disabilities [Act](#) Standards for Accessible Design (ADA SAD), the Federal Highway Administration (FHWA), and the engineering standards of this Chapter.

5.5.2 Parking Access and Location

The zone shall regulate the location and access. See Sections 5.2, 5.3, 5.4, ~~and 5.5,~~ [and Section Article 6.](#)

5.5.3 Forward Travel

Except at alleys and lanes, and for one- or two-family dwellings, vehicles exiting the property shall travel in a forward direction.

5.5.4 Loading Location

Off-street loading space shall be provided and maintained for every building or part thereof occupied by any use requiring the movement of large volumes to or from vehicles.

- a. One space is required for each whole increment of 10,000 square feet occupied by the use.

5.6.10 Odors

The release of materials odorous by nature, or capable of being odorous, either by bacterial decomposition or chemical reaction, which renders it perceptible from beyond the zoning property, shall be prohibited with the exception of commercial agricultural uses.

5.6.11 Toxic Substances

The storage, handling or transport of toxic substances shall comply with the State of New Mexico Office of Emergency Management (OEM) rules and regulations, as applicable relative to the prevention of water pollution

5.6.12 Water Pollution

All uses shall comply with the State of New Mexico and the United States Environmental Protection Agency (EPA) rules and regulations as applicable regarding the prevention of water pollution.

5.6.13 Fire and Explosion Hazards

Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with applicable federal, state and local laws and the Doña Ana County Fire Chief (CFC).

5.6.14 Outdoor Storage

All outdoor storage for fuel, raw materials and products shall be enclosed by a solid fence, wall and/or plant materials adequate to conceal such facilities from adjacent properties and public right-of-way, per Section 5.7. These restrictions do not apply to commercial agricultural.

5.6.15 Drainage

No use shall adversely affect the natural drainage pattern on its own or any other property.

5.7 LANDSCAPING, BUFFERING, AND FENCING

~~Doña Ana County is located within the Chihuahuan Desert ecoregion with a diversity of plants and wildlife adapted to its range of climate; this guides requirements for landscapes, buffers, and fences. The purpose of Landscaping, Buffering, and Fencing requirements is to contribute to the aesthetic quality of development, to provide privacy and security, to enhance the overall quality of life in the area, to use active landscape features, and to preserve and maintain compatibility with the Chihuahuan Desert ecoregion and its diversity of plants and wildlife adapted to its range of climate.~~

5.7.1 Applicability

- a. New Development: ~~This section applies to all new~~ commercial, industrial, ~~public institutional, and multi-family properties uses involving three or more units, to include and~~ all exterior roadway frontages of single family developments, ~~i.e.:~~ ~~Specifically, this is~~ the area between the roadway edge and property line or exterior walls, whichever is furthest from the roadway.

- b. New Development, Unmanned:-- All unmanned development is exempt from the landscaping requirements of Section 5.7.4. All unmanned development, with the exception of land uses whose core function would be impaired, shall comply with Buffer requirements of Sections 5.7.13 through 5.7.17. Section 5.7 shall not apply to Wireless Communication Facilities, which are regulated under Section 5.13.
- bc. Expansions of Existing Development: This section applies to all commercial, industrial, ~~public~~institutional, and multi-family ~~properties~~uses that include a change in character, land use, enlargement, extension, or expansion. If the existing landscape area is less than the required landscape area, additional landscaping shall be provided according to this section.
- ed. Discontinued or Abandoned Development: This section applies to all commercial, industrial, institutional, and multi-family uses of three or more units discontinued or abandoned for a period of one year or more, per Section 2.9.9.
- c. Exceptions:
- i1. The following ~~properties~~uses: single-family residential or duplex, community garden, ~~and~~ farming and ranching;
 - ii2. Existing development not being expanded; and;
 - iii3. Existing landscaping, if developed in compliance with zoning requirements in effect prior to the enactment of this chapter.

5.7.2 Landscape Plan Requirements

A Landscape Plan shall be submitted with an application for building permits, site plans, and subdivisions, including:

- a. Required clearances, locations of all proposed irrigation, ~~plantings~~, ground cover, any required buffers, and other landscape treatments including water harvesting and hardscape, with dimensions noted. The plan shall include a graphic scale, a written scale, and a north arrow.
- b. Proposed irrigation shall indicate the water source with static pressure, type and size of system, and equipment. Irrigation shall be noted as permanent or temporary.
 - i1. Permanent System: Plan shall indicate an underground system of adequate sizing to properly irrigate landscape. This shall include a reduced pressure backflow preventer with a locking enclosure and insulation or heating, valves, piping, drip emitters, heads, and a multi-program controller.
 - ii2. Temporary System: Plan shall indicate a method to establish seeding and low water-use plants. This shall include an underground or on-grade system, a water truck, or a time-release water supplement. Temporary systems shall be removed within 2 years of the landscape completion date.

5.7.3 Plant Preservation Credit

Existing trees and plants may be applied towards landscaping requirements as follows:

a. General Requirements:

- ~~1.~~ Possess a live plant cover, including a full canopy and roots, not overly pruned to compromise vigor or the typical form for their species, and determined as such by CDD or county extension agent;
- ~~2.~~ Provide a plan for temporary, protective fencing beyond their root zone(s) and temporary irrigation to protect plants during construction, prior to landscape installation;
- ~~3.~~ Can meet up to 50% of landscape requirements;
- ~~4.~~ Invasive species as listed in New Mexico Department of Agriculture or other USDA lists, may not be used towards any plant preservation credits, and;
- ~~5.~~ Credit shall be issued for trees and plants preserved upon substantial completion of project and landscaping.

b. Preserved Areas in a Natural Condition.

- ~~1.~~ Consists of areas in their natural condition including post-developed sites, which have returned to their pre-developed condition, with no less than 50 percent native plants.
- ~~2.~~ An area of natural condition meets the landscape area requirement at a ratio of 1 to 1.

c. Preserved Plants.

- ~~1.~~ An established tree or other plant existing on a property, except invasive species.
- ~~2.~~ Existing trees meet the tree quantity requirement at a ratio of 1 tree per 3 inches caliper to a maximum of 9 inches caliper per existing tree. Existing canopy area meets the live plant cover requirement at a ratio of 1 to 1.
- ~~3.~~ Other existing plants meet the shrub and other plant quantity requirement at a ratio of 1 plant per square foot of live plant cover to a maximum of 10 square feet per existing plant. Existing live plant cover meets the live plant cover requirement at a ratio of 1 to 1.

5.7.4 Landscaping, Required Areas

- a. The landscaped area shall be void of any impermeable obstruction to planting, except where hardscape and other features are proposed.
- b. Non-Industrial Uses: Required landscape areas shall be landscaped in accordance with this section:
 - ~~1.~~ Inside the Property Line: ~~The minimum landscape area is calculated by using the entire property area, square footage less the building area,~~ multiplied by 15%, less plant preservation credit.

2. ~~Within the Public Right-of-Way per 5.7.6-- The entire square footage of the planter shall be landscaped per Tables 6.9, 6.10, and 6.11.~~
 3. ~~All Vehicular Use Area per Section 5.7.7.~~
 - ii4. ~~Within the Public Right-of-Way. The entire square footage of the planter shall be landscaped per Tables 6.9, 6.10, and 6.11. Any Buffer per Sections 5.7.13 through 5.7.17.~~
- c. ~~Industrial Uses: Required landscape areas shall be landscaped in accordance with this section, divided as follows:~~
1. ~~Inside the Property Line. The minimum landscape area is calculated by using the street view area, multiplied by 25%, minus the plant preservation credit.~~
 2. ~~Within the Public Right-of-Way per 5.7.6. The entire square footage of the planter shall be landscaped per Tables 6.9, 6.10, and 6.11.~~
 3. ~~Any Vehicular Use Area per Section 5.7.7.~~
 4. ~~Any Buffer, including frontage buffers, per Sections 5.7.13 through 5.7.17.~~
- ed. Provided Landscape Area: Any plantable area not left as natural cover, excluding features such as golf courses, parks, recreational areas, community gardens, and un-landscaped areas covered in mulch. Due to variations in site design, the provided landscape area could be larger than required. The same standards shall apply to the entire area.

5.7.5 Landscaping, Required Treatments

- a. All proposed landscaping shall provide active landscape features.
- b. General Landscape Type. Landscaping shall consist of ~~living live trees and other~~ plants, ~~ground cover, and an~~ irrigation system supporting all plants, and ground cover.
 - i1. ~~Plants shall be distributed throughout the Required Landscaping Area.~~
 2. ~~If plants in the Required Landscaping Area meet Live Plant Cover requirements, any extra plants may be applied towards Buffer Class requirements per Sections 5.7.13 through 5.7.17.~~
 3. ~~For exceptions-~~Landscaping shall comply with all additional requirements or alternatives to general ~~landscape-landscaping~~ requirements, ~~see per~~ Sections 5.7.6, ~~through~~ 5.7.7, and 5.7.13 through 5.7.17.
 - ii4. ~~Landscaping may include~~~~For~~ plant substitutions allowing design flexibility; ~~per-see~~ Table 5.20.
- c. Minimum Live Plant Cover: Live trees and other plants combined shall cover a minimum of 25% of the provided landscape area at maturity, see area column of Appendix X.
- d. Trees: A minimum of 1 live tree shall be provided for every 1,000 sq. ft. of landscape area at a minimum size combination of 15 gallon and/or 5 foot height with a 2 foot canopy width.

- e. Other Plants: A minimum of ~~20~~10 live plants shall be provided for every 1,000 square feet of landscape area, at a minimum size of 5 gallon.
- f. Ponding Areas shall meet requirements of Section 6.5 and Section 5.7.
- g. Low water-use trees and other plants shall be used in a minimum of 50% of provided live plant cover, per Appendix X.
- h. High water-use plants shall not be counted towards any required landscaping per Appendix X.
- i. Artificial or other non-living plants including synthetic lawns and turf, shall not be counted for any required landscaping.
- j. Prohibited or not-recommended plants shall not be counted towards any required landscaping, per Appendix Y. Prohibited plants shall not be added to any provided landscape area.
- k. Ground Cover: ~~Any combination of mulch, seeding, or turf, but shall not include asphalt, concrete, or bare soil.~~ Ground cover is required in all areas of provided landscaping not covered by plants.
 - ~~i~~1. Inorganic Mulch:— Mulches shall be a minimum depth of 2 inches. On slopes 5:1 or greater, mulches shall be sized 2 inches in diameter or larger, at a depth allowing no visible bare soil or weed fabric.
 - ~~ii~~2. Organic Mulch:— Mulches shall be a minimum depth of 3 inches. On slopes 5:1 or greater, organic mulch is not permitted.
 - ~~3.~~ Low Plants:— Plants that usually mature at a maximum height of 30 inches but can spread to a greater width than their height, which are installed at a close spacing to form a dense cover.
 - ~~iii~~4. Seeding:— A technique which disperses seeds and results in germination of live plants, including grasses and wildflowers. Multiple applications of seeding shall provide a minimum of 25 percent cover within 2 years of the landscape completion date. On slopes ~~35~~5:1 or greater, seeding is not permitted.
 - ~~iv~~5. Turf:— A surface layer of soil, grass, and its roots bound into a mat. On slopes 6:1 or greater, turf is not permitted.
- l. Plastic is prohibited under any mulch, between plants, or as a covering to bare soil
- m. Required Clearances. Landscape features and plantings at maturity shall not interfere with critical distances to infrastructure and other site features:
 - ~~i~~1. Clear Sight Triangle: Trees and other plants within a clear sight triangle per Section 6.2.3 shall be free of foliage from 30 inches to 8 feet in height above the roadway.
 - ~~ii~~2. Overhead Utilities or Lines: Trees shall not be located underneath utilities or lines, except species known to mature under 12 feet in height.
 - ~~iii~~3. Underground Utilities or Lines: Trees shall not be located within 3 feet of any underground utilities.

- ~~iv~~4. Fireplugs or Fire Hydrants: Trees shall not be located within 8 feet of fireplugs or hydrants. Other plants shall be located so mature canopies are a minimum of 5 feet from fireplugs or hydrants.
- ~~v~~5. Street Light Poles or Fixtures: Trees shall be located so mature canopies do not contact poles or fixtures, and trunks shall be a minimum of 10 feet from poles or fixtures. Other plants shall be located so mature canopies are a minimum of 3 feet from poles or fixtures.
- ~~vi~~6. Drainage Structures, Underground and Above-Ground Utility Boxes, Poles, and Vaults: Trees and other plants shall be located so mature canopies are a minimum of 3 feet from the structure.
- ~~vii~~7. Planting Area Sizing, Trees: An unpaved area with a minimum of 36 square feet and no dimension less than 4 feet shall be provided for each tree. Tree trunks require a minimum of 6 feet clearance from buildings, fences, walls, and parkways.
- ~~viii~~8. Planting Area Sizing, Other Plants: An unpaved area sized to accommodate plantings at maturity. Mature canopy of other plants shall not extend beyond planting area.
- ~~ix~~9. Overhead Structures and Canopies: Provided landscape area shall not be located beneath the structure. Trees shall be located so mature canopies do not contact the structure.

5.7.6 Landscape, Public Right-of-Way

- a. Trees in parkways shall have a size combination of no less than 24 inch box, 1-1/2 inch caliper, ~~and~~/or 6 foot height with a 2 foot canopy width at installation time. Trees shall not be spaced closer than their mature canopy widths, ~~using~~ They may use even or uneven groupings and spacing.
- b. Turf, regardless of irrigation method, is prohibited in this area.
- ~~c. Live Plant Cover: a minimum of 50% of provided landscape area.~~

5.7.7 Landscape, Vehicular Use Areas

These requirements shall apply to parking lots, driveways, and loading areas ~~containing greater than 10 spaces in a use zone and 25 spaces in a transect zone:~~

- a. Indicate the Vehicular Use Area boundary on the plan, extending a minimum of 5 feet beyond the parking lot, driveway, and loading area perimeter.
- b. A minimum of 1 live tree per 5 parking spaces, evenly distributed.
- ~~c. Live Plant Cover:-- 25% minimum of provided landscape area within vehicular use area, not including tree cover.~~
- ~~bd.~~ All paved surfaces shall drain into landscape areas unless subsurface conditions do not support infiltration.
- ~~ee.~~ Trees shall have a size combination of no less than 24 inch box, 1-1/2 inch caliper, and/or 6 foot height with a 2 foot canopy width at installation time.
- ~~ef.~~ Turf, regardless of irrigation method, is prohibited in this area.

5.7.8 Plant Substitutions

Plant sizes and quantities may be substituted based on the equivalencies listed in Table 5.20 Plant Substitutions.

