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APR 15, 2024 03:37:39 PM PAGES: 37

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Amanda López Askin, County Clerk, Dona Ana, NM

DOÑA ANA COUNTY ORDINANCE NO. 351-2024

AN ORDINANCE AMENDING CHAPTER 350, THE UNIFIED DEVELOPMENT CODE OF THE COUNTY OF DOÑA ANA, AMENDMENT NO. 5. This amendment to the UDC includes the Camino Real Rural Utility Authority-Extra-territorial Zone (“CRRUA-ETZ”) for the unincorporated area of the County to be regulated by the UDC, adopts the New Urbanism District Regulations to be applied in the CRRUA area as Article VIII Appendices § 350-830 Appendix DD: “New Urbanism District Regulations” and adopts the CRRUA Zoning Map as Article IX Official Zoning Map of Doña Ana County § 350-906 “CRRUA Zoning Map Insert”.

WHEREAS, on December 13, 2016, the Board of County Commissioners (“BOCC”) approved and adopted Ordinance No. 287-2016, the Unified Development Code for Doña Ana County (“UDC”), which has been codified as Chapter 350 in the Code of Doña Ana County, but did not include the Camino Real Regional Utility Authority Extra-territorial Zone (“CRRUA-ETZ”) area; and

WHEREAS, County Staff has administered the UDC since its effective date of February 2, 2017 along with four amendments: Amendment No. 1 was adopted by the BOCC on November 14, 2017 as Ordinance No. 294-2017, Amendment No. 2 was adopted on December 8, 2020 as Ordinance No. 317-202, Amendment No. 3 was adopted on December 14, 2021 as Ordinance No. 324-2021, and Amendment No. 4 was adopted on June 13, 2023 as Ordinance No. 335-2023; and

WHEREAS, in February 2009, the City of Sunland Park (“City”) and the County entered into a Joint Powers Agreement (“JPA”) that created CRRUA with the authority, among other things, to adopt and administer subdivision, zoning, planning and platting regulations within the area designated as the CRRUA-ETZ and designated the County to provide administrative services to administer the planning functions in this area, based on Chapters 250 & 300 of the County Code, the Land Use and Zoning Regulations and the Subdivision of Land, that were in effect at the time; and

WHEREAS, in early January and February 2024, the City and County amended the JPA to dissolve the CRRUA-ETZ and to relinquish land use responsibilities, outside of the City limits, back to the County thereby making the UDC applicable to all properties within the unincorporated areas of the County, which applies a uniformity of land use regulations County-wide; and

WHEREAS, pursuant to §104.B.4 of the UDC, the Zoning Administrator shall present to the P&Z recommendation’s concerning changes and amendments to the UDC and upon receiving P&Z’s recommendations, present said recommendation to the BOCC for final disposition; and

WHEREAS, County Staff hosted a series of public meetings to solicit input on the adoption of the UDC, the proposed zoning map and Plan 2040 in late 2018 and again in February 2024 and incorporated input from property owners into the recommendation presented to the Planning and Zoning Commission (P&Z); and

WHEREAS, on March 7, 2024, the Development Review Committee (“DRC”) reviewed the documents and recommended approval to the P&Z; and

WHEREAS, on February 15, 2024 the P&Z held a work session and hosted two public hearings on the proposed Amendment on February 22 and March 14, 2024 and voted 4-0-0 on March 14, 2024 to recommend approval of the adoption of the UDC, Zoning Map and Plan 2040 to the BOCC; and

WHEREAS, County Staff, the DRC, the P&Z and the BOCC have determined that this Amendment is in the public interest and is necessary to improve the overall public health, safety and general welfare of its residents by providing uniformity of land use regulations county-wide by including the former CRRUA-ETZ under the UDC regulations.

NOW THEREFORE, BE IT ORDAINED THAT the Unified Development Code, Chapter 350, of the Code of Doña Ana County is hereby amended as follows:

Section 1.

The following sections of Chapter 350 of the Code of Doña Ana County are hereby amended as more particularly described herein: as Article VIII. Appendices, Appendix DD (New Urbanism District Regulations); and Article IX Official Zoning Map of Doña Ana County, Section 350-906 (CRRUA Zoning Map Insert).

Article VIII Appendices § 350-830 Appendix DD. New Urbanism District Regulations:

APPENDIX DD

NEW URBANISM DISTRICT REGULATIONS

§ 350-830-1. SHORT TITLE

§ 350-830-2. PURPOSE

§ 350-830-3. APPLICABILITY AND ADMINISTRATION

§ 350-830-4. DEFINITIONS

§ 350-830-5. ZONING MAP

§ 350-830-6. NEW URBANISM ZONE DISTRICTS

§ 350-830-7. LAND USE AND ZONING REGULATIONS

§ 350-830-8. SPECIAL PROVISIONS

§ 350-830-9. PARKING REQUIREMENTS

§ 350-830-10. SEVERABILITY

§ 350-830-1. SHORT TITLE

This Appendix DD shall be cited as the “New Urbanism District Regulations” or “Appendix” for purposes of supporting the Santa Teresa Master Development Concept as adopted by Resolution No. 08-010, as amended.

§ 350-830-2. PURPOSE

This Appendix is adopted with the intent and effect of promoting and allowing “pedestrian-oriented mixed-use” developments within New Urbanism District which development shall have no less than twenty percent (20%) of the total development area dedicated to Parks and Open Space and Open Space (within a lot). The Appendix shall govern and control all development within the New Urbanism District.

§ 350-830-3. APPLICABILITY AND ADMINISTRATION

- A. The Zones described in this Appendix are established to regulate and separate the locations of land uses, as appropriate.
1. Zoning Administrator
 - a. Zoning Administrator

The Community Development Director or designee shall be the designated Zoning Administrator. Any reference to “Zoning Administrator” throughout this Appendix shall be interchangeable and synonymous and “Community Development Director” or designee.
 - b. Duties
 - (1) The Zoning Administrator shall administer the provisions of this Appendix.
 - (2) Notice of Violation to Responsible Person. If the Zoning Administrator shall find that any of the provisions of this Appendix are being violated, he/she shall notify in writing the person(s) responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it.
 - (3) Remedial Action. He/she shall order discontinuance of illegal use of land, buildings or structures, or structural changes, discontinuance of any illegal work being done or shall take any other action authorized by this Appendix to ensure compliance with or to prevent violations of its provisions.
 2. Certificates of Zoning Compliance
 - a. Certificate Required.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part(s) thereof hereafter created erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Appendix.
 - b. Nonconforming Structure or Use.

No existing, nonconforming structure or use shall be changed until a certificate of zoning compliance has been issued by the Zoning Administrator. The certificate of zoning compliance shall state specifically how the nonconforming use differs from the provisions of this Appendix, provided that upon enactment of the Appendix, owners or occupants of nonconforming uses or structures shall have thirty (30) days to apply for certificates of zoning compliance.
 - c. Application for Certificate.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Appendix upon completion of the work.
 - d. Maintain Records.