Table 5.20. Plant Substitutions

<u>Required Type and Size</u>		<u>Equivalent</u>		
<u>quantity</u>	<u>plant</u>	<u>15 gallon</u>	<u>5 gallon</u>	<u>1 gallon</u>
<u>1</u>	<u>Tree:</u> <u>24 inch box, 1-1/2 inch caliper, and/or</u> <u>a 6 foot height with a 2 foot canopy</u>	<u>2</u>	<u>6</u>	<u>n/a</u>
<u>1</u>	<u>Tree or Other Plant:</u> <u>15 gallon and/or a 5 foot height with</u> <u>a 2 foot canopy</u>	<u>n/a</u>	<u>3</u>	<u>2</u>
<u>1</u>	<u>Tree or Other Plant:</u> <u>5 gallon</u>	<u>1/3</u>	<u>n/a</u>	<u>3</u>

5.7.89 Plant List.

~~The emphasis is on plants best suited for the arid conditions and temperature range in the Chihuahuan Desert.~~ Refer to Appendix X for recommended tree and plant species for use in landscaping. The emphasis is on plants best suited for the arid conditions and temperature range in the Chihuahuan Desert.

a. ~~—~~ **Bold type** signifies a native plant in Doña Ana County.

b. ~~—~~ Plant List Headings:

i. ~~—~~ Common name: locally used name;

ii. ~~—~~ Botanical name: scientific name;

iii. ~~—~~ Height: average mature canopy height;

iv. ~~—~~ Width: average mature canopy width, diameter, or spread;

v. ~~—~~ Area: average area of mature canopy width;

vi. ~~—~~ Edible: a plant with fruit or foliage used for food; and;

vii. ~~—~~ Water Use Zone: A typical water requirement for landscaping once established in an ecoregion per Figure 5-1. Asterisks indicate the applicable region (* valley, ** foothills, *** valley and foothills).

Figure 5-1. Ecoregion—Water Use Zones

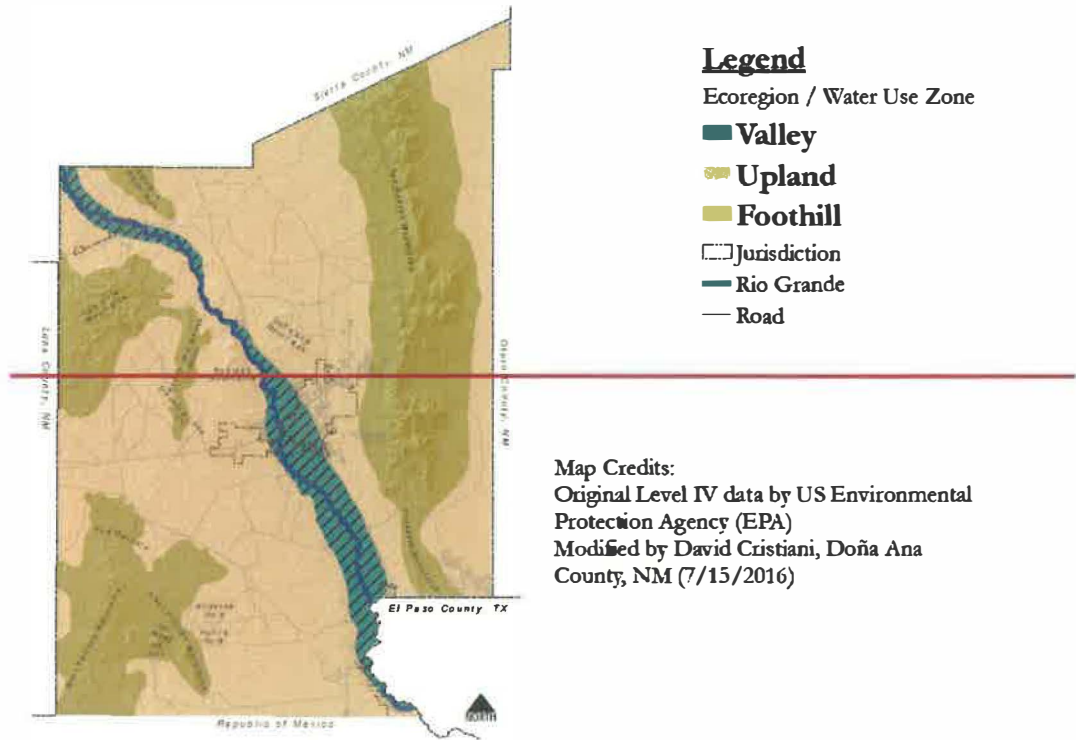


Table 5.20. Plant Substitutions

Required Type and Size		Equivalent		
quantity	plant	15-gallon	5-gallon	1-gallon
1	Tree: 24 inch box, 1 1/2 inch caliper, and/or a 6-foot height with a 2-foot canopy	2	6	n/a
1	Tree or Other Plant: 15 gallon and/or a 5-foot height with a 2-foot canopy	n/a	3	9
1	Tree or Other Plant: 5-gallon	1/3	n/a	3

5.7.910 Plants, Prohibited or Not Recommended

Refer to Appendix Y for plants prohibited or not recommended for use in landscaping.

5.7.4011 Landscape, Installation

Landscaping shall be installed per the approved plan prior to the issuance of a Certificate of Occupancy by Building Services. Modifications to approved plans shall be submitted to CDD and be in compliance with this chapter.

5.7.1112 Landscape, Maintenance

The landscape shall be maintained in a live, weed-free, and litter-free condition. All landscaping shall be maintained to not interfere with required clearances nor constitute a traffic hazard per Section 6.2.3. The following requirements apply ~~to the public right-of-way:~~

- a. Dead plants shall be removed and replaced in compliance with this Chapter, ~~within 60 days after notification from the Zoning Administrator.~~
- b. Tree maintenance:
 - ~~i1.~~ Right to Remove:-- The County may order, or cause to be removed, all or part of any tree in an unsafe condition, interfering with infrastructure, or infected with insects, disease, or other pests.
 - ~~ii2.~~ Tree Topping Prohibited:-- It is unlawful to top any tree or otherwise remove ~~and/or~~ disfigure the normal canopy of any tree. Trees severely damaged by storms or other causes, under utility wires or other obstructions, or where pruning is impractical are exempt.
 - ~~iii3.~~ Palm and Yucca Foliage Removal Prohibited:-- Removal of dead foliage skirts on a trunk below a live crown is not permitted. Pruning for safety issues, insect swarms, or dead flower and fruit stalks ~~are-is~~ exempt.
 - ~~iv4.~~ Overhanging Trees:-- A tree overhanging a right-of-way shall be pruned to not obstruct street light illumination or the view in any intersection and clear sight triangle per Section 6.2.3.
- c. Other plant maintenance requirements:
 - ~~i1.~~ All plants shall have natural forms retained during pruning or trimming, and to not obstruct the view in any intersection and clear sight triangle per Section 6.2.3.
 - ~~ii2.~~ ~~Shaping and heading back of plants is not permitted.~~
 - ~~iii.~~—Skinning and heading back of accent plant foliage is not permitted.
- d. Irrigation maintenance requirements:
 - ~~i1.~~ Leaks shall be repaired.
 - ~~ii2.~~ Drip Emitters and Heads: Maintenance is required to optimize water flow to plants.
 - ~~iii3.~~ Controller settings including seasonal adjustments are required for proper timing and application of irrigation.

5.7.1213 Buffer, General

Buffering mitigates incompatibility between adjacent land uses, as required in Table 5.21. The buffer shall be included in the Landscape Plan in Section 5.7.2.

- a. Plants required in each Buffer Class per 5.7.17 can include plants from required landscaping treatments per 5.7.5, provided Buffer Class requirements are met; if those requirements are not met, additional plants shall be included to meet Buffer requirements.

5.7.4314 Buffer, Location

Buffers shall be placed immediately inside the property line, with the following exceptions:

- a. The Zoning Administrator may approve an alternate Buffer location or Class for if one any of the following reasons is determined:
 - i. The site is impractical due to terrain, visibility, or public safety; ~~or~~
 - ii. ~~The buffer is set back~~ It is necessary to avoid overshadowing or impinging on solar access and light for a neighboring property; ~~or~~
 - iii. It is necessary to remain clear of an easement; ~~or~~
 - iv. It is necessary to avoid a physical hardship to the applicant resulting from a strict enforcement of this Chapter and which significantly outweighs the potential impact to surrounding properties; or
- b. ~~The alternate location shall not be approved unless the DRC or the Zoning Administrator determines the following:~~
 - vi. An alternate buffer location ~~buffer of for~~ a residential land use can be accomplished at least as well as with the required location; ~~and~~
 - ii. ~~Complies with the buffering requirements of Table 5.21.~~

5.7.4415 Buffer, ~~Construction~~ Composition

Buffers shall consist of vegetation and a combination of other treatments.

- a. Required Buffer vegetation shall meet landscaping requirements of this Chapter, plus:
 - i. ~~Mature tree canopies shall not overhang the property line.~~ Trees ~~trunks~~ shall be located so mature canopies do not overhang the property line, except into a right-of-way where safety is not affected.
 - ii. Tree trunks shall be located a minimum of no less than 6 feet from the property line.
 - iii. ~~Mature shrub~~ Shrubs and other plants shall be located so mature canopies are a minimum of shall be no less than 2 feet from the property line.
- b. Buffer treatments shall may consist of any combination of the following:
 - ai. Berms ~~can may~~ be of appropriate earth or soil, or in combination with a retaining wall, and cannot exceed 1 foot of rise for every 5 feet of linear distance (5:1 slope).
 - Bii. Walls ~~can shall~~ be solid using opaque materials, ~~and while~~ fences ~~can may~~ be open, using screening materials.

~~e.~~

5.7.4516 Buffer Types

One of the following buffer types may be required based on the degree of separation necessary between land uses:

- a. Buffer, Solid Wall Required:— A solid wall or fence 6-8 feet high shall be constructed between the following uses and residential land uses: ~~parking for 10 or more vehicles~~; loading zones; outdoor storage of vehicles and equipment; outdoor work yards; outdoor seating or entertainment space; heavy industrial or other similar uses as determined by the Zoning Administrator.
 - i. The height of the wall shall be reduced or set back at a driveway or alley so as not to impinge on any clear sight triangle.
 - ii. If the wall plus retaining wall have an effective height of over 8 feet on the adjacent property, the Zoning Administrator shall determine the acceptable height.
- b. Buffer, Landscaping Required: Landscape buffer assemblies of the classes in Section 5.7.16 shall be required as specified in Table 5.21.

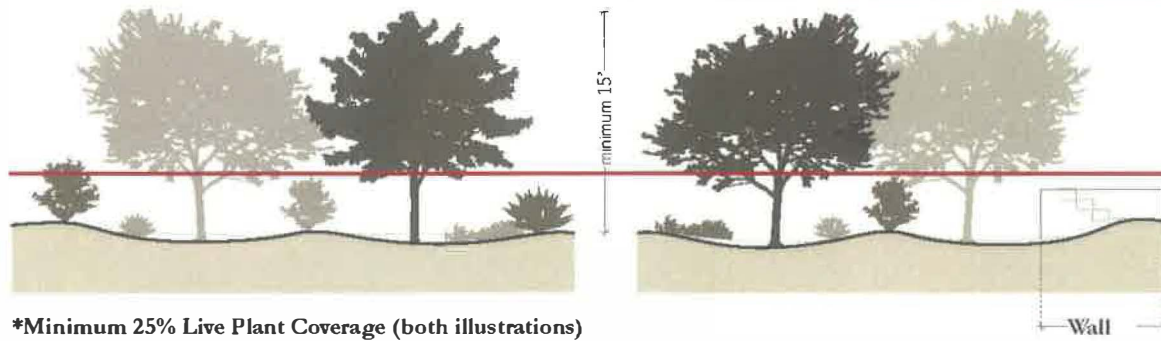
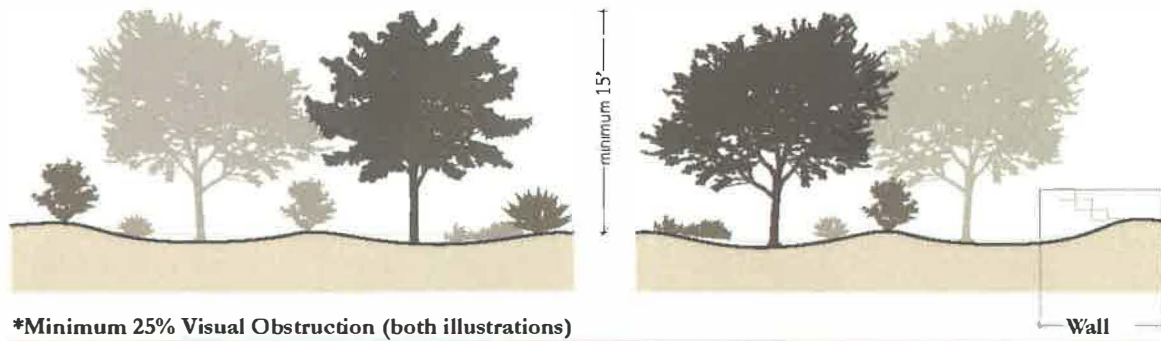
5.7.4617 Buffer, Landscape Buffer Classes

Whenever Landscape Buffer Class widths and building setbacks are both involved in a project, the development shall comply with both requirements.

- a. Buffer Class 1: Open Screen— Shall have a width of 12 feet, composed of intermittent visual obstructions from the ground to a height of 15 feet, with a Live plant cover. ~~A minimum of 25%~~ of provided buffer area visual obstruction along buffer length. See Figure 5-21.