The Zoning Administrator shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.
 - e. Failure to Obtain Certificate.

Failure to obtain a certificate of zoning compliance shall be a violation of the Appendix and punishable under Section 830-4 of these regulations.
 3. Construction and Use/ Compliance with Plans and Permits

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set

forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be a violation of this Appendix and punishable as provided by Section 830-4 of these regulations.

4. Penalty

Any person found guilty of violating and provision of this Appendix shall be subject to penalty as provided in the Doña Ana County Chapter 350, the Unified Development Code. Each day of a violation shall be considered a separate offense.

§ 350-830-4. DEFINITIONS

In interpreting this Appendix, the following terms, words, or phrases used herein shall be defined and interpreted as follows:

- A. The present tense includes the future tense, the singular number includes the plural, the plural number includes the singular, the masculine includes the feminine, and the feminine includes the masculine.
- B. The words “shall” and “must” are mandatory, the word “may” is permissive.
- C. Definitions.
 1. Accessory Dwelling Unit: Accessory dwelling units are a residential unit located on the same parcel of land as a single-family unit, which is secondary in size and use to the single-family unit.
 2. Accessory Structure: A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use.
 3. Accessory Use: A use of the land or a building that are subordinate to the principal use.
 4. Administrative Review: Review of a zoning or other application to the County that is reviewed and approved, approved with conditions, or denied by staff.
 5. Alley: A public or private thoroughfare which affords typically a secondary means of access to abutting property.
 6. Animal Shelter: A facility providing animal care or boarding services not restricted to household pets with overnight accommodations, animal hospitals, boarding kennels, and/or the maintaining, raising, harboring and/or boarding of four (4) or more dogs or six (6) or more cats or six (6) or more dogs and cats.
 7. Antennas: Any structure that radiates or receives radio or other communication signals.
 8. Assisted Living/Retirement Facility: A community residence(s) specifically designed for those who are able or wish to live an independent lifestyle but may need assistance with daily chores, such as cooking, cleaning, laundry, and/or driving. On-site, skilled nursing care or medical facilities may be permitted. Any living facility or part thereof which requires licensing by the New Mexico State Health Department shall be considered a nursing home.
 9. Attached: The physical union of two otherwise independent structures or objects, or the relation between two parts of a single structure, each having its own function.
 10. Auditorium: A large room to accommodate an audience in a building such as a school or theater, or, an indoor or outdoor facility to hold public meetings or performances.

11. **Automotive Service & Repair:** An establishment engaged in performing major repairs to the servicing of automobiles. Such work excludes commercial wrecking, dismantling junkyard, tire, and truck-tractor repair. Major repair may include engine overhaul, brake repair, glass replacement, repair of electrical accessories such as starters and alternators, frame alignment, and rebuilding of wrecked automobiles. Outdoor storage of vehicles awaiting repair, materials, or supplies is controlled by enclosure requirements of the specific use district; however, any unenclosed areas shall be provided with a fence or wall constructed to a height adequate to conceal any vehicles, equipment or supplies located on the lot; proper maintenance to keep the areas in good condition, free of weeds, dust, trash, and debris.
12. **Awnings:** A detachable, roof-like cover, supported from the walls of a building for protection from sun or weather.
13. **Banking and Financial Services:** A facility engaged in deposit banking or extending credit in the form of loans. This definition includes but is not limited to all uses in the following similar uses: depository institutions, non-depository institutions.
14. **Bar:** An establishment or room at which drinks, especially alcoholic drinks, and sometimes food are served.
15. **Bed and Breakfast:** An owner-occupied or manager-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests.
16. **Boarding or Rooming House:** A dwelling unit containing up to and including five (5) guest rooms where lodging is provided, with or without meals, for compensation.
17. **Block:** The enclosed area within the perimeter of the street's right-of-way lines.
18. **Block Face:** One side of the block.
19. **Build:** To erect, convert, enlarge, reconstruct, or structurally alter a building.
20. **Building:** Any structure built for use of persons or animals.
21. **Building Height:** The height of a building measured from the lowest adjacent ground surface level to the highest point of the building.
22. **Carport:** Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls.
23. **Church or Religious Institution:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.
24. **Club:** Any membership organization catering exclusively to members and their guests and whose facilities are limited to meeting, eating and/or recreational uses, and further, whose activities are not conducted for monetary gains; including, but not limited to, civic, fraternal, charitable, religious social and patriotic organizations.
25. **Co-location:** The physical attachment and/or placement of one communication structure upon another communication structure and may include placing different or similar communication structures on the receiving structure. For example, a cellular transmitter being placed on a television receiver tower or a cellular transmitter on another cellular transmitter tower.
26. **Commercial Communication Structures:** Any structure, including antennas and satellite service devices, or any other device which is normally used for radio, television, microwave, or wireless communications. This shall include any device that is attached to a new or an

- existing tower or attached to a building façade or roof or other non-communication structure and such attachment is made to the façade or roof vertically, horizontally and/or diagonally.
27. **Condominium:** A residential, professional, commercial, office, or industrial development in which each unit is owned individually, whether the unit includes the ground beneath, air space, wall, floors or any combination thereof, and in which other areas and facilities within the development are owned and maintained jointly by a group, association, or corporate entity.
 28. **Court:** An open space or plaza that is surrounded by a single building or several individual buildings.
 29. **Day/Childcare:** Childcare center, group childcare home, family childcare home, preschool, nursery school, day nursery, kindergarten and similar uses shall be in accord with State licensing requirements.
 30. **Drive Through Facility:** Drive-in or drive-up facilities for ordering associated with commercially oriented uses.
 31. **Duplex:** One building arranged, intended, or designated to be occupied by two (2) families living independently of each other and having separate cooking facilities in each dwelling unit.
 32. **Dwelling Unit:** One or more connected rooms and a single kitchen designed for and occupied by no more than one family for living and sleeping purposes.
 33. **Dwelling Unit, Single-Family Attached (SFA):** A residential structure on a private lot or lots, which is attached to other units horizontally or vertically.
 34. **Dwelling Unit, Single Family Detached (SFD):** A residential structure on a private lot, detached from other units and designed for and occupied by no more than one family for living purposes.
 35. **Facial Mount:** The physical attachment of a communication structure to a building or other non-communication structure, which does not substantially increase the height of the building or structure. Examples of other structures include, but are not limited to; freestanding signs and billboards, stadium lights, gas station canopies, electric poles, area and street lights, and church spires. This can include attaching the structure either vertically, horizontally, or diagonally along, the structure's building façade, walls, roofs, or other surfaces.
 36. **Family:** Persons related to blood or marriage, or group of persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.
 37. **Farm:** An area which is used for the growing of the usual farm products such as vegetables, fruit, fodder, trees and grain, and their storage on the area.
 38. **Finished Grade:** The average of the finished ground level at the center of all walls of a building.
 39. **Floor Area:** The total gross area of all floors of a building.
 40. **Floor Area Ratio:** The total gross square footage of a structure or building divided by the total square footage of the lot, parcel, or tract on which the structure is located or to be placed.
 41. **Frontage:** The distance along a street right-of-way line from one intersecting street to another or from one intersecting street to the end of a dead-end street.

42. Garage, commercial: Any building or structure where automobiles, trucks, tractors, or other vehicles are stored, painted, repaired, or equipped for a charge, and where the service and sale of gasoline and oil are incidental to the principal building use.
43. Garage, private: Any accessory building for the primary purpose of housing vehicles which are owned and used by the occupants of the main building.
44. Gas Station: A business where the primary use is to sell motor vehicle fuels at retail prices.
45. Grocery: A store selling foodstuffs and various household supplies.
46. Ground or Structure Mounted Communication Appurtenance: Minor, mountable communication device that receives programming through the transmission of signals. These devices are small and generally serve the building on which they are attached. These may include, but not limited to, television antennas or satellite appurtenances.
47. Health Club: A place of business with equipment and facilities for exercising and improving physical fitness.
48. Home Artisan business: A home artisan business shall be considered artist's studios, cabinet making, dress making, engraving, furniture making, hobby crafts, jewelry making, sewing, tailor, writing studio and similar uses.
49. Home Occupation: A home occupation use is a combination of residential occupancy and commercial activity located within a dwelling unit. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of the adjacent property. This definition excludes Tienditas.
50. Hospital: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.
51. Hotel: One (1) or more buildings providing temporary lodging primarily to persons who have residences elsewhere, or both temporary and permanent lodging in guest rooms, or apartments. The building or buildings have an interior hall and lobby with access to each room from such interior hall or lobby. Accessory uses may include an eating place, meeting rooms, and other similar uses. Notwithstanding the gross floor limitations for accessory uses, conference facilities not exceeding fifteen (15) percent of the gross floor area of the hotel are permitted in addition to the floor area occupied by all other accessory uses.
52. Indoor Recreation Center: Indoor recreational uses and structures including but not limited to game rooms, bowling alleys, pool rooms, or skating rinks.
53. Instructional Service: An instructional service use shall be considered educational tutoring, music lessons and similar instructional services. A maximum of five (5) students may be the dwelling at any one time. No music instruments may be amplified.
54. Lot: Any parcel of land platted and placed on record in accordance with laws and ordinances described by plat or metes and bounds and having frontage on a public right-of-way or private street or alley.
55. Lot area: The aggregate lot area measured to property lines.
56. Lot, corner: Any lot located at the intersection of, and having frontage on, two (2) or more streets.

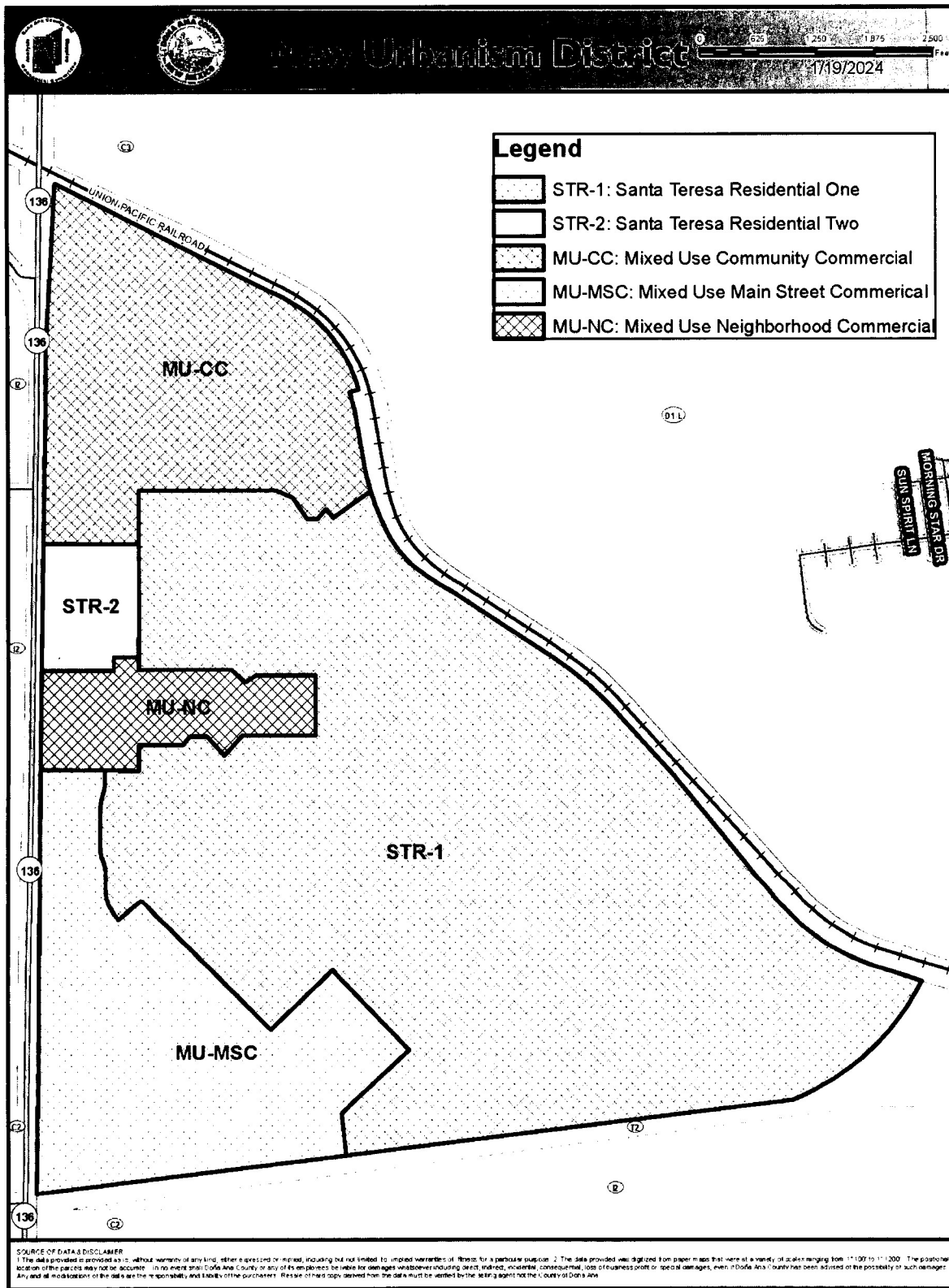
57. Lot, depth: The average distance between the front and rear lot lines measured in the mean direction of the side lot lines.
58. Lot, double frontage: Any lot with frontage on two (2) parallel or approximately parallel streets.
59. Lot line, front: The boundary of a lot bordering on a street.
60. Lot line, rear: The lot boundary line, not a front lot line or a rear lot line.
61. Lot line, side: Any boundary line which is opposite and most distant from and not conterminous with the front lot line.
62. Lot width: The width of a lot measured ten feet (10) from the lot line on the narrowest portion of the lot.
63. Major Recreation Equipment: Include boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), used for transporting recreational equipment, whether occupied by such equipment or not.
64. Manufactured Home: A factory-built dwelling, which is manufactured or constructed under the authority of 42 USC Section 5403, Federal Manufactured Home Construction and Safety Standards, which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose, of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of any of these regulations, manufactured homes shall be considered the same as a single-family detached dwelling.
65. Medical Use Clinic: An establishment occupied by one or more members of the medical or dental profession for the purpose of providing health services.
66. Merchandise Sales: General retail related sales or durable and non-durable goods.
67. Mixed-Use: A land use pattern which provides for the integration of appropriate residential and non-residential uses, both vertically and horizontally.
68. Museums and Other Cultural Institutions: A public or private facility, including an aquarium, operated as a repository or a collection of natural, scientific, or literary curiosities or objects of interest, not including the regular sale or distribution of the objects collected. Activities may include the sale of crafts work and artwork, boutiques, and the holding of meetings and social events.
69. Nursing home, Hospice: An establishment licensed by the state department of public health, which establishment maintains and operates continuous day and night facilities providing room and board, personal services and skilled nursing care, including hospices, specifically excluding, however, hospitals.
70. Office: Occupancy primarily for the provision of professional, executive, management, or administrative services; excluding, however, dental, or medical clinic or office. Typical uses include real estate offices, brokerage firms, legal offices, or architectural firms.
71. On-street Parking: This type of parking exists on a dedicated public street within the right-of-way.
72. Open Space (within a Lot):
 - a. Residential: Open space includes softscape, hardscape, driveways and other non-vertical structures that are permanent or semi-permanent.