Figure 5-21. Buffer Class 1: Open Screen Illustration

Suggested planting patterns:

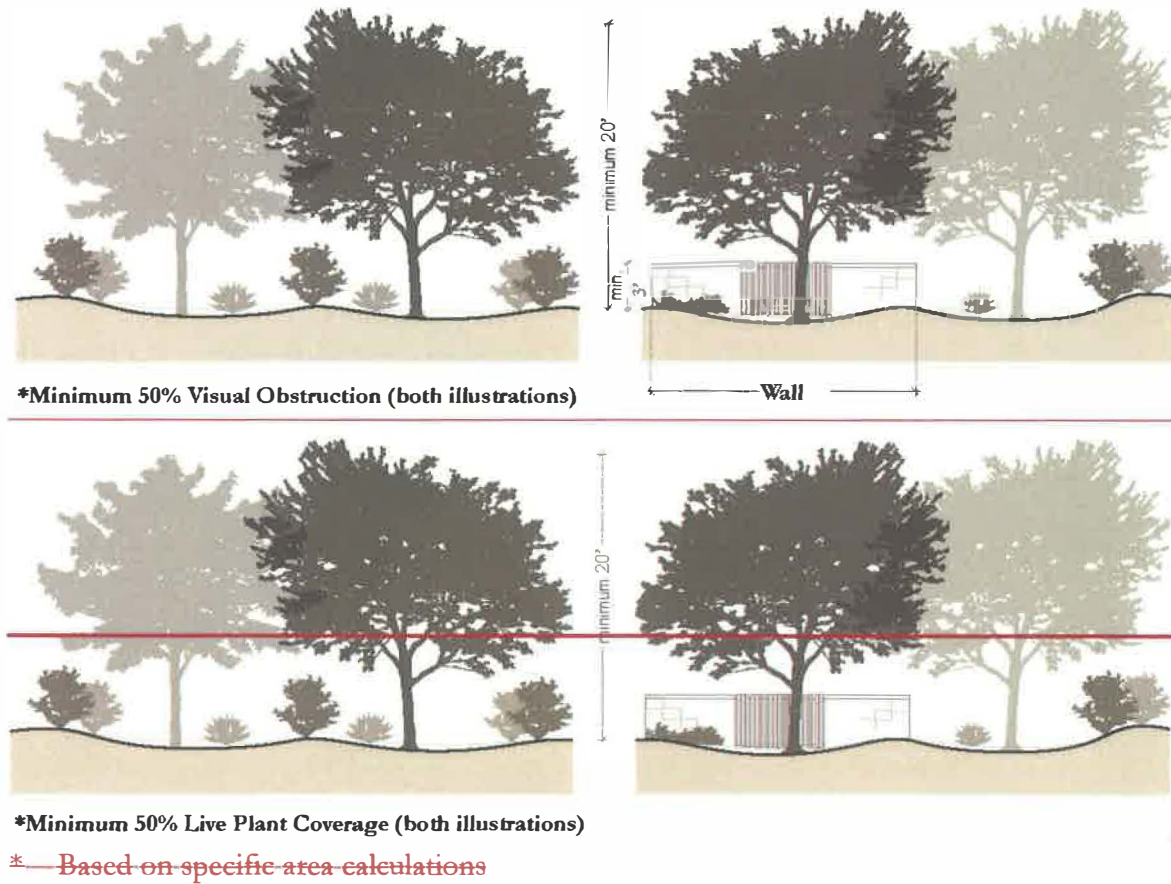


*—Based on specific area calculations

- b. ~~Buffer Class 2: Semi-Opaque Screen~~ Shall have a width of 12 feet, composed of a screen that is opaque from the ground to a minimum height of 3 feet using a solid wall or fence, with intermittent visual obstructions to a height of 20 feet, with a minimum of 50% visual obstruction along buffer length. ~~Live plant cover: A minimum of 50% of provided buffer area.~~ See Figure 5-32.

Figure 5-32. Buffer Class 2: Semi-Opaque Screen Illustration

Suggested planting patterns:



- c. Buffer Class 3: Opaque Screen:— Shall have a width of 20 feet, composed of a screen that is opaque from the ground to a minimum height of 6 feet using a solid wall or fence, with intermittent visual openings-obstructions to a height of 20 feet, with a minimum of 75% visual obstruction along buffer length. ~~Live plant cover: A minimum of 75% of provided buffer area.~~ See Figure 5-43.

Figure 5-43. Buffer Class 3: Opaque Screen Illustration

Suggested planting patterns:

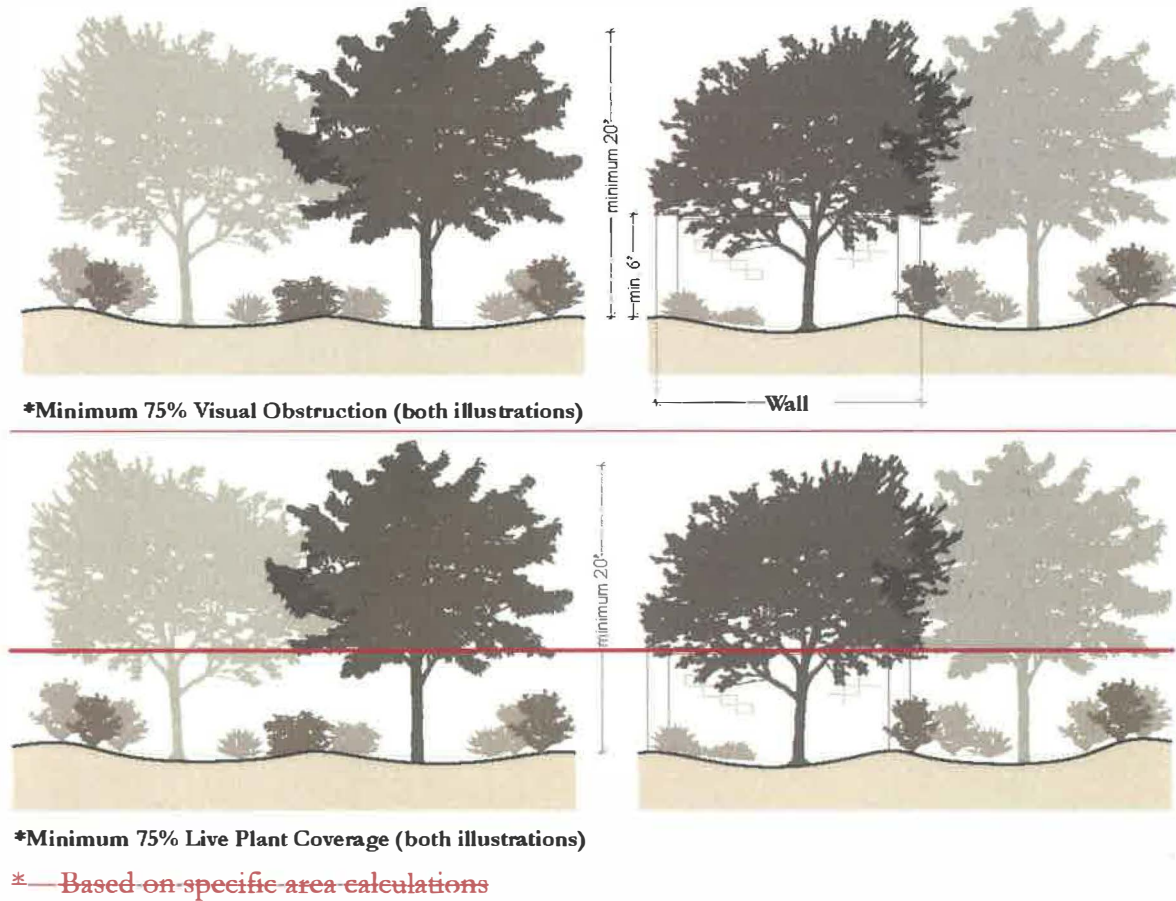


Table 5.21. Buffer Class Requirements

Adjacent Use	New Use																	
	<u>Right-of-Way</u>	<u>N/Ag/Vacant</u>	R5/R5L	T2	T3/L	T4/M	T5/H	D1/D1L	D2/D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
<u>Right-of-Way</u>																<u>1</u>	<u>2</u>	<u>3</u>
<u>N/Ag/Vacant</u>																		
R5/R5L			<u>1</u>	<u>1</u>	1	2	3	<u>1</u>	1	2	2	2	2	3	3	3	3	3
T2			<u>1</u>	<u>1</u>	1	2	3	<u>1</u>	1	2	2	2	2	3	3	3	3	3
T3/L			1	1	1	1	1	1	1	2	2	2	2	3	3	3	3	3
T4/M			2	2	1	1	1	1	1	2	2	2	2	3	3	3	3	3
T5/H			3	3	1	1	1	2	2	2	2	2	2	3	3	3	3	3
D1/D1L			<u>1</u>	<u>1</u>	1	1	2	<u>1</u>	1	2	2	2	2	3	3	3	3	3
D2/D2L			1	1	1	1	2	1	<u>1</u>	2	2	2	2	3	3	3	3	3
D3			2	2	2	2	2	2	2	1	2	2	1	<u>3</u> <u>2</u>	3	3	3	3
DM			2	2	2	2	2	2	2	2	1	2	1	3	3	3	3	3
MU			2	2	2	2	2	2	2	2	2	1	1	1	3	3	3	3
C1			2	2	2	2	2	2	2	2	2	1	1	1	3	3	3	3
C2			3	3	3	3	3	3	3	<u>3</u> <u>2</u>	3	1	1	1	<u>3</u> <u>2</u>	<u>3</u> <u>2</u>	<u>3</u> <u>2</u>	<u>3</u> <u>2</u>
C3			3	3	3	3	3	3	3	3	3	3	3	<u>3</u> <u>2</u>	1	1	1	1
I1	<u>1</u>		3	3	3	3	3	3	3	3	3	3	3	<u>3</u> <u>2</u>	1	1	1	1
I2	<u>2</u>		3	3	3	3	3	3	3	3	3	3	3	<u>3</u> <u>2</u>	1	1	1	1
I3	<u>3</u>		3	3	3	3	3	3	3	3	3	3	3	<u>3</u> <u>2</u>	1	1	1	1

Legend: Number indicates the buffer class required per Section 5.7.16

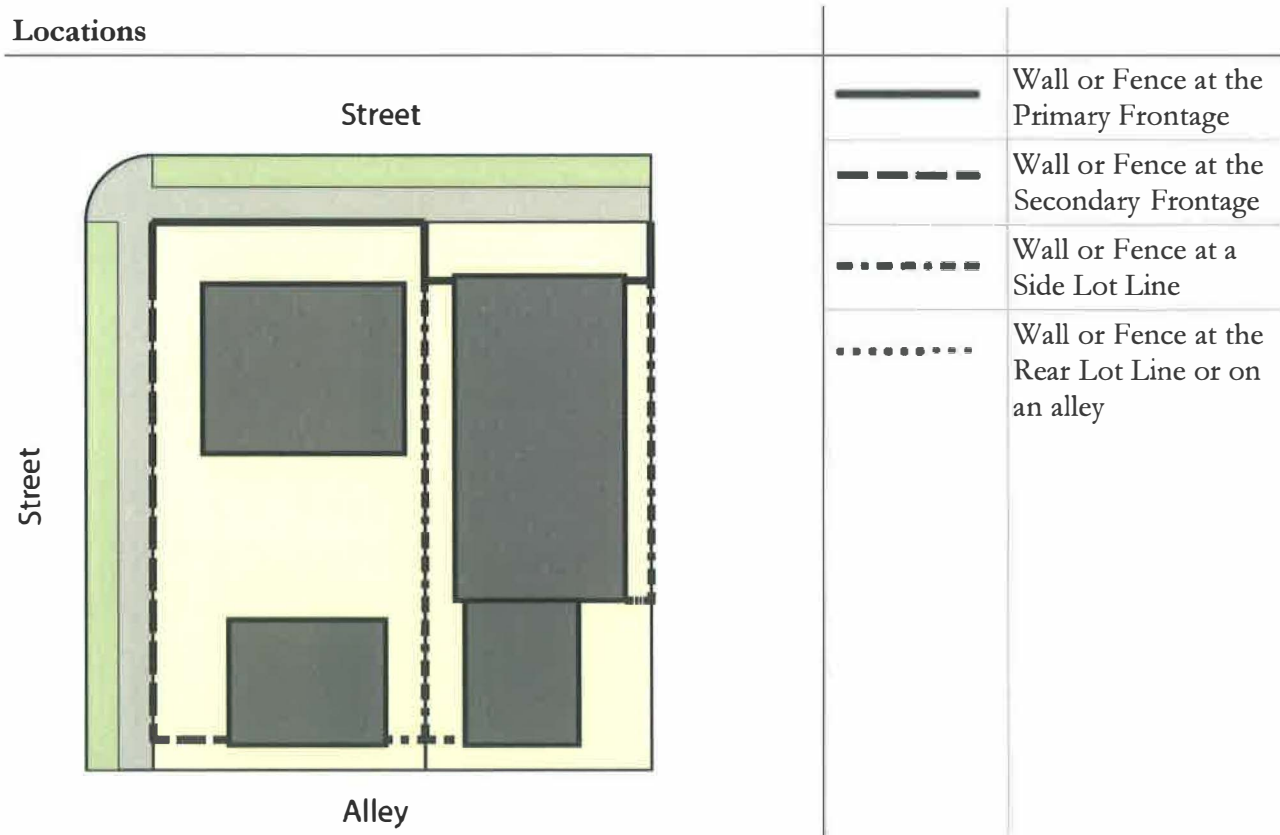
5.7.~~17~~18 Walls or Fences, Location

Walls and Fencing shall be located on the property as follows and per Figure 5-5:

- a. Wall or fence locations are described by the following:
 - i. “at the primary frontage” shall be one located between the line of the primary façade and the primary frontage property line.
 - ii. “at the secondary frontage” shall be one located between the secondary façade and the secondary frontage line and along the rear property line between the secondary frontage and any accessory building.

- iii. “at the frontage” is a fence at the primary frontage or a fence at the secondary frontage.
- iv. “at the side lot line” shall be one near the side property line and includes any returns to the elevation of a building on the property.
- v. “at the rear lot line” or “at the rear lane” shall be one that extends along the rear of the property but is not a fence at the secondary frontage.
- b. No fence shall extend beyond a property line and no fence shall impinge in a clear sight triangle.
- c. Fences between properties shall be built up to but not over the property line.
- d. Fences at rear lanes/alleys shall not extend into the setback for accessory buildings.
- e. Where an alley or service lane exists, the lots abutting the alley may erect a solid wall or fence.

Figure 5-5. Wall or Fence Locations



5.7.4819 Wall or Fence, Height. Wall and fence heights shall have minimum and maximum heights per Table 5.22 and shall be measured:

- a. To the highest point of the wall, the top rail of a fence or to the top of a standard picket.

- b. A primary or secondary frontage is measured from sidewalk grade where sidewalks are present or the adjacent grade of the right-of-way.
- c. Between properties from the adjacent yard's grade.
- d. Along a rear lane from the grade of the rear lane.

Table 5.22. Wall or Fence Height (feet)

Wall or Fence Location	N	T2	R5/R5L	L/T3	M/T4	H/T5	D1/D1L	D2/D2L
Primary Frontage		L	L	3-3.5	3-4	3-4	3-3.5	3-4
Secondary Frontage		L	L	3-5	3-5	3-5	3-5	3-5
Side Lot Line		L	L	5-6	5-6	5-6	5-6	5-6
Rear Lot Line		L	<u>L</u>	5-6	5-6	5-6	5-6	5-6

Wall or Fence Location	DM	MU	C1	C2	C3	I1	I2	I3
Primary Frontage	3-5	3-5	4-5	4-5	4-5	4-8	4-8	4-8
Secondary Frontage	3-5	3-5	3-5	3-5	3-5	4-8	4-8	4-8
Side Lot Line	5-6	5-6	5-6	5-6	5-6	5-8	5-8	5-8
Rear Lot Line	5-6	5-6	5-6	5-6	5-6	5-8	5-8	5-8

Legend

As required for livestock L

5.7.4920 Wall or Fence, Type

Major wall and fence types are described in Table 5.24. They are permitted in land uses per Table 5.23.

Table 5.23. Wall or Fence Type, Zones

Wall or Fence Location	N	T2	R5/R5L	L/T3	M/T4	H/T5	D1/D1L	D2/D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Wall: Solid Masonry or Cast-in-Place		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fence: Wood or Metal Vertical Picket (slats, verticals)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fence: Wood or Metal Horizontal Rail, Ranch, or Rail		P	P	P			P										
Fence: Wood Pole	P	P	P	P			P										
Fence: Wire	P	P	P	P			P										

Fence: Open Face Concrete Block		P	P	P			P							
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Legend

Permitted P

5.7.2021 Wall and Fence Design

The general design of walls and fences is shown in Table 5.24. Wall and fence design shall meet the following requirements:

- a. Walls: Reinforcement including rebar shall be incorporated into all walls including pilasters of the size and spacing per building codes.
- b. Fencing: Supporting members and posts of a fence shall be on the inside of fence (toward the property interior), the smooth or flat faces on the outside. If two faces are used, each face shall be of the same type and finish.
- c. Wood frontage fences shall be painted or stained.
- ~~d. Chain link fencing is permitted only at rear property lines, alleys, and side property lines. Chain link fencing shall be painted in dark colors.~~
- ~~e. Chain link fencing shall not be permitted on any street frontage.~~
- f. Barbed wire fencing ~~shall is not be permitted only on any lot except in on agricultural properties and in industrial zones and properties, industrial zones, and in legal conforming industrial uses. Barbed wire fencing is permitted only in agricultural and industrial uses.~~
- ~~g. Any fencing or walls used to enclose an Industrial use shall not enclose the Street View Area.~~

Table 5.24. Wall or Fence Types, Illustrated

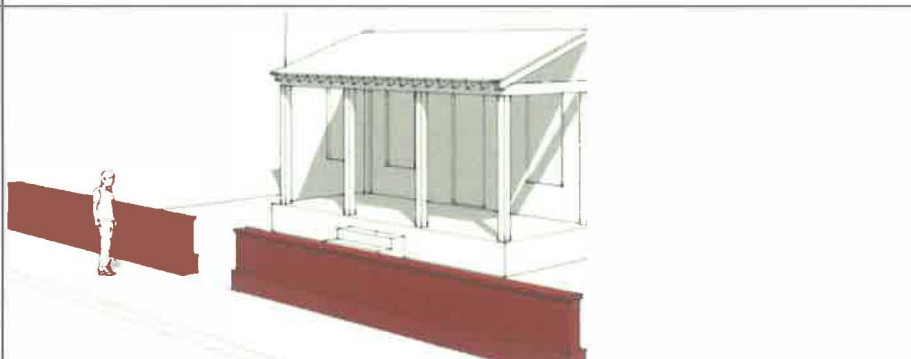
Wall or Fence type	General Design
1. Wall: Solid (masonry or cast-in-place)	

Table 5.24. Wall or Fence Types, Illustrated

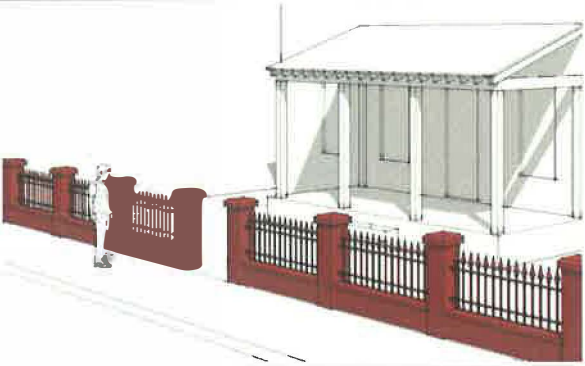
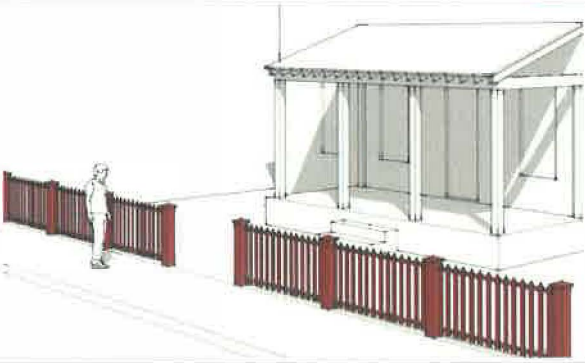
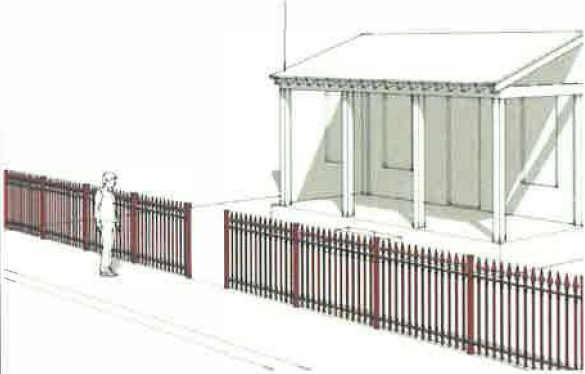
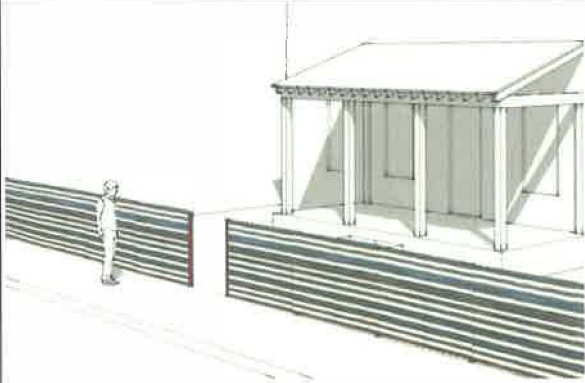
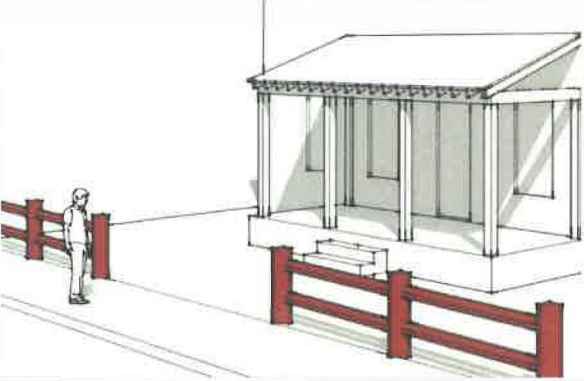
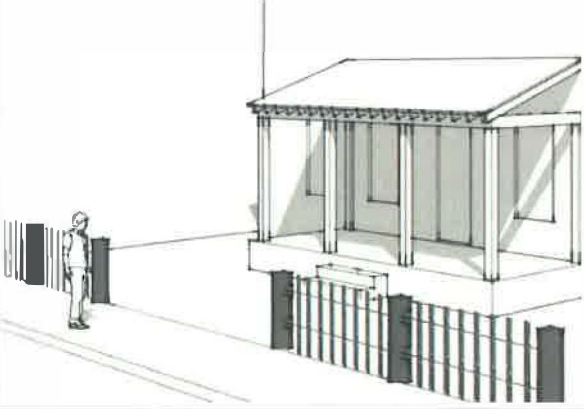
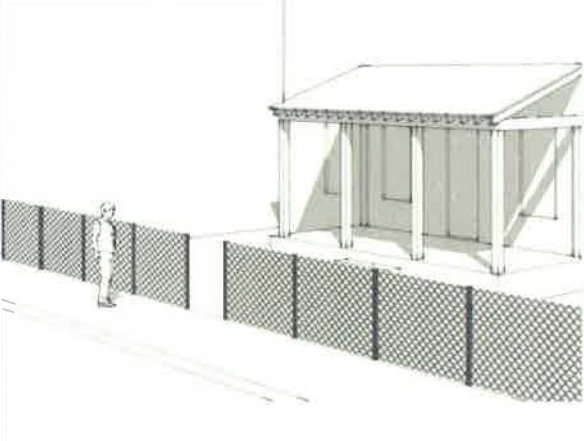
Wall or Fence type	General Design
<p>2a. Fence: Vertical Picket (wood or metal, with CMU, rock, or adobe pilasters)</p>	
<p>2b. Fence: Vertical Picket (wood or metal, with wood or metal pilasters)</p>	
<p>2c. Fence: Vertical Picket (wood or metal)</p>	
<p><u>2d3a.</u> Fence: <u>Slat</u> <u>Horizontal Rail</u> (metal wood or metal-wood)</p>	

Table 5.24. Wall or Fence Types, Illustrated

Wall or Fence type	General Design
<p>3b. Fence: Ranch or Rail (wood or metal sections)</p>	 <p>The illustration shows a ranch or rail fence with two horizontal rails and vertical posts. A person stands to the left of the fence for scale. In the background, there is a building with a covered porch supported by columns.</p>
<p>4. Fence: Pole (wood latilla/coyote, metal, or ocotillo)</p>	 <p>The illustration shows a pole fence consisting of vertical wooden posts. A person stands to the left of the fence for scale. In the background, there is a building with a covered porch supported by columns.</p>
<p>5. Fence: Wire (metal, chain link, or welded-wire mesh)</p>	 <p>The illustration shows a wire fence, likely chain link or welded-wire mesh. A person stands to the left of the fence for scale. In the background, there is a building with a covered porch supported by columns.</p>

- g. Mounting hardware. Mounting hardware, such as supports and brackets, may be simple and unobtrusive or highly decorative, but shall complement the design of the sign, the building, or both.
- h. Encroachment. No sign may encroach beyond the property line except as specifically allowed for the type of sign in Sections 5.8.9.

5.8.7 Signs Allowed by Zone or Community Type

The following types of signs are allowed in all zones and community types: signs required by law, signs not visible from a street, signs on vehicles, and temporary signs. All other signs are allowed as indicated in Table 5.25.

Table 5.25. Signs Allowed by Zone or Community Type

Sign Types	N	T2	R5/R5L	T3/L	T4/M	T5/H	D1/D1L	D2/D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Awning Sign		B			B	B					B	B	B	B			
Band Sign		B			B	B					B	B	B	B	B	B	B
Blade Sign		B	B	B	B	B					B	B	B	B			
Marquee Sign					⊖B	B					B	B	B	B			
Monument Sign					⊖B	P				P	P	P	P	P	P	P	P
Outdoor Display Case		B			B	B					B	B	B	B			
Sidewalk Sign					⊖B	B					B						
Shingle Sign		B	B	B	B	B											
Window Sign		B			B	B					B	B	B				B
Yard Sign	P	P	P	P	P	P	P	P	P	P	P	B	B	B	B	B	B
Billboard														C	C	C	C
Pole Sign					⊖B	P					<u>P</u>	P	P	P	P	P	P

LEGEND

Allowed	P
Allowed for business	B
Conditional per 5.8.9.1	C
Allowed for business in an "O" overlay	⊖B

Billboard

Description: A large outdoor sign typically designed to be read from a moving vehicle.	Format A	Controlled access highways; and additionally major arterials in T2/R Zone only
	Format B	Controlled access highways; and additionally major arterials in T2/R Zone only
	Format C	Controlled access highways
	Minimum Spacing (all formats)	No less than 1,000 feet on limited access highways, including those in other jurisdictions
	Height (all formats)	45 feet from ground but no more than 30 feet above the roadway grade level.

- a. Format. The allowed dimensions of a billboard face not including frame, are below. Where billboards vary from these formats, they will be deemed to be in the next size larger but shall not exceed Format C.

Billboard Face Format

Format A	12 feet wide, 6 feet in height (72 square feet)
Format B	Larger than Format A; up to 24 feet wide, 12 feet in height (288 square feet)
Format C	Larger than Format B; up to 48 feet wide, 14 feet in height (672 square feet)
Cutouts	Additional 40 square feet, but not more than 10% of sign area (all formats)

- b. Design. 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. 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.

5.9 MOBILE HOMES, MOBILE HOME ~~AND RV~~ PARKS, AND MOBILE HOME SUBDIVISIONS

The purpose of these regulations for mobile homes, mobile home ~~and RV~~ parks and mobile home subdivisions is to ensure that they are a safe and healthy place to live and designed in a pattern of thoroughfares and blocks that is compatible with other types of development.

5.9.1 Mobile Homes in all Zones

- a. Permits Required. A mobile home installation permit shall be required for a mobile home or RV within an approved park, in addition to a zoning approval. Long-term residence within an RV shall be limited solely to an approved mobile home or RV park.
- b. Principal Buildings and Accessory Buildings. See Table 5.1 Land Use Classification Matrix: Zoning Districts for the list of permitted uses.
- c. Special Flood Hazard Areas. See Article 6.

5.9.2 Mobile Home and Recreational Vehicle (RV) Parks

The following development standards apply to mobile home and recreational vehicle parks:

- a. Vehicular Access. All mobile home and RV parks shall have vehicular access from a dedicated right-of-way. Secondary access shall be provided where there are more than 31 mobile home or RV sites. Secondary access shall be 20 feet wide and shall be improved.
- b. Thoroughfares and Blocks. The mobile home or recreational vehicle park shall be designed with thoroughfares and blocks with no block exceeding 500 feet in length, measured at the edge of the areas assigned to each mobile home or RV. Each mobile home and RV site shall have direct access to a thoroughfare internal to the mobile home or RV park.
- c. Thoroughfare Layout. Thoroughfare layout shall be designed for preservation of natural features, to follow topography to the greatest extent possible consistent with Subdivision Regulations.
- d. Pavement. All thoroughfares within a mobile home and RV parks shall be surfaced as an improved roadway to prevent potholes and blowing dust and shall provide adequate emergency access.
- e. Connectivity and Network. Both ends of every thoroughfare segment in the mobile home park shall terminate at an intersection, and the thoroughfares shall form a network bounding blocks and extending in all directions. The DRC may review a variance to this requirement where the terrain or the width of the parcel to be subdivided is such that it is not practical to serve an area except by a cul-de-sac, see Section 5.2.3. No cul-de-sac shall exceed 600 feet or ½ block in length for its zone, to the center of its bulb.
- f. Pedestrian Walks. There shall be a network of pedestrian walks, or pathways, connecting mobile home and RV sites with each other and with mobile home and RV park facilities and shall comply with current ADA Standards.
- g. Mobile Home Subdivision. A mobile home and RV park may be subdivided into fee-simple properties if those properties each individually satisfy the zoning requirements for the zone and also satisfy the development standards of the DM Zone.
- h. Drainage. All mobile home and RV sites and thoroughfares shall be designed to ensure proper drainage. The County Engineer shall approve a complete drainage plan.