- b. Non-residential: Open space includes softscape and/or hardscape areas of a site. Structures, parking lots, and drives shall not be counted towards open space.
73. Outdoor Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
74. Outdoor Storage: The storage of goods outside of a building for sale or storage related to a principal use.
75. Parking Garage: A structure for automobile storage/parking. The parking garage may serve uses such as residential developments, entire commercial districts, or a single use such as an office building.
76. Parking Lot: An area provided for self-parking by employees, visitors, residents, and/or patrons of a public/institutional, commercial, industrial, or multi-family residential use.
77. Parks and Open Space: An area of land which is developed or intended for development with landscaping or associated accessory improvements which promote recreational activities by the public. Drainage facilities and associated features designed for dual purpose use as a recreation and drainage feature shall be included in this definition. May be either publicly or privately owned.
78. Permitted Use: Any use listed as a use by right, a use by temporary permit, a home occupation, or an accessory use in any given district, and/or other uses allowed in all districts unless restricted by special limitations, and/or any conditional use or by special review which has been approved according to the required procedure.
79. Personal Services: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. They include but are not limited to uses such as barbershops, beauty shops, dry cleaning, shoe repair shops, tanning salons, linen supply, diaper service, funeral services, and domestic services.
80. Postal Facility, neighborhood: A facility that has distribution boxes (cluster boxes) and collection services for the public, mail carriers, and retail services; excluding however, the distribution of bulk mail or packages to other postal facilities.
81. Private Garage: An accessory structure that typically accompanies a dwelling unit principal structure.
82. Professional Office: A professional office shall be considered an office for accountants, appraisers, architects, attorneys, contractors, engineers, financial planners, insurance agents, consulting services, real estate, and similar office uses. Dentist and medical doctor offices shall not be considered a professional office.
83. Professional Services: Uses such as accounting, auditing, bookkeeping, architectural, engineering, planning, and surveying services, bank, bonding, and financial institutions / facilities (no drive thru), real estate, tax preparation, legal services, insurance.
84. Public/Civic Use: A facility utilized for public use by a government entity such as, but not limited to, municipal offices, libraries, or schools.
85. Public, Recreational Field/Court: An area of public land used for traditional sports activities that include football, baseball, softball, soccer, field hockey, basketball, tennis, racquetball, volleyball, and running track.

86. **Recreational Services/Center:** Establishments providing indoor and/or outdoor sports or recreation by and for participants; excluding, however, community centers. Any spectators would be incidental and attend on an irregular basis. This definition includes, but is not limited to, the following:
- a. Dance studios and schools;
 - b. Producers, orchestras;
 - c. Bowling centers;
 - d. Sports clubs;
 - e. Physical fitness facilities;
 - f. Amusement center;
 - g. Membership sports and recreation clubs;
 - h. Batting cages; and
 - i. Golf-course;
87. **Restaurant (sit-down):** An establishment where food/drink is typically consumed on-site. This type of restaurant may include indoor or outdoor seating for serving and consumption of food on-site.
88. **Restaurant (drive-thru):** An establishment where food/drink is consumed on or off-site, off-site consumption.
89. **Retail:** Sale to the ultimate consumer for direct consumption or use and not for resale.
90. **Room:** Any enclosed division of a building containing over seventy (70) square feet of floor space and commonly used for living purposes not including lobbies, hall, closets, storage space, bathrooms, utility rooms and unfinished attics, cellars, or basements.
91. **Satellite Appurtenance/Device:** Any structure used to receive satellite programming services specifically associated with television reception from the transmission of signals from a satellite to a receiver, usually a round "dish" that can vary in size. This does not include those dishes or devices used for two-way communications.
92. **School, elementary, middle, or high:** A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten through grade twelve (12). Middle and high schools are generally grades six (6) through twelve (12).
93. **Setback:** The required distance between every building or structure and any lot line on the lot on which it is located. Setbacks shall consist of an open space, unoccupied and unobstructed by any part of a building or structure, as defined except as may be authorized by this Appendix.
94. **Sight Triangle:** The area of unobstructed vision at street intersections, intersections of streets and alleys, and multiple parking areas entrances/exits permitting a vehicle driver to see approaching vehicles to the right or left.
95. **Small Item Repair Service:** A small item repair service shall be considered locksmith repair, watch repair, tool repair, shoe repair, and similar repair services.

96. Storage Shed: A structure or part of a structure designed for storing goods; business, personal, or household effects; and other items of personal property by or with permission of the owner of that personal property. Examples include gardening or tool sheds. Storage sheds are regulated in this Appendix based on square footage of structure.
97. Temporary Use: A temporary use is a use (business, sale, display, or event) which is conducted for a limited time. Temporary uses may be conducted in tents, temporary or permanent buildings, vehicles, trailers or outside. Other temporary uses not listed in this section may be listed under permitted uses for a specific zone.
98. Theatre: A structure used for dramatic, operatic, motion pictures or other performances, for admission to which entrance money is received and no audience participation or meal service is allowed.
99. Tiendita: A commercially focused space within a principal structure in a primarily residential area that is ≤ 650 sq. ft. in size. The commercially focused space shall be limited to a single personal service, professional service, or small merchandising use. The commercial space must have a separate entrance door easily accessible from a public street. These uses are typically located on corner lots and within activity centers and shall be recorded on the final plat.
100. Tower: Any structure, vertical in inclination, which is normally used to support antenna or other commercial communication structures. This may include television and radio towers, guy towers, and all other free-standing towers, either for private or commercial purposes.
101. Townhouse: One of a group of attached dwelling units divided from each other by common walls and each having a separate entrance leading directly to the outdoors at ground level.
102. Transportation Center: Facilities including but not limited to bus, taxi, charter bus, and railroad stations or depots.
103. Use, accessory: Subordinate and incidental to a principal use or structure on the same lot.
104. Use, conditional: An allowable land use, but which shall not be undertaken until such use is reviewed and approved by the County Planning and Zoning Commission. Since it is an allowable use, the County Planning and Zoning Commission may not deny it outright; however, the Commission may require the applicant to enter into enforceable agreements or undertakings restricting such use in the interest of the public welfare and the value of the property in that area.
105. Utilities: Minor structures and appurtenances associated with public or private utility companies to provide services to uses developed.
106. Variance: An amendment to the terms of this Appendix where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Appendix would result in unnecessary and undue hardship. As used in this Appendix, a variance may be authorized only for area, height, dimension, distance, setback, off-street parking, and off-street loading requirements or as elsewhere specifically authorized by this Appendix.
107. Vertical Structure: Any built object that is either independent of or attached to any building that is perpendicular in its direction to the nearest adjacent ground. May include such structures as spires, belfries, flag poles, steeples, and other similar structures, but does not include antennas, towers, communication structures, and satellite service devices.

SECTION 830-5. ZONING MAP



§ 350-830-6. NEW URBANISM ZONE DISTRICTS

A. Zone Districts

The following five Zone Districts are hereby created in the New Urbanism District. Three of the Zone Districts are true mixed used zones that are envisioned to primarily permit commercial uses. The two residential zones are meant to primarily allow for various residential uses, but do not preclude non-residential uses.

1. **Mixed Use Neighborhood Commercial (MU-NC)**
The Mixed-Use Neighborhood Commercial Zone is intended to accommodate limited commercial uses typically associated with a neighborhood-oriented retail center. Limited uses, limited square footages, and smaller floor plates for commercial uses are permitted. Development assumes primarily an inline (zero setback) approach to buildings to ensure a neighborhood retail street character. Vertical mixed-use development is encouraged.
2. **Mixed Use Main Street Commercial (MU-MSC)**
The Mixed-Use Main Street Commercial Zone is intended to accommodate a broad range of commercial uses typically associated with a community serving retail center. Slightly larger square footages and floor plates are permitted. Development assumes primarily an inline (zero setback) approach to buildings to ensure a neighborhood retail street character but permits some structures to be setback for specific circulation needs, such as a gas station. Vertical mixed-use development is encouraged.
3. **Mixed Use Community Commercial (MU_CC)**
The Mixed Use Community Commercial Zone is intended to accommodate mid to large box commercial uses typically associated with a community to regional serving retail centers.
4. **Santa Teresa Residential One (STR-1)**
The Santa Teresa Residential One (STR -1) Zone is intended for single family detached homes on various lot sizes. Attached products up to a certain density are also allowed for variation in neighborhood character and to accommodate market needs. Limited non-residential uses are permitted.
5. **Santa Teresa Residential Two (STR-2)**
The Santa Teresa Residential Two (STR -2) Zone is intended to accommodate slightly higher residential development that may include a greater combination of single family detached and attached product types on various lot sizes. Limited non-residential uses are permitted.

B. Regulation Governing Zone Districts

1. **Basic Regulations**
The regulations governing Zone Districts in the New Urbanism District are set forth in the Zone District Matrices, Exhibits 6.1 and 6.2 below, which are hereby adopted and incorporated herein. The following regulations apply to principal structures. Also refer to Exhibit 6.B.2 for Supplementary Regulations.

Exhibit 6.1: Zone District Matrix – Commercial Zones

Land Use	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Max. FAR (Floor Area Ratio)	Height	Min. Open Space
MU_NC*	0' min. 12' max.	15'	0'	2.0 FAR	24' min. 42' max.	10%
MU-MS*	0' min. 12' max.	15'	0'	4.0 FAR	24' min. 65' max.	10%
MU-CC*	10' min.	15'	0'	2.0 FAR	24' min. 64' max.	10%

*If purely residential uses are developed (not mixed-use) refer to STR-2 below for regulations.

Exhibit 6.2: Zone District Matrix – Residential Zones

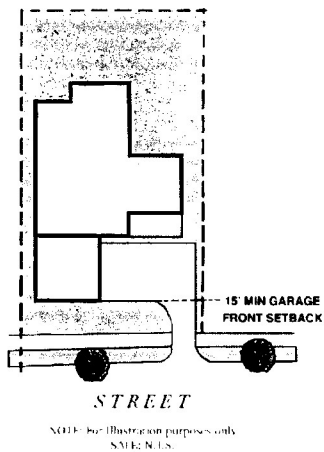
Land Use	Min. Lot Size (sq. ft.)	Min. Lot Depth	Min. Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Max. Density per acre	Height	Min. Open Space
STR-1									
SFD-Facing Street	4,050	90'	45'	6' min. 17' max.	20'	0' or 4' ^(a)	10 du / ac	35' max.	30%
SFD-Not Facing Street	1,500	30'	30'	6' min. 17' max.	4'	0' or 4' ^(a)	15 du / ac	35' max.	30%
SFA	1,120	70'	16'	6' min. 17' max.	4'	0'	15 du / ac	35' max.	20%
STR-2									
SFD - Facing Street	2,800 or 4,050 ^(b)	70' or 90' ^(b)	40' or 45' ^(b)	6' min. 15' max.	4'	0' or 4' ^(a)	18 du / ac	35' max.	20%
SFD - Not Facing Street	1,500	30'	30'	0' min. 15' max.	4'	0' or 4' ^(a)	25 du / ac	36' max.	20%
SFA	1,120	70'	16'	0' min. 15' max.	4'	0'	25 du / ac	60' max.	20%

Notes: ^(a) Up to ten percent (10%) of the total SFD residential lots within the STR-1 and STR-2 Zone Districts may have a zero setback (i.e., 0") on one side yard, provided that the other side yard setback is a minimum of ten feet (10'). All other SFD residential lots within the STR-1 and STR-2 Zone Districts shall have a minimum side yard setback of four feet (4').