5.10 HOME OCCUPATION PERMITS

The purpose of a home occupation permit is to allow limited commercial endeavors involving the manufacturing, purchase, sale, lease or exchange of goods, and/or the provision of services within a residential dwelling, or accessory building associated with a residential dwelling. ~~In circumstances where the home occupation is secondary and incidental to the primary residential use of the residential dwelling, or accessory building associated with a residential dwelling, provided the home occupation does not alter the exterior of the dwelling and property or materially affect the residential nature of the neighborhood.~~ For purposes of this section, the term “residential dwelling” shall include any accessory building associated with a residential dwelling.

- a. It is a violation of this code for any person or entity having legal or equitable ownership or physical custody of, or control over, a residential dwelling, to operate, or to allow the operation of, a home occupation within such residential dwelling, regardless of zoning district, without first obtaining a home occupation permit in compliance with the requirements of this code. In addition to the home occupation permit itself, the applicant for such permit must obtain a business registration in compliance with the Business Registration Fee provisions of Doña Ana County Code Chapter 154 and must comply with all other codes and ordinances, including, but not limited to, those relating to parking, landscaping, drainage, and building requirements.
- b. A home occupation may be permitted in any residential dwelling, subject to the following requirements and limitations.
 - i. No more than two (2) people, in addition to the permanent occupants residing on the premises, shall be engaged, whether paid or not, in the home occupation.
- c. The home occupation use of a residential dwelling or accessory building associated with the residential dwelling must be clearly incidental and subordinate to the primary residential use of the property, except for day care or child care services.
- d. Any storage associated with the home occupation shall be completely enclosed within the residential dwelling and such storage shall not exceed 600 square feet in area.
- e. As a result of the home occupation there must be no change in the outside appearance of the residential dwelling or the premises, except as to signage described in the paragraph below, and there must be no other evidence of the conduct of a home occupation visible to the public.
- f. Only one sign, one square foot in size, non-illuminated, free-standing or mounted flush against the residential dwelling, shall be permitted which refers to the home occupation.
- g. No equipment, material, or process shall be used in a home occupation that creates noise, glare, vibration, dust, fumes, odor or electrical interference detectable at the property line or creates visual or audible interference with any radio, television

receiver or computer on or near the premises or that exceeds that which is normally found in a residential area.

- h. There shall be no hazardous, explosive, highly flammable, combustible, corrosive, radioactive or other restricted materials used or stored on the premises of a home occupation beyond the amount normally kept at a residential dwelling for residential use. The use or storage of all such materials must comply with the Doña Ana County Fire Code.
- i. The utility use associated with the home occupation must comply with the public utility rules and regulations applicable to residential dwellings.
- j. Home Occupation Parking Requirements:
 - ~~ii~~i1. On-street parking for customers or clients in connection with a home occupation shall be permitted only if the residential nature of the neighborhood remains unaffected.
 - ~~ii~~ii2. No more than two customer or client vehicles shall be parked at or near a home occupation at any one time, except for instructional service, day care or child care services.
 - ~~iii~~iii3. ~~Vehicles larger than one ton in carrying capacity that are used in connection with a home occupation shall be stored or parked in a structure or other enclosure out of public view.~~ Semi-trailer trucks, cabs and trailers with weight limitations shall not be used or stored in conjunction with a home occupation.
 - ~~iv~~iv4. A home occupation shall not cause the elimination of any off-street parking required by law for the occupants of the dwelling unit.
- k. Home occupation permits may be approved for the following activity categories: Professional Office, Professional Service, Instructional Service, Home Artisan Business, Small Item Repair Service and Day Care/Child Care Service. Home occupation permits may be approved for Automotive Service per Table 5.1 in the T4 Zone.
 - i. Professional Office includes offices for accountants, appraisers, architects, attorneys, contractors, engineers, financial planners, insurance agents, consulting services, real estate sales and similar office uses.
 - ii. Professional Service includes home occupations involving computer programming and internet/website development, beautician/hairdresser/barber services, direct distribution, maid services, mail order, massage therapy, ironing, pet grooming, telephone/fax answering, word processing and similar service uses. Beauticians/hairdressers/barbers and massage therapists licensed by the State of New Mexico shall be limited to one customer station per residential property for the home occupation.
 - iii. Instructional Service includes educational tutoring, music instruction and similar instructional services. A maximum of five students may be at the dwelling at any one time.

permit application. Enforcement action may include, but is not limited to, revocation of a home occupation permit and prosecution in Magistrate or District Court. The notification shall include:

- 1) A specific description of the violation.
 - 2) The specific actions to be taken by the applicant that are necessary to correct the violation.
 - 3) A demand that the violation be corrected within a specific period of time not to exceed 30 calendar days from the date of the notice. The demand may specify a reasonable period of time less than 30 days for violations having a material adverse impact upon public health or safety.
 - 4) A description of further action the County may take if the violation is not corrected within the specified time period.
- v. If the violation is not corrected within the time period stated in the demand notice, the County shall send notice of the revocation of the home occupation permit by certified mail, return receipt requested, to the address provided on the home occupation permit application at least 5 days prior to the effective date of the revocation and the initiation of any other enforcement action, including, but not limited to, prosecution in court.
- vi. Any person aggrieved by the revocation of a home occupation permit may, within 10 working days from the effective date of the revocation, appeal to the P&Z by filing with the Zoning Administrator written notice stating the nature of the appeal and the specific reasons therefore.
- vii. The notice, demand and revocation procedures set forth above, shall not be required when home occupation activities are being conducted without a home occupation permit in violation of this Code. Such violations may be enforced as any other violation of this Code may be enforced.

5.11 KEEPING OF ANIMALS

5.11.1 Purpose

The following regulations are established for the keeping of animals on residentially zoned districts: R5 & R5L, D1 & D1L, T2 and T3, which are included in the classes of domestic 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. The keeping of large animals shall be allowed on properties of 0.75 of an acre or larger. If properties are less than 0.75 of an acre in size, a special use permit (S) is required. Youths participating in 4H or FFA sanctioned projects/programs shall be granted a 4H/FFA Exemption provided they meet the requirements of Section 5.11.5 below.

- a. All properties shall have a minimum of 32,670 square feet (3/4 of an acre) for the keeping of large animals.

- b. Density limitation for livestock is not applicable to young animals born on the property to existing animals and below weaning age or six (6) months of age, whichever is greater.
- c. On properties of 3/4 acre or more, horses, mules, donkeys, swine, llamas, bovines and peacocks shall have a minimum open property area of 1,000 square feet for each animal, provided they meet the following density requirements:
 - i. Properties ~~between~~ 3/4 acre or more and no larger than 1 acre are allowed one (1) large animal.
 - ii. Properties ~~between~~ 1 acre or more and no larger than 2 acres shall not exceed a density of two (2) large animals per acre.
 - iii. Properties larger than 2 acres shall not exceed a density of three (3) large animals per acre.
- d. Mature stallions, bulls, buffalo and beefalo shall be prohibited from properties containing less than 2 acres. Additional large animals will require a special use permit (S). For animals not mentioned here, the density per acre limitation shall be determined by the Zoning Administrator after consultation with relevant agencies.
- e. No animal shall be kept closer than 35 feet to a dwelling on an adjacent parcel.
- f. Keeping of animals shall not be permitted in the required front, side and street-side yard setbacks.
- g. No animal dwelling unit shall be kept closer than 100 feet to a private domestic water well or 200 feet from a public water well.
- h. These regulations shall not apply to uses listed under the Right to Farm Act, NMSA 1978, §§ 47-9-1 to 7.

5.11.2 Keeping of Large Animals

The following regulations are established for the keeping of large animals:

- a. Corral Size. Every corral to be provided shall have a minimum width or length of not less than 12 feet and shall contain not less than 240 square feet of area.
- b. Box Stall. Every box stall to be provided shall have a minimum of 12 feet of length and width.
- c. Fencing. Fencing to be provided shall be subject to the following:
 - i. Materials and Construction. Fencing may be constructed of wood, chain link, masonry, metal and materials with the structural integrity sufficient to contain animals.
 - ii. Fence Posts. Fence posts may be constructed of wood, metal, concrete or materials with the structural integrity sufficient to contain animals.
 - iii. Fence Height. Fences to be provided for enclosure shall be maintained to adequately to contain the animals.

- d. Shade. Corrals containing less than 450 square feet of area shall have at least 54 square feet of shade, provided by either roof, trees or other means.
- e. Water Facilities. Running water facilities shall be made available to each stall and/or corral and each animal shall have unrestricted access to fresh water.
- f. Maintenance. All stalls and corrals shall be continuously maintained so as to maintain appearance and prevent deterioration and animal escape.
- g. Containment Devices. Substantial and acceptable locking or latching devices shall be provided and installed on all gates and doors to animal areas located thereon in such a manner so as to be inaccessible to animals and small children. This will prevent unauthorized entry and animal escape.
- h. Dust Control. All areas used as arenas for exercising, training or exhibition of animals shall be maintained to abate dust by dampening (spraying water) or other proven effective means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties.
- i. Compliance with Health Regulations. The keeping and maintenance of large animals, as provided for in this section, shall comply with all regulations and provisions of the Health and Sanitation laws of the State Environmental, Health and Livestock Departments and the County. All premises and facilities shall be maintained in a clean, orderly and sanitary condition at all times.

5.11.3 Keeping of Small Animals

The following regulations are established for the keeping of small animals such as goats, sheep, miniature horses and the like and very small animals such as rabbits, poultry and fowl in residential zoning districts with properties greater than 0.50 acres in size. If properties are less than 0.50 acres in size, a special use permit (S) is required. For animals not listed here, the density per acre limitations shall be determined by the Zoning Administrator after consultation with relevant agencies.

- a. The following are the minimum areas required and the maximum density of very small and small animals allowed on a single property. These numbers are cumulative not exclusive.
 - i1. Very Small Animals. Minimum area of open property area (not including front and side setbacks or dwelling unit) shall be 6 square feet for each very small animal, providing that the total number of animals does not exceed the number calculated by this formula:
 - [1] Multiply the size of the property or parcel, expressed numerically in acres carried to two decimal places, by a factor of 80 [ex. 2.5 acres * 80 = 200 very small animals].
 - ii2. Small Animals. Minimum area of open property area (not including front and side setbacks or dwelling unit) shall be 100 square feet for each small animal, providing that the total number of animals does not exceed the number calculated by this formula:

[1] Multiply the size of the property or parcel, expressed numerically in acres carried to two decimal places, by a factor of 8 [ex. 0.65 acres * 8 = 5.2, or 5 small animals].

- b. No animal shall be kept closer than 35 feet to a dwelling on an adjacent parcel.
- c. Keeping of animals shall not be permitted in the required front, side and street-side yard setbacks.
- d. All small animals shall be provided with adequate enclosures to contain them within the boundaries of the owner's property.
- e. No animal dwelling until shall be kept closer than 100 feet to a private water well or 200 feet from a public water well.
- f. All premises and facilities shall be ~~maintained~~ treated as needed with biologicaly in a clean, orderly and sanitary condition at all times.
- g. The keeping and maintenance of small animals, as provided for in this section, shall comply with all regulations and provisions of the health and sanitation laws of the State Environmental, Health and Livestock Departments and the County

5.11.4 Keeping of Small Animals in Higher Residential Density Districts

In the D3 and DM residential districts, only small domestic animals, such as dogs, cats or birds may be kept per county ordinances.

5.11.5 Requirements for 4H and FFA Projects/Programs

When the youth are involved in a sanctioned 4H or FFA project/program and the animals are housed on the property on a temporary basis, they shall maintain proof of their involvement along with a beginning and ending date of each project/program.

a. Exemptions

- i1. Youths who actively participate in 4H or FFA, shall not be required to obtain a special use permit (S) so long as the parcel is at least 0.75 acres in size for large animals and 0.50 acres for small animals. Youths shall be exempt also from the open property area and density (Section 5.11.1.c), corral size (Section 5.11.2.a) and box stall size (Section 5.11.2.b) requirements of this Article.
- ii2. All other zoning districts not listed or properties with a parcel size of less than 3/4 acre shall be required to obtain a special use permit (S).

5.11.6 Nothing in this section shall be construed to allow the violation of any other code, ordinance or statute.

5.12 AIRPORT DISTRICT

5.12.1 Purpose.

The purpose of the Airport District is to protect the operations of airports within Doña Ana County from encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth of the airports. Since the boundaries

control storm water on-site to reduce erosion. Best practices should be ~~designed in collaboration~~coordinated with ESD and CDD staff.

6.1.7 Floodplain Development Permit

A Floodplain Development Permit may be required, in accordance with National Flood Insurance Program (NFIP), if the proposed development is all or partially located within a FEMA Special Flood Hazard Area as defined in Section 6.4. The Flood Commission Director shall determine if a Floodplain Development Permit is required and shall appoint a Floodplain Administrator to review and Building Services shall issue Flood Plain Development Permits.

- a. Permit Application Forms. Application for a development permit shall be presented to the Building Services on forms furnished by Building Services and shall include:
 - i. Plans in duplicate drawn to scale showing the location.
 - ii. Dimensions.
 - iii. Elevation of proposed landscape alterations.
 - iv. Existing and proposed structures, including the placement of manufactured homes.
 - v. Location of the foregoing in relation to areas of special flood hazard.
 - vi. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures.
 - vii. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.
 - viii. A certificate from a registered Professional Engineer or surveyor that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 6.4.7.b.
 - ix. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development or description of alternative integrated methods considering natural and built drainage systems.
- b. Application Review Procedures. The review period begins with the acceptance of a complete permit application by the Floodplain Administrator or designee. A record of all information shall be maintained. Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this Article and the following relevant factors:
 - i. The danger to life and property due to flooding or erosion damage.
 - ii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - iii. The danger that material may be swept onto other lands to the

- injury of others.
 - iv. The compatibility of the proposed use with existing and anticipated development.
 - v. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - vi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of thoroughfares and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems.
 - vii. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - viii. The necessity to the facility of a waterfront location, where applicable.
 - ix. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - x. The relationship of the proposed use to the Comprehensive Plan, all other relevant drainage plans and master plans for that area.
- c. Grading and Pre-Development Best Management Practices
- i. Description. Best practice will preserve existing natural features to reduce cost associated with erosion, revegetation, and dust control.
 - ii. Methods. Best practice will include natural drainage, topography, rock outcroppings, and native plant areas which can be preserved, and serve as detention areas to promote on-site benefits of water resources. Best practices should be ~~coordinated~~ designed in collaboration with EDS and CDD staff.