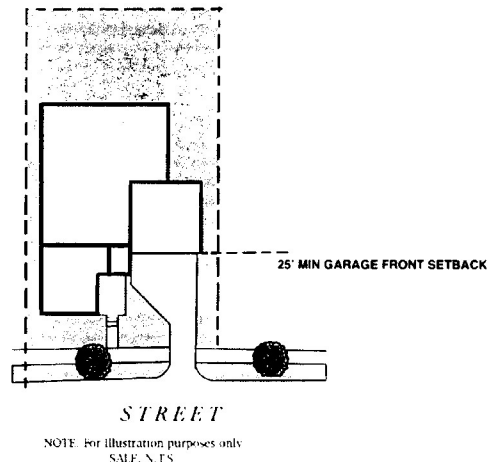
^(b) Up to twenty percent (20%) of the total land area within the STR-2 Zone District may have SFD – Facing Street residential lots with a minimum lot depth of seventy feet (70') and a minimum lot width of forty feet (40'), corresponding to a minimum lot size of 2,800 square feet. All SFD-Facing Street residential lots shall have a minimum lot depth of ninety feet (90') and a minimum lot width of forty-five feet (45'), corresponding to a minimum lot size of 4,050 square feet.

2. Supplementary Regulations

- a. Side yard setback along a street shall be increased by a minimum of 5'.
- b. Front side-entry attached garages shall have a minimum front yard setback of 15' (see Exhibit 6.2A)
- c. Front-loaded garages shall set back a minimum of 25' from the front lot line. (see Exhibit 6.2B)



**Exhibit 6.2A: Lot Diagram:
Front Side-entry Attached Garage**



**Exhibit 6.2B: Lot Diagram
Front Loaded Garage**

§ 350-830- 7. LAND USE AND ZONING REGULATIONS.

A. Permitted Uses

Permitted uses may be proposed anywhere within a sub-district in which they are allowed pursuant to the Permitted Use Matrix (Exhibit 7.1). Land uses not explicitly listed herein are not permitted uses.

Exhibit: 7.1: Permitted Use Matrix

Permitted Use	Residential Zones		Commercial Zones		
	STR-1	STR-2	MU-NC	MU-MSC	MU-CC
Animal Shelter					x
Automotive Service and Repair < 5,000 sq. ft. site				x	
Automotive Service and Repair > 5,000 sq. ft. site					x
Banking and Financial Services			x	x	x
Bed and Breakfast - = 8 rooms		x	x	x	x
Church or Religious Institution			x	x	x
Day/childcare - As regulated by state NM (<=10 kids in residential zones)			x	x	x
Drive Through Facilities					x
Dwelling - SFA <= 15 units/ac	x	x	x	x	x
Dwelling - SFA > 15 units/ac		x	x	x	x
Dwelling - Carriage Units / Guest Houses < 650 sq. ft.	x	x	x	x	x
Dwelling - SFD	x	x	x	x	x
Gas Station				x	x
Grocery <= 20,000 sq. ft.			x	x	x
Grocery > 20,000 sq. ft.				x	x
Health Club			x	x	x
Hospital					x
Hotel				x	x

Medical Use - Clinic			x	x	x
Merchandise Sales			x	x	x
Museum and Cultural Institutions			x	x	x
Nursing Home, hospice				x	x
Office <= 15,000 sq. ft.			x	x	x
Office > 15,000 sq. ft.				x	x
Open Space	x	x	x	x	x
Outdoor Market			x	x	x
Parking Garage				x	x
Park	x	x	x	x	x
Personal Service			x	x	x
Professional Service			x	x	x
Public / Civic Use	x	x	x	x	x
Restaurant <= 70 seats			x	x	x
Restaurant > 70 seats				x	x
School - Elementary	x	x	x	x	x
School - Middle	x	x		x	x
School - High	x	x		x	x
Theater (<= 6 screens)				x	
Theater (> 6 screens)					x

*Tienditas require a conditional use permit and are only permitted on lands identified for such use on the original, recorded plat of the land. Additional Tiendita uses will not be permitted if such use is not explicitly identified on the original plat.

B. Accessory Uses and Structures

Accessory Uses include uses, of land or buildings that are subordinate to the principal use. The Accessory Use is located on the same lot or parcel serving a principal use.

Exhibit 7.2: Accessory Use Matrix

Special Use	Residential Zones		Commercial Zones		
	STR-1-SF	STR-2-SF	MU-NC	MU-MSC	MU-CC
Carport	x	x	x	x	x
Storage sheds <= 200 sq. ft.	x	x			
Ground or structure mounted communication appurtenances	x	x	x	x	x
Private Garage (detached)	x	x	x	x	x

Telecommunication structures, facilities, towers, and related accessory structures and uses shall be exclusively regulated by the Doña Ana County Chapter §350, the Unified Development Code.

Accessory Uses are permitted in any district as may be specified in the appropriate district regulations or herein. An Accessory Use building permit shall be required where specifically noted in this section. Accessory Uses are permitted only after their principal structure is present or under construction. The use and/or location requirements stipulated elsewhere in this Appendix may be modified for Accessory Uses as follows subject to Planning and Zoning Commission approval:

1. General Architectural and Aesthetic Compatibility

All Accessory Structures shall be architecturally compatible with the principal structure. Exterior building materials and colors should not unduly contrast with the site's background. Inappropriate exterior building materials include, but are not limited to, untextured exposed concrete, untextured or unfinished unit masonry, highly reflective glass, reflective metal roof, and unpainted aluminum window frames.

2. Accessory Uses and Detached Accessory Structures

Accessory Uses and Detached Accessory Structures shall be permitted in the rear yard only, unless otherwise specified; may be located on an interior lot line; and shall not exceed fifteen (15) feet in height. Accessory Structures shall not occupy more than twenty percent (20%) of the rear yard in all districts except the commercial districts where such uses and structures shall not occupy more than thirty-five percent (35%) of the rear yard setback. When permitted in the side or front yard, Accessory Structures shall not occupy more than fifteen percent (15%) of the respective side or front yard area.

a. Accessory Uses (and Structures) permitted in the rear yard area only.

- (1) Accessory Structures one hundred twenty (120) square feet or less in area provided they are located at least ten (10) feet from the principal building. Such buildings shall not require issuance of a building permit. The Zoning Administrator may grant a waiver from the requirement that an Accessory Use (or Structure) be located at least ten (10) feet from a principal building and permit such Accessory Use (or Structure) within five (5) feet of the principal structure. Such waiver shall only be granted when the Accessory Structure is not designed or intended to store or contain any flammable liquid or vehicles or equipment containing flammable liquids; or where the Accessory Structure is constructed with a fire wall as if it were attached to the principal building; or where the Accessory Use (or Structure) is not detrimental to the health, safety, and welfare of the surrounding uses or structures within two hundred (200) feet. The Zoning Administrator shall consider the health, safety, general welfare, and aesthetics of the proposed construction before granting such a waiver.
- (2) Firewood pile provided that the firewood is neatly stacked and does not exceed a height of five (5) feet unless it is stacked against a permitted principal or accessory building.
- (3) Gardens.
- (4) Gazebo provided they are located at least ten (10) feet from the principal building and any other accessory building or structure. Such buildings shall require the issuance of a building permit.
- (5) Jacuzzi/hot tub. Such equipment shall require the issuance of a building permit.
- (6) Patio, not including a covered patio.
- (7) Permanent volleyball court.
- (8) Playhouse provided they are located at least ten (10) feet from the principal building and any other accessory building or structure.