6.1.8 Grading Permit

Any person required under Section 6.5, to submit a grading permit, shall apply to the County prior to the issuance of a building or construction permit by an appropriately licensed contractor in the State of New Mexico and shall meet the minimum requirements of this Article, as determined by ESD. The application will be signed by the owner of the property where the work is to be performed or by his/her duly authorized representative. The applicant shall ensure that all application data is correct. Any falsification of application data shall invalidate the permit.

- a. Permit Application. A grading permit shall be issued by the County based on the following:
- i. Submittals shall be prepared and certified by a New Mexico Professional Engineer.
 - ii. Grading permits shall be reviewed by the ESD and the Flood Commission and issued based upon approved final subdivision plats, building or such other site improvement plans as necessary

triple permit fee.

- iv. All permits issued shall expire per Table 6.1 and 6.2.4 above. Typically within 1 year of issuance of the permit with a maximum of a 1-year extension, provided extension is requested prior to the expiration of the initial permit.

~~g. Grading on holidays and weekends; time limitations. No grading of any kind, except as permitted below, shall be permitted on holidays and weekends unless the landowner or authorized representative has received approval by the County by 12:00 noon of the day before the holiday or by 12:00 noon on Friday. A holiday shall be defined as an official County holiday for County employees, and the weekend shall be defined as the time period between 5:00 p.m. on Friday and 7:00 a.m. on the following Monday or next working day. Grading will not be permitted within 300 feet of a residentially zoned area before 7:00 a.m. or after 5:00 p.m. on weekends and holidays. Failure to notify the County shall be considered a violation of this Article. Notification is not required if the grading is supervised by an inspector provided by a government entity.~~

~~hg.~~ Removing Hazardous Conditions.

- i. If the County finds that the grading (either completed or in progress) is causing a hazard to persons or property, it shall notify the owner or his authorized representative and require that the hazard be removed or eliminated as soon as practicable, depending upon the degree of urgency with the hazard involved. If such action is not completed within the time limit stated within the notice, the County may require that reasonable temporary protective measures be provided in the interim.
- ii. If materials are washed or accumulated upon thoroughfares, lanes or other public property as a result of improperly controlled grading of higher or adjacent lands, the County shall notify the owner or his authorized agent to remove such material and restore the thoroughfares, lanes or public property to their original condition within 24 hours. Failure to comply with such notice shall be a violation of this Article.
- iii. If the owner fails to comply with such notice as provided in Section 6.1.8.h.i or 6.1.8.h.ii above, the County may authorize the work to be done by County resources or by contract. A report shall be prepared for the BOCC covering the actual cost of doing the work. After notice and an opportunity to be heard, the BOCC may, by resolution, determine the actual cost of doing the work and declare this amount, plus the cost of recording the resolution, to be a personal liability of the owner of the land and a lien on the land, payable within 10 days after adoption of the resolution, and thereafter bearing the simple annual interest at a rate of 12% until paid. A copy of the resolution, authenticated by the acknowledgement of the County Clerk, shall be filed for record in the office of the County Clerk. Notice of the hearing before the

- (3) Traffic control requirements concerning transportation of material on public ways;
- (4) Limitations on the amount of area that may be disturbed by grading operations;
- (5) Work scheduling requirements; and
- (6) Stockpiling and reuse of topsoils.

6.2 THOROUGHFARES

6.2.1 Sidewalks

- a. Sidewalks shall be required along all thoroughfares where the average lot size of adjacent lots is less than 1 acre. Sidewalks shall have a minimum width of ~~5-4~~ feet and as regulated further by Table ~~6.9 Typical Urban Parkways~~4.2 Minimum Width of Sidewalk Standards. All sidewalks shall have a minimum thickness of ~~6-4~~ inches.
- b. Sidewalks shall be constructed out of concrete or other materials accepted by ESD and shall be built at the time of thoroughfare construction unless access is for primary residential lot frontage.
- c. Thoroughfare lights, power poles, fire hydrants, thoroughfare signs or other types of obstructions shall not be permitted on the sidewalks or the designated walkway. If thoroughfare obstructions are in the way of proposed sidewalks, the obstructions shall be relocated prior to construction of the sidewalk.
- d. Table 6.9 Typical Urban Parkways. Sidewalks shall meet the requirements of the American with Disabilities Act.

6.2.2 Thoroughfare Design Guidelines

If a County design standard does not exist for a particular project, the New Mexico Department of Transportation standards, United States Department of Transportation standards, and the Institute of Transportation Engineers (ITE) Context Sensitive Solutions (CSS) shall apply.

- a. The applicant shall provide documentation proving that all roads to and within a development have unobstructed legal and physical access to an asphaltic surfaced Municipal-, County- or State-maintained road(s). It is the developer(s) responsibility to construct the legal and physical access from the development to an asphaltic surfaced Municipal-, County- or State-maintained road(s).
- b. The width for thoroughfares linking a development intensity or transect zone development to a County- or state-maintained road shall be regulated by Table 6.8 Thoroughfare Geometry.
- c. The width for thoroughfares linking a use zone development to a County- or state-maintained road shall be regulated by Table 6.8 Thoroughfare Geometry.
- d. The layout of principal roads within a development shall be designed to join to principal existing thoroughfares in adjoining areas and to serve adjoining areas. The width of the right-of-way in a development shall be sufficient to ensure

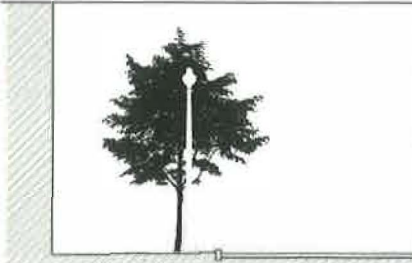
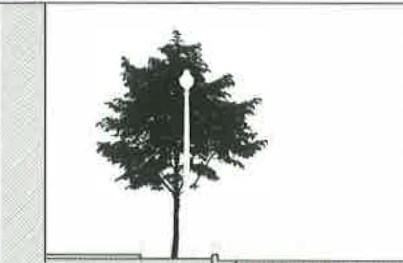

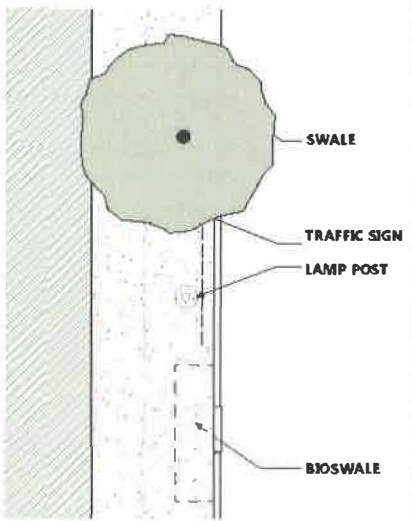
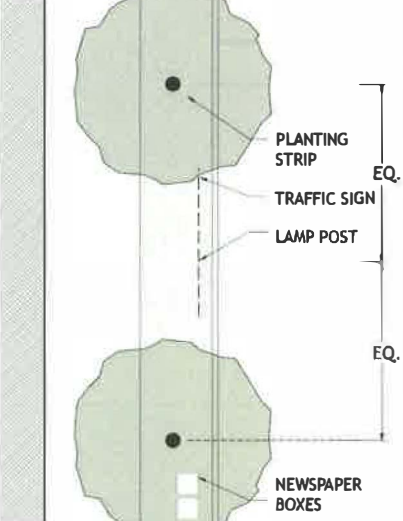
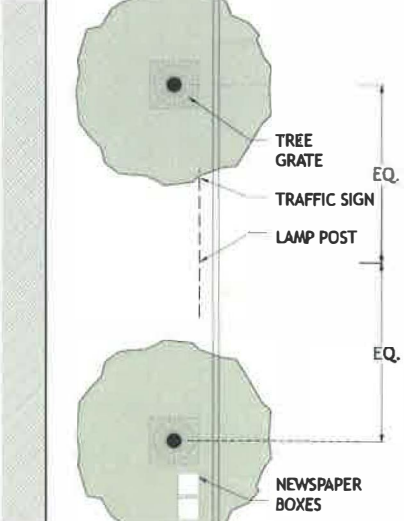
that future development needs will not be limited by narrow rights-of-way, per the Mesilla Valley and El Paso MPOs.

- e. Centerlines of offset thoroughfares entering onto collector or arterial thoroughfares shall not be less than 400 feet apart.
- f. All roads shall be provided with adequate grades, lines-of-sights and drainage, including the conveyance of collected runoff, and culverts or dip sections for the lateral passage of flows. Easements external to a thoroughfare right-of-way section may be used for the conveyance and storage of storm runoff and utilities if water intrusion onto the right-of-way is mitigated via subsurface drainage.
- g. Thoroughfares shall intersect as nearly as possible at right angles, and in no case shall thoroughfares intersect at angles of less than 75° for local thoroughfares and 90° for collector and arterial thoroughfares.
- h. ~~Thoroughfares shall connect to other thoroughfares, forming a network. Where required by topography, dead-end thoroughfares shall terminate in a cul-de-sac having a minimum radius of 50 feet for residential uses and 80 feet for nonresidential uses. Maintenance of cul-de-sac will be by private means.~~ Thoroughfares should connect to other thoroughfares when possible, forming a network. Dead-end thoroughfares shall terminate in a cul-de-sac having a minimum radius of 50 feet for residential uses and 80 feet for nonresidential uses. Phased development or construction shall be provided with temporary turnaround easements with 50 foot radii for residential and 80 foot radii for nonresidential uses as necessary at the end of each phase, constructed with base course and prime coat, and may be vacated upon extension of the road within a subsequent phase. Turnarounds, in phased development, are not required on thoroughfares less than 150 feet in length.
- i. All roads proposed to be publicly maintained shall include dedication of adequate rights-of-way as identified in Section 6.2.4. Private thoroughfares and easements shall be allowed only in circumstances where a maintenance agreement and evidence of a properly created road easement is provided obligating individual landowners or homeowners' associations for maintenance of the private thoroughfares and/or easements. Easements and pavement widths and pavement sections for private thoroughfares and easements shall meet the requirements for public thoroughfares of similar function. In no case shall private thoroughfares be designed in such a way as to prevent access and/or passage of emergency vehicles.
- j. Controlling access parallel to thoroughfares, i.e., reserve strips, is prohibited.
- k. All construction within the right-of-way or easement shall meet all applicable provisions of Section 6.2.5 and Section 6.2.6. A deviation from the referenced standards will be allowed only when testing of the materials and/or methods used shows the deviation to be equal or greater in quality to that of Section 6.2.6 and requires approval from ESD.
- l. All utilities within public rights-of-way or easements shall be coordinated with and comply with the requirements of the utility company or provider and

routes). Methods will include chicanes, curb cuts, bio-swales, and other active landscape features. Best practices should be ~~coordinated~~designed in collaboration with EDS and CDD staff.

- h. Community Type and Transect Zone Thoroughfare Cross Sections.
 - i. If the right-of-way needed for complete roadway construction is constrained, the cross section should be reduced in the following order:
 - (a) Planting strip width to 3 feet minimum.
 - (b) Sidewalk width to 5 feet minimum.
 - (c) Bicycle lane to 5 feet minimum.
 - ii. Bicycle lanes shall be striped on both sides and include a buffer strip and signs, directional arrows, and stencils.
 - iii. Bicycle lanes shall not be built on roadways with design speeds below 30 mph.
 - iv. All on-street parking decisions shall be per Table 6.5.
 - v. All thoroughfares classified as avenue and above may be designated as transit routes. Transit-related facilities, such as a shelter or bus pull-out, may be required.
 - vi. Three-hundred-foot block lengths are recommended.
 - vii. Multi-use paths:
 - (a) Shall not be placed immediately adjacent to avenues or boulevards, especially in lieu of sidewalks or bicycle lanes.
 - (b) May be used if they are incorporated with the overall design and traverse the development on an independent right-of-way allowing for more direct access to a destination.
 - (c) Shall be asphaltic surfaced a minimum of 8 feet wide.
- i. Parkway Assemblies. Parkway assemblies shall comply with the standards of Section 4.3.E Parkway Assemblies and Tables 6.9 Typical Urban Parkways, 6.10 Typical Rural Parkways, and 6.11 Parkway Assemblies. Tables 6.9 and 6.10 illustrate the components of the parkway and Table 6.11 regulates the type and size for each component of the parkway.

Table 6.9 Typical Urban Parkway

Type A	Type B	Type C
 <p>(1) (2)</p> <p>(b) (c) (d) (e)</p>	 <p>(1) (2)</p> <p>(a) (c) (d) (e)</p>	 <p>(1) (2)</p> <p>(a) (c) (d) (e)</p>
 <p>SWALE</p> <p>TRAFFIC SIGN</p> <p>LAMP POST</p> <p>BIOSWALE</p>	 <p>PLANTING STRIP</p> <p>TRAFFIC SIGN</p> <p>LAMP POST</p> <p>NEWSPAPER BOXES</p> <p>EQ.</p>	 <p>TREE GRATE</p> <p>TRAFFIC SIGN</p> <p>LAMP POST</p> <p>NEWSPAPER BOXES</p> <p>EQ.</p>
<p>(1) Parkway</p>	<p>(2) Transportation Way</p>	
<p>1. (a) Walkway: <u>as regulated by Table 4.2 Minimum Width of Sidewalk Standards.</u></p> <p>no less than 5 ft., 6 ft. min. in H</p>	<p>(d) Parking Lane</p>	
<p>(b) Planter</p>	<p>(e) Travel Lane</p>	
<p>(c) Planter & Verge</p>		

Note: Alternative parkway configurations may be considered based on land use.