- (9) Swimming pool provided they are located at least (10) feet from the principal building or any other accessory building or structure. A swimming pool shall require the issuance of a building permit.
 - (10) Swing sets and gym sets.
 - (11) Tennis court.
 - (12) Wood deck, not including a covered deck. A deck projecting from a building with a deck elevation four (4) feet or more above grade shall be considered a balcony for the purpose of regulation and shall meet requirements thereof. Decks may extend into the side yard provided that the side yard for the district in which it is located shall be complied with. A deck shall require the issuance of a building permit.
 - (13) Similar items determined to be appropriate by the Zoning Administrator.
- b. Accessory Uses (and Structures) permitted in any side or rear yard.
- (1) Basketball hoops.
 - (2) Bird baths.
 - (3) Flag poles.
 - (4) Fountains.
 - (5) Lawn sculpture.
 - (6) Religious statue.
 - (7) Wishing well.
 - (8) Similar items determined to be appropriate by the Zoning Administrator.
- c. Unless otherwise noted, the following uses, which may be accessory to a principal use, shall meet all the front, side, and rear yard requirements of the district in which they are located. All uses listed below shall require the issuance of a building permit.
- (1) Accessory buildings more than one hundred twenty (120) square feet in area provided they are located at least ten (10) feet from the principal building and any other accessory building or structure. The Zoning Administrator may grant a waiver from the requirement that an accessory building be located at least ten (10) feet from a principal building and permit such accessory building within five (5) feet of the principal structure. Such waiver shall only be granted when the accessory building is not designed or intended to store or contain any flammable liquid or vehicles or equipment containing flammable liquids; or where the accessory building is constructed with a fire wall as if it were attached to the principal building. The Zoning Administrator shall consider the health, safety, general welfare, and aesthetics of the proposed construction before granting such a waiver.
 - (2) Balconies.
 - (3) Central air conditioning compressor provided that the air conditioning compressor is located no more than five (5) feet from the principal building and is located no closer than two (2) feet to a lot line. Air conditioning compressors shall not be located or extend into the front yard area.
 - (4) Covered patios or decks.

- (5) Enclosed porches.
- (6) Private Garages (detached)
 - i. Detached garages are permitted on an interior lot line (i.e., zero lot line).
 - ii. Detached garages that are alley loaded shall be set back a minimum of 4' from the rear lot line.
 - iii. Detached garages that are loaded from a street may be located on the rear lot line.
 - iv. Detached garages shall be located a minimum of ten feet (10') from the principal building and any other accessory building or structure.
 - v. Detached garages shall not extend into the front yard without Planning and Zoning Commission approval.
- (7) Carports provided that they are a supplement to a required attached or detached garage rather than a substitute for a garage. Detached carports shall be located at least ten (10) feet from the principal building and any other accessory building or structure. Carports shall not extend into the front yard area.
- d. The Zoning Administrator may allow detached accessory buildings and structures to be located closer than ten (10) feet to a principal building if they are designed in such a manner to be attractive and constructed to meet all codes and requirements as though they were attached to the principal structure.
- e. Accessory buildings and tool sheds one hundred twenty (120) square feet or less in area shall be placed on a pad of concrete, asphalt, or patio block. Accessory buildings greater than one hundred twenty (120) square feet in area shall be constructed on a foundation or concrete slab.
- f. No more than one accessory building one hundred twenty (120) square feet or less in area and one (1) accessory building larger than one hundred twenty (120) square feet in area shall be placed on any residential lot less than one (1) acre in area.
- g. Material may be stored in the accessory yard setback area if a minimum five (5) foot high fence is constructed between the accessory structure and adjacent lot. No parking shall be permitted in the accessory yard setback area. The accessory yard setback shall be kept free from accumulation of debris or refuse. Only fences, drainage swales, utilities, and landscaping may be permitted within the accessory yard setback area.

C. Conditional Uses

1. Conditional Uses require a more detailed study prior to approval. The Zoning Administrator may require additional submittals in order to evaluate the potential effects of the use development.

Exhibit 7.3: Conditional Use Matrix

Conditional Use	Residential Zones		Commercial Zones		
	STR-1-SF	STR-2-SF	MU-NC	MU-MSC	MU-CC
Accessory Dwelling Unit	x	x	x		
Auditorium	x	x	x	x	x
Awnings	x	x	x	x	x
Bar			x	x	x
Bed and Breakfast, - <= 8 rooms	x				
Church or Religious Institution	x	x			
Day/childcare - As regulated by state of NM (<= kids in residential zones)	x	x			
Drive-through facility				x	
Storage sheds >200 sq. ft.				x	x
Home Occupation (Shall be exclusively regulated by the Doña Ana County Code Chapter 350 "Home Occupations")	x	x	x	x	x
Outdoor Café			x	x	x
Outdoor Storage				x	x
Parking Lot			x	x	x
Recreation Service/Center	x	x	x	x	x
Tiendita*	x	x			
Utilities (above ground structures)	x	x	x	x	x

*Tienditas require a conditional use permit and are only permitted on lands identified for such use on the original, recorded plat of the land. Additional Tiendita Uses will not be permitted if such use is not explicitly identified on the original plat.

2. In approving a Conditional Use, the Zoning Administrator shall consider the following:

- a. The proposed use is appropriate and compatible in the specific location. Environmental impacts including, without limitation, noise, lighting, traffic and visibility effects generated as a result of the development are mitigated so that the effects on the adjoining properties are minimized.
- b. The intent and principles of the STR-1 Zoning are implemented by the approval of the proposed use as the proposed location; and
- c. The proposed use meets the conditions outlined herein and in Section 8.1 Special Provisions.

D. New Uses

Any proposed permitted or accessory use currently not listed herein may be proposed by the applicant. If the Zoning Administrator recommends approval of such use, possible with conditions, the proposed use shall then go through a formal text amendment process for ordinances mandated by §3-17-1 through §3-17-6 NMSA 1978, as amended from time to time.

§ 350-8.1. SPECIAL PROVISIONS

A. Applicability

The following regulations stipulate the provisions for allowance of variances to any structure or Accessory Structures for numerical standards such as setbacks, floor area, heights, and minimum open space.