Table 6.11 Parkway Assemblies

Details	Rural/T2	L/T3	M/T4	H/T5	Suburban
Curb Type	Swale	Raised Curb	Raised Curb	Raised Curb	Raised Curb
Walkway					
Type	Not required	Path / Sidewalk	Sidewalk	Sidewalk	Path / Sidewalk
Min. Width (feet)	n/a	8 - path 4.5 - sidewalk	5	6	8 - path 4.5 - sidewalk
Lighting					
Max. Height (feet)	Not required	12	16	16	20
Min. Spacing (feet)	n/a	At intersections	At intersections	50 on center	At intersections
Planter					
Type	Swale	Bio-Swale	Continuous	Continuous or Tree Well	Continuous
Min. Width (feet)	n/a	4.5 - path 6 - sidewalk	5	72 sq. ft. min. - tree well; 5 min.	6 - path 5 - sidewalk

6.2.6 Standard Specification for Thoroughfare Construction

All thoroughfares constructed within Doña Ana County shall comply with New Mexico Department of Transportation Standard Specification for Highway and Bridge Construction, as adopted and amended.

- a. All testing and construction inspections for all developments shall adhere to the guidelines as set forth in the New Mexico Department of Transportation Standard Specification for Highway and Bridge Construction, as adopted and amended.
- b. A pavement design report included with the final plat or final document submittal shall include, but not be limited to:
 - i. Soil profiles shall be obtained from soil borings performed within the proposed right-of-way and proposed borrow area, or in areas determined to yield representative soils. Thoroughfare soil borings shall be taken at an interval of 500 feet. Additional soil borings may be required if soil characteristics change significantly. Soil borings shall be advanced to a depth of at least 5 feet, or refusal, whichever is shallower. In "cut" portions of the thoroughfare, the depth of borings shall be measured from the proposed finished grade elevation of the pavement. In "fill" portions of the thoroughfare, the depth of borings shall be measured below existing grade. Soil borings are required to classify materials to determine the thickness of the layers of the road structure and to identify soils that are excessively expansive or resilient. Such soils shall receive special consideration by substitution with "engineered fill" or stabilization with a suitable admixture and/or mechanical means. Field conditions encountered with unsatisfactory materials shall be submitted with pavement design calculations along with

elevations in culverts.

- v. Pipe culverts placed parallel to thoroughfares shall have a concrete blanket placed on both ends of the structure. The concrete blanket shall have horizontal 2-inch steel pipes (extra-strong AISC designation) placed such that the spacing shall not exceed 24 inches and shall be designed so that the grate can be lifted up or removed for cleaning purposes.

6.3.7 Parking Requirements.

Parking requirements for multi-family and all non-residential uses shall follow the Institute of Transportation Engineers (ITE) Parking Generation Manual, most current edition.

- a. Parking areas for uses where 10 spaces are required shall be paved with at least 2 inches (2") thickness of Hot-Mix pavement over 6 inches (6") of Base Course. If less than 10 spaces are required, then ADA spaces shall be paved, with other parking spaces surfaced with a minimum of 6 inches (6") of Base Course; thickness as structurally necessary. Parking requirements for multi-family and all non-residential uses shall follow the Institute of Transportation Engineers (ITE) Parking Generation Manual, most current edition.

6.4 FLOOD DAMAGE PREVENTION

6.4.1 Basis for Establishing Area of Special Flood Hazard

The areas of special flood hazard identified by the effective Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Doña Ana County, New Mexico," with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM), and any revisions thereto are hereby adopted by reference and declared to be a part of this section.

6.4.2 Duties and Responsibilities of Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- a. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.
- b. Review permit application to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
- c. Review all applications for Floodplain Development Permits required by adoption of this chapter.
- d. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- e. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain

Table 6.23 Recommended Maximum Headwater-to-Diameter Ratios

Storm Frequency	HW/D
10-year	1.0
100-year	1.25

- (f) Tailwater. The height of tailwater at outlets shall have a headwater-to-diameter ratio of less than 1.0.
 - (g) Dip section and low water crossings shall be concrete and designed in accordance with the criteria in Table 6.18 Street Capacity Criteria, and shall provide for erosion protection at the edges of pavement.
- e. Roadway Drainage Best Management Practices
- i. Description. Best practice will infiltrate storm water into plantings and soil, and safely release remaining water.
 - ii. Methods. Best practice will filter storm water through soil media and plant roots, then release treated storm water runoff into the landscape (e.g. pasture, native vegetation areas, plantings, and permeable areas) and storm drain system. Best practices should be ~~coordinated~~ designed in collaboration with EDS and CDD staff.

6.5.14 Open Channels

Channel capacities shall be computed using the Manning formula for uniform flow. Open channels shall be designed for a 100 year storm with analysis showing the effects of the ten-year storm. Channels shall have subcritical flow characteristics, be wide and natural in appearance and functional. Analysis and proposed solutions for anticipated erosion problems shall be in the drainage plan. Channels shall be designed to avoid flows at or near critical depth.

- a. Hydraulics. The type of channel cross sections shall be most suited to the location and use. The drainage report and design hydraulics of flow in channels shall include analysis of the hydraulics indicating the following parameters for existing and proposed channels and drainageways:
 - i. Flow cross-section geometry for each different configuration of proposed channel shape in critical areas and channels left in their natural state;
 - ii. Flow cross-sectional area;
 - iii. Wetted perimeter;
 - iv. Hydraulic radius;
 - v. Manning's roughness coefficient (n);
 - vi. Flow velocity;
 - vii. Design discharge;

- ii. French drains are acceptable in areas with poor percolation rates and shall only be used to provide increased percolation rates. French drains shall have an open pond above the rock level with a minimum depth of 12 inches.
 - iii. Dry wells are generally used for drainage areas of one acre or less and are designed exclusively to accept rooftop runoff from residential and commercial buildings. They are similar to infiltration trenches but smaller with inflow from pipe and commonly covered with soil. The well shall be placed at a depth sufficient to contain the required storage volume.
- c. Detention Pond Best Management Practice
- i. Description. Best practice will combine detention ponds with other site elements to reduce the area needed to fulfill detention pond volume and storage requirements.
 - ii. Method. Best practice will utilize Active Landscape Features, where applicable, to design areas required for retention/detention basins, into multiple integrated features fulfilling total volume requirements. Incorporate elements which work in combination with required detention pond volume and storage. Integrate components of existing site characteristics, topography, Active Landscape Features, building structures, and parking lot drainage. Best practices should be ~~coordinated~~designed in collaboration with EDS and CDD staff.

6.5.16 Drainage System Operations and Maintenance

Proper operations and maintenance of storm drainage and flood control facilities, including natural drainage systems such as arroyos, includes both cleaning and minor repair to the facilities as well as completely rebuilding some facilities that have, through weathering or lack of maintenance, been rendered useless or present a threat to public safety. In order to increase system efficiency, maintenance guidelines are outlined in Table 6.25 Maintenance Guidelines and shall be incorporated in the drainage maintenance agreement (see sample form in Appendix A). The drainage maintenance agreement shall be adopted by operators of private drainage systems to establish maintenance procedures of those systems. The agreement is to be signed and recorded as a condition of final plat approval and shall be disclosed and acknowledged by subsequent property owners.

Table 6.25 Maintenance Guidelines

Facility	Maintenance, As Necessary	Inspection
Channels	May to October	Semi-annual
Pump stations	May to October	Semi-annual
Detention and retention facilities	May to October	After any major storm greater than 1 inch within a 24-hour period
Storm sewer systems	Annual	Biannual
Storm sewer inlets	After rainfall events or biweekly during rainy periods	Semi-annual

- c. Final Plat Approval Requirements. In acting on the permit application, the State Engineer shall determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses.
- d. Water Conservation Best Management Practice
 - i. Description. Best practice will utilize passive water harvesting to collect stormwater, which promotes water infiltration, stormwater reduction, less complex erosion control and infrastructure systems, and optimal landscaping. Utilizing harvested stormwater will provide or offset landscape water needs.
 - ii. Method. Best practice will include passive water harvesting functions, which utilize gravity to direct the flow of stormwater into Active Landscape Features. Best practices should be designed without additional tanks, piping, metering, pumps, or other infrastructure associated with containment systems.
 - iii. In certain configuration, additional infrastructure components will be needed to route overflow water, convey water under roads or parking lots, or for other purposes conducive to effective functioning of the passive system. Best practices should be coordinateddesigned in collaboration with EDS and CD Department staff.

6.6.3 Water Quality; Liquid and Solid Waste Disposal

- a. Water Quality Documentation. For an applicant to document conformance with the water quality requirements of these guidelines and the New Mexico Subdivision Act, NMSA 1978, §47-6-1 *et seq.* A water quality documentation package shall accompany the preliminary plat submission.
 - i. The water quality documentation package shall:
 - (a) State the applicant's name and mailing address;
 - (b) State the date the package was completed;
 - (c) State the applicant's proposal for meeting the water quality requirements of these guidelines;
 - (d) Be accompanied by a copy of the applicant's disclosure statement on water quality;
 - (e) Be accompanied by the information listed in Sections 6.6.3.a.ii, 6.6.3.a.iii, or 6.6.3.a.iv of this section as applicable to the water supply proposal; and
 - (f) Be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of these guidelines.
 - ii. If a new public water supply system (15 or more connections) is proposed, the following information shall be submitted as part of the water quality documentation package:

BICYCLE LANE (BIKE LANE)

A separate path or a portion of a roadway that has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicycles (AASHTO).

BILLBOARD OR BILLBOARD SIGN

A large outdoor sign, typically designed to be read from a moving vehicle.

BIO-RETENTION AREAS

The use of vegetation and soils to clean, slow, and infiltrate and/or store storm water runoff.

BIO-SWALES

Vegetated, shallow, landscaped depressions design to capture, treat, and infiltrate stormwater run-off as it moves downstream.

BLADE SIGN

A small, pedestrian-oriented sign that projects perpendicularly from a structure such as a bracket and which is hung from the fascia above ground-floor doors and windows.

BLOCK

The aggregate of private lots, passage, rear alleys and rear lanes, bounded by thoroughfares.

BLOCK FACE

The side of a block, extending between its lateral lot lines.

BMP or BMPs

See "Best Management Practice (BMP)."

BOARD OF COUNTY COMMISSIONERS (BOCC)

The governing body of Doña Ana County, New Mexico.

BOARDING HOUSE

A residential dwelling unit with two or more rooms that are rented or intended to be rented independently.

BOCC

See Board of County Commissioners.

BORROW

Excavating material from borrow pits or areas selected by the contractor, when sufficient quantities of suitable material are not available from other excavations, and disposing of all excavated borrow material as specified and in conformity with the lines, grades, and dimensions shown on the drawings, or as directed by the Engineer. The widening of roadway cuts and ditches will be considered as general excavation, and not as borrow.

BOULEVARD

A divided thoroughfare designed for high vehicular capacity and moderate speed, traversing a built-up area.

BUFFER

An area of land inside a property serving as a screen, using walls, fencing, berms, ~~vegetation~~, or a combination of the above with vegetation. Buffering visually separates new development from an adjacent property or roadway, and mitigates negative impacts; it can be a part of LID and GI practices such as water harvesting.

EXPANSION OF EXISTING USE

Expansion of existing use shall be construed as an expansion of building square footage, a zone change that allows a higher use of the property, expansion of parking area or expansion of outdoor storage area.

EXTREMELY HAZARDOUS SUBSTANCE

Any substance listed in the Appendices to 40 CFR Part 355, Emergency Planning and Notification.

FAÇADE

The exterior wall of a building that is set along a frontage line. See Elevation.

FAIR HOUSING ACT (FHA)

The Fair Housing Act of 1968, as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

FALL ZONE (Specific to WCF and WSS)

The area within a determined radius referred to as the potential fall radius, in which a wireless support structure may be expected to fall in the event of a structure failure, as certified by a registered New Mexico Professional Engineer.

FAMILY

One or more persons living together in a single dwelling unit as a family or the functional equivalent of a family.

FARMING AND RANCHING

Any use of land for the growing and harvesting of crops, the open-range grazing of livestock, or irrigated pasture for grazing livestock for sale or profit, or uses that are directly ancillary to these on-farm scalable activities, which is the exclusive or primary use of the lot, including processing, packaging and warehousing.

FARMLAND/RANGELAND

Consist primarily of open lands used for agriculture or the raising of livestock.

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.

FEMA

See Federal Emergency Management Agency.

FENCE

(e.g., fencing) An enclosure or barrier used as a boundary, means of protection, or privacy. Fencing is constructed of open or solid materials, permitting some amount of light, visibility, and/or air movement. Fences are not considered an expansion of use.

FENCE AT A FRONTAGE

A fence at the primary frontage or a fence at the secondary frontage.

FENCE AT A PRIVATE LOT LINE

A fence generally in proximity to and parallel to the boundary between two lots.

FURNISHING ZONE

The area of the parkway assembly that is available for street furniture such as benches, wastebaskets, and newspaper boxes.

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

An informal event for the sale of used goods by private individuals, in which sellers are not required to obtain business licenses or collect sales tax.

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, or dross.

GI

See Green Infrastructure.

GLARE

A degree of luminance caused by direct light or reflection.

GRADING

Any excavation or fill or combination thereof, including clearing and grubbing.

GRADING PERMIT

A permit to excavate or fill or a combination thereof, including clearing and grubbing of land for the construction and development of permitted buildings or structures, or to conduct other legal land uses.

GREEN, CIVIC SPACE

A civic space type for unstructured recreation, spatially defined by landscaping rather than building frontages.

GREEN INFRASTRUCTURE (GI)

An approach to water management that protects, restores, or mimics the natural water cycle. GI includes the physical and biological processes found in each ecoregion's natural landscape, informing low impact development and water harvesting.

GROUND COVER

Any combination of mulch, low plants, seeding, or turf used to prevent weeds and minimize erosion, but shall not include artificial turf, asphalt, concrete, or bare soil. ~~Low-growing, spreading plants generally used to prevent weeds.~~

GROUNDWATER

This definition applies only to water quality, liquid and solid waste disposal guidelines. Interstitial water which occurs in saturated earth material. It is capable of entering a well in sufficient amounts to be utilized as a water supply.

GROUP HOME

A dwelling unit where 6 or fewer unrelated people in need of care, support, or supervision can live together.

GRUBBING

The removal of stumps and roots.

HARDSCAPE

The impervious portion of a landscape area including shade structures, walls, paving, and water features.

HARMFUL QUANTITY

Discharges of any substance in a quantity determined to be harmful to the public health, public welfare, or the environment.

HAZARD TO PUBLIC HEALTH (Specific to NMED liquid waste)

The indicated presence in water or soil of chemical, biological or other agents under such conditions that they may adversely impact human health.

HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE

Any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment.

HEAVY INDUSTRIAL USE

Manufacturing or other enterprises that 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.

HELIPORT

See Airport.

HHW

See Household Hazardous Waste.

HIGH WIND CONDITIONS

On-site average wind speed greater than 15 miles per hour, gusts of 20 miles per hour, or an active wind advisory issued by the National Weather Service for Doña Ana County.

HIGHWAY

A rural and suburban thoroughfare of high vehicular speed and capacity.

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.

HOUSEHOLD HAZARDOUS WASTE (HHW)

Any material generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

HUNDRED-YEAR FLOOD OR 100-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.

PETROLEUM STORAGE TANK (PST)

Any one or a combination of aboveground or underground storage tanks that contain petroleum products and any connecting underground pipes.

PHASE

Refers to a portion of a multi-unit subdivision which is intended to be developed as a unit.

PHASING

A construction BMP that is sequencing disturbing activities during construction, on lots in distinct areas of the project, with the stabilization of each area before the disturbing of the next.

PLANNING AND ZONING COMMISSION (P&Z)

The Planning and Zoning Commission of Doña Ana County, New Mexico whom are appointed by the BOCC.

PLANT AREA

Overall area coverage of plant canopy, calculated in the following manner including the plant list - trees at 50 percent of the canopy width times that same canopy width, rounded up (example: a tree listed with a 20 foot canopy width is $20' \times 20' = 400$ square feet $\times 50\% = 200$ square foot area); other plants at 100 percent of the canopy width times that same canopy width (example: an accent plant listed with a 5 foot canopy width is $5' \times 5' = 25$ square feet $\times 100\% = 25$ square feet area) Refer to Appendix X. Plant List.

PLANT, EDIBLE

Plant with fruit or parts, eaten or used by humans in the preparation of food. Refer to Appendix X. Plant List.

PLANT, HEIGHT

Typical, mature height of plant canopy. Refer to Appendix X. Plant List.

PLANT, HIGH WATER-USE

~~Plant~~ A live plant that mostly survives on ~~over~~ 25 inches ~~of or greater~~ water per year; also called a mesic or phreatophytic plant; grows best in a high water-use zone with other high water-use plants. High water-use plants can require less water where moisture availability is higher, ~~mostly particularly~~ where specialized soil types and higher water tables combine in valley locations; ~~unless~~ Unless in such locations and ~~or~~ when ~~other supporting~~ documentation is provided, high water-use plants shall not be counted towards required landscaping. Refer to Appendix X. Plant List.

PLANT, LOW WATER-USE

~~A live plant~~ Plant that mostly survives on ~~the under~~ 10 inches ~~or less of~~ water per year, once established (about the average annual precipitation in Doña Ana County); also called a xeric plant; grows best in a low water use zone with other low water-use plants. Refer to Appendix X. Plant List.

PLANT, MEDIUM WATER-USE

~~A live plant~~ Plant that mostly survives on between 10 and 25 inches of water per year; also called a mesic plant; grows best in a medium water use zone with other medium water-use plants. Refer to Appendix X. Plant List.

PLANT, WIDTH

Typical, mature width ~~or spread~~ of plant canopy. Refer to Appendix X. Plant List.

STREET VIEW AREA

The entire area between the primary façade of an industrial use, furthest from the primary frontage to that property line, extended along the entire primary frontage.

STREETSCREEN

A freestanding wall built along the frontage line, or coplanar with the facade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. As used in this Chapter, a streetscreen is a form of screen which need not be part of a landscape buffer.

STRIP ZONING

A zoning action that would give an area different zoning and benefit than the surrounding zoning to a strip of land along a thoroughfare.

STRUCTURE

Anything that is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

SUBDIVIDE

To divide a surface area of land into a subdivision as defined by this Chapter and NMSA 1978, §47-6-2.

SUBDIVIDER

Any person who creates or who has created a subdivision, individually or as part of a common promotional plan, or any person engaged in the sale, lease, or other conveyance of subdivided land; however, "subdivider" does not include any duly licensed real estate broker or salesperson acting on another's account.

SUBDIVISION

The division of a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease or other conveyance or for building development, whether immediate or future; but "subdivision" does not include:

- 1) the sale, lease or other conveyance of any parcel that is 35 acres or larger in size within any twelve-month period; provided that the land has been used primarily and continuously for agricultural purposes, in accordance with NMSA 1978, §7-36-20 for the preceding three years;
- 2) the sale or lease of apartments, offices, stores or similar space within a building;
- 3) the division of land within the boundaries of a municipality;
- 4) the division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
- 5) the division of land created by court order where the order creates no more than one parcel per party;
- 6) the division of land for grazing or farming activities; provided the land continues to be used for grazing or farming activities;
- 7) the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased;

TRAFFIC IMPACT ANALYSIS

A study that assesses the effects that a particular development's traffic will have on the transportation network. These studies vary in their range of detail and complexity depending on the type, size and location of the development, which are regulated by this Chapter.

TRANSECT ZONE

One of several zones that reflect the historic development patterns of the County and are predominately compact mixed-use zones, which are also available for new development.

TREE

a) A woody plant with an expected mature height of a minimum of 12 feet and/or 1 story, possessing either a single trunk or multiple trunks. Trees are often described in subcategories by common attributes and the uses they serve. They can be some combination of evergreen, deciduous, coniferous, and/or broadleaf, and be used for shade, screening, understories to larger trees, or ornamental uses such as flowering; b) Skyline accent: usually evergreen succulents, sometimes developing woody trunks, providing functions and heights similar to smaller trees via visual impact, enclosure, or structure against the sky or architecture, but often lacking shade. This includes many commonly-used and often native plants that do not meet typical plant categories, such as yuccas, ocotillos, and fan palms.

TRIPLEX

A residential building with three attached dwelling units each of which has direct access to the outside.

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

The United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of the EPA or such successor agency.

UNCONTAMINATED

Not containing a harmful quantity of any pollutant.

UNMANNED DEVELOPMENT

Land uses that do not have a building, or customer storefront and parking, and which do not have a way to calculate a required landscaping area.

URBAN CENTER

A term for one of several community types regulated by this Chapter.

USE ZONE

One of several zones that are developed and regulated primarily by specific uses and are typically characterized by adjacent or similar development.

UTILITY POLE (Specific to WCF and WSS)

A structure owned and/or operated by a public utility or municipality that is designed specifically for and used to carry lines, cables or wires for telephone, cable television, electricity or to provide lighting.

UTILITIES

Governmental entities, nonprofit organizations, corporations, or any entity defined as a public utility for any purpose by and used in connection with the production, delivery, transmission, collection, or storage of water, sewage, gas, oil, electricity, or electronic signals.

VACATION

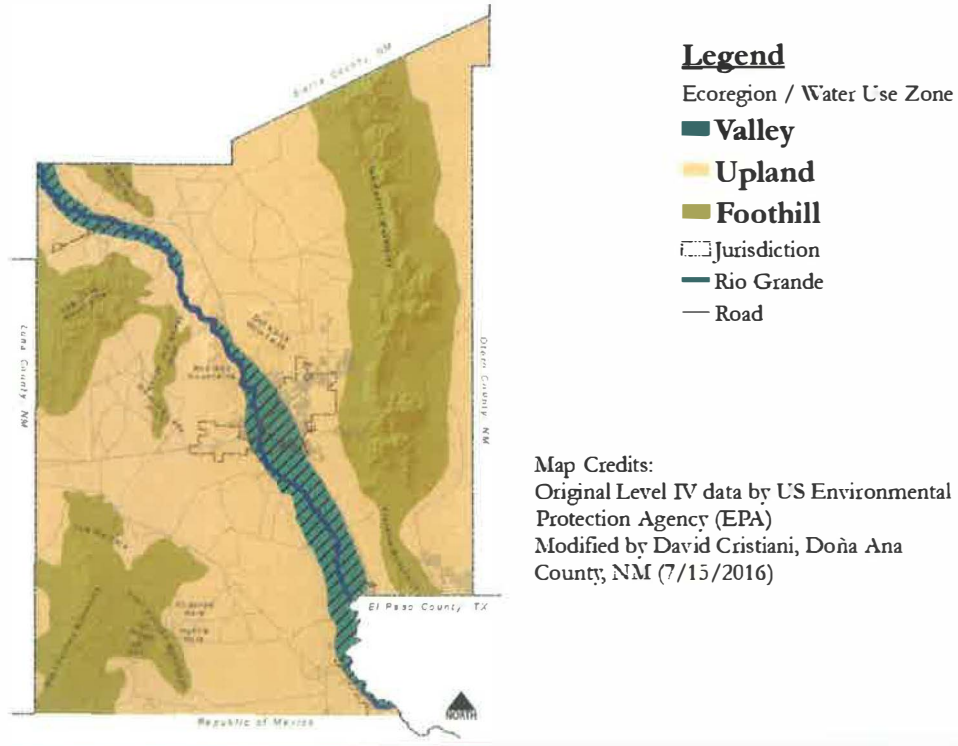
APPENDIX X. PLANT LIST

Bold type signifies a native plant in Doña Ana County.

Plant List Headings:

- a. Common name:- locally-used name;
- b. Botanical name:- scientific name;
- c. Height:- average mature canopy height;
- d. Width:- average mature canopy width, diameter, or spread;
- e. Area:- average area of mature canopy width;
- f. Edible:- a plant with fruit or foliage used for food; and,
- g. Water Use Zone:- A typical water requirement for landscaping once established in an ecoregion per Figure 5-1. Asterisks indicate the applicable region (* valley, ** foothills, *** valley and foothills).

Figure 5-1. Ecoregion – Water Use Zones



Trees (and skyline accents)

Common Name	Botanical Name	Height (ft.)	Width (ft.)	Area (sq. ft.)	Edible	Water Use Zone
Mimosa or Silk Tree	Albizia julibrissin	25	30	450		medium

Common Name	Botanical Name	Height (ft.)	Width (ft.)	Area (sq. ft.)	Edible	Water Use Zone
Silktassel Bush	Garrya species	6	6	36		**low, medium
Carolina Jessamine	Gelsemium sempervirens	8+	6	36		medium
Algerian Ivy	Hedera canariensis	6+	8	64		medium
English Ivy	Hedera helix	10+	8	***64		***medium, high
Burford Holly	Ilex cornuta 'Burfordi'	6+	6	36		medium
Jasmine	Jasminum species	3	5	25		medium
Juniper	Juniperus species	3+	6-12	36-144		low
Winterfat	Krascheninnikovia lanata	3	3	9		low
Crepe Myrtle (petite or shrub form)	Lagerstroemia species	5	5	*25		*medium, high
Creosote Bush	Larrea tridentata	6	6	36		low
Lavender	Lavendula species	3	4	16		medium
Texas Sage or Ranger	Leucophyllum species	6+	7	49		low
Privet	Ligustrum species	6+	6	36		medium
Coral Honeysuckle	Lonicera sempervirens	6+	6	36		medium
Wolfberry	Lycium species	6+	6	36		***low, medium
Heavenly Bamboo	Nandina domestica	6	5	25		medium
Mariola	Parthenium incanum	2	3	9		low
Woodbine, Virginia or Hacienda Creeper	Parthenocissus species	8+	6	36		medium
Photinia	Photinia species	10+	12	75		medium
Rosemary Mint	Poliomintha incana	4	4	16		low
<u>Lavender Spice Mexican Oregano or Lavender Spice</u>	Poliomintha maderensis	2+	3	9		**low, medium
Broom Dalea	Psoralea scoparius	4	5	25		low

LAS CRUCES SUN-NEWS

PROOF OF PUBLICATION

I, being duly sworn, Rynni Henderson deposes and says that she is the President, a newspaper published daily in the county of Dona Ana, State of New Mexico; that the 1219165 is an exact duplicate of the notice that was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 1 consecutive week(s)/day(s), the first publication was in the issue dated October 31, 2017, the last publication was November 7, 2017. Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Signed



President
Official Position

STATE OF NEW MEXICO

ss.

County of Dona Ana

Subscribed and sworn before me this

8th day of November 2017



Notary Public in and for
Dona Ana County, New Mexico

September 16, 2020
My Term Expires



NOTICE OF PUBLIC HEARING

On September 26, 2017, the Board of County Commissioners of Doña Ana County (BOCC) directed that a public hearing be conducted at their Regular Meeting on November 14, 2017 at 9:00 a.m. on the question of whether to adopt an amendment to Ordinance No. 287-2016, the Unified Development Code (UDC). The public hearing will be held at the Doña Ana County Government Center located at 845 N. Motel Blvd., Las Cruces, New Mexico.

Should you require special accommodations as a result of a disability, please contact the County ADA Coordinator at 525-5884 (voice), 525-5951 (TTY), or 1-877-827-7200 (toll free), or write to ADA Coordinator, 845 N. Motel Blvd., Las Cruces, New Mexico 88007 Spanish language interpretation services are available upon request. Please contact the Community & Constituent Services Office at 525-6163, at least 48 hours prior to the event. Servicios de interpretación en las juntas será disponible por petición. Por favor en contacto la Oficina de Servicio a la Comunidad y Constituyentes 525-6163 por lo menos 48 horas por adelantado para pedir este servicio.

THE OFFICIAL TITLE OF THE PROPOSED ORDINANCE IS: The Unified Development Code-Amendment No. 1.

GENERAL SUMMARY The UDC was adopted by the BOCC and became effective on February 2, 2017 The overall goals of the new code was to update, simplify, and map zone the entire County and eliminate the Extra-territorial Zone (ETZ) surrounding the City of Las Cruces. Staff has been using the UDC since it became effective and have identified areas that need improvement, corrections and clarifications in order to minimize variances and improve the overall document to make it more user friendly. The following Sections of the Ordinance are proposed for amendment:

- Article 1. Section 1.4.3
- Article 2: Section 2.2.1.a.iii, 2.4.4.f, 2.13.1, 2.15.2.i-iii
- Article 5: Section 5.1, 5.2.b, 5.2.3, 5.2.3.f, 5.2.4.e, 5.3.8.f, 5.3.9.b, 5.4.8, 5.5.1, 5.5.2, 5.7, Section 5.8.9.1, 5.9, 5.11.1.c.i&ii, and Tables 5.5 and 5.25
- Article 6: Clarify throughout that BMPs are coordinated with Staff, not designed, Section 6.3.7 and Table 6.11
- Article 7: Glossary of Terms amended related to Section 5.7
- Article 8: Appendix X expanded from items in Section 5.7

Written comments may be submitted no later than November 7, 2017 to janined@donaanacounty.org to be included in the BOCC packet. Oral comments may be presented at the hearing. A copy of the proposed Amendment may be obtained upon payment of an administrative fee at the Office of the County Clerk, Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, New Mexico during regular business hours. It is also available electronically at www.donaanacounty.org/UDC Pub#1219165 Run Dates: Oct. 31, Nov. 7, 2017