B. Variances

Any development proposed that does not conform to any of the standards of development in this Appendix must obtain a Variance. A Variance shall not be granted unless the Variance is found to meet the requirements of Paragraph 6 below. In granting a Variance, any reasonable conditions may be imposed to minimize any adverse effects the Variance might otherwise have on property within the area of notification or on the development generally.

1. **Applications for Variances.** An Administrative Variance request shall be submitted to the Zoning Administrator by the owner of the property that is the subject of the Variance request or by the owner's agent. A completed copy of the application, an appropriate Site Plan that meets the criteria set forth in this Appendix, and a non-refundable filing fee shall be submitted to the Zoning Administrator in accordance with Paragraph 3 below.
2. **Administrative Variances.** An Administrative Variance request may be granted by the Zoning Administrator. The Zoning Administrator may grant Administrative Variances under the following circumstances:
 - a. The Variance would represent a deviation of ten percent (10%) or less from a numerical standard.
 - b. The Zoning Administrator finds that the request meets the standards set forth in Paragraph 6 below.
 - c. No written objections to the Variances are received within fifteen (15) calendar days from the date that notice is provided as set out in Paragraph 3 below. The notice shall identify the property and state the nature of the Variance requested, and shall also state that if no written objections to the Variance are received within fifteen (15) calendar days of the date of the notice, the Variance may be granted administratively without a hearing, and that if written objections are received within that fifteen (15) day period, the Variance request will be submitted to the Planning and Zoning Commission for a public hearing upon payment of the Variance fee.
 - d. A denial by the Zoning Administrator under this paragraph may be appealed to the Planning Zoning Commission.
3. **Application and Hearing Procedures.**
 - a. **Generally.** A schedule of fees to be charged for Variance applications under this Section which are designed to partially defray the costs of administering and enforcing this Section, shall be established by Chapter 179, Fees and Permits in the Code of Dona Ana County. Applications for requested Variances shall be made according to the following procedures:

- (1) Prospective applicants shall first confer with the Zoning Administrator, who shall initially review the proposed request and shall issue application forms and methods prescribed by the Zoning Administrator.
 - (2) The applicant shall complete and submit the prescribed application forms provided by the Zoning Administrator in accordance with prescribed methods, along with the required non-refundable processing fee, in advance of the time and date established as the deadline.
 - (3) The Zoning Administrator shall review the application and after consultation with and review by other agencies as deemed appropriate, the Zoning Administrator shall prepare a recommendation to be presented within thirty (30) days before the Planning and Zoning Commission. Said recommendation shall be supported and based on the provisions contained in this Appendix and/or other applicable regulations.
 - (4) The Zoning Administrator may advise and make recommendations to the applicant in an effort to arrive at a favorable recommendation but will not prevent by any means the applicant from making his, her, or its request. A recommendation not to approve shall be explained and made available to the applicant no less than five (5) days prior to the public hearing before the Planning and Zoning Commission.
- b. **Public Hearing: Notice Requirements.** Variances may become effective only after a public hearing has been held at which all interested parties and/or citizens shall have an opportunity to be heard. Signs, supplied by the Zoning Administrator, shall be posted a minimum of fifteen (15) days on at least four (4) corners of the subject property, to notify adjacent property owners of the proposed variance request. Notice of the time and place of the public hearing shall be published at least fifteen (15) days prior to the date of the hearing in a newspaper with general circulation in the jurisdiction of the County. Notice of the public hearing shall also be mailed by first class mail, as shown by the records of the Doña Ana County Tax Assessor, of lots of land within three hundred (300') of and in every direction from the area under consideration, excluding distances devoted to public rights-of-way.
4. The Zoning Administrator shall submit all applications for Variances that represent a deviation of more than ten percent (10%), along with the required Site Plan and the Zoning Administrator's findings of fact and recommendations, to the Planning and Zoning Commission for the earliest hearing practicable.
 5. A denial of a Variance by the Planning and Zoning Commission may be appealed to the County Commission.
 6. The following findings are required for approval of any Variance:
 - a. Granting of the Variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the area of notice.

- b. Granting of the Variance is justified because there is a physical hardship or extraordinary economic hardship for the applicant resulting from the size, shape, existing structures, or topographical or other physical conditions on the site or in the area of notice.
- c. Granting the Variance will uphold the spirit and intent of this Appendix and accomplish substantial justice.

C. Conditional Uses

1. Accessory Dwelling Unit

Accessory Dwelling Units shall meet the following criteria:

- a. The total dwelling area of such unit shall be no greater in size than one-third (1/3) of the total dwelling area of the single-family unit;
- b. The total dwelling area of such unit shall be greater in size than six hundred and fifty (650) square feet;
- c. Legal title to such unit and single-family unit shall be held in the same name; and
- d. Must comply with all other requirements for Special Use Permits found in Chapter 350, the Unified Development Code as well as paying the associated fees for a Special Use Permit.

2. Outdoor Café:

- a. Outdoor cafés are permitted as a conditional use in the commercial zones but shall also be considered for Tienditas.
- b. Outdoor cafes shall be allowed on private property without a conditional use permit.
- c. Outdoor cafes shall be allowed in public right-of-way as long as:
 - (1) An encroachment permit is obtained in accordance with Section 8G of this Appendix.
 - (2) The outdoor eating area is enclosed/separated from the public travel area via a low fence/wall.
 - (3) A minimum 42" clearance is maintained for pedestrian movement within the public walkway.
 - (4) Adequate ingress and egress to the outdoor eating area is provided.
 - (5) Outdoor cafes serving alcohol meet all state standards and have an adequate liquor license in place.

3. Tiendita:

- a. Tienditas are only permitted on lands identified for such use on the original, recorded plat of the land. Additional Tiendita uses will not be permitted if such use is not explicitly identified on the original plat.
- b. Tienditas shall have specific hours of operation identified as a condition of the conditional use permit.
- c. Tienditas shall not sell, store, fabricate, generate, or produce noxious materials that may constitute a hazard for adjacent uses and structures.
- d. Operation of the Tiendita shall not create a nuisance for adjacent residential uses from noise, overflow onto adjacent private properties, excessive vehicular movements and parking adjacent to the use, and other like nuisances.

4. Awnings

- a. Awnings are permitted as a conditional use in all the residential and commercial zones.

- b. Awnings shall be allowed on private property without a conditional use permit.
- c. Awnings shall be allowed in public right-of-way as long as:
 - (1) An encroachment permit is obtained in accordance with Section 8.G of this Appendix.
 - (2) The awnings do not protrude to a distance or height so as to create a danger to pedestrian or vehicular movement within the public walkway or public right-of-way.

D. Temporary Uses

The purpose of this section is to identify specific temporary uses that may be conducted within listed zoning districts for certain time periods and under special conditions.

1. Submittal requirements

To obtain a permit for a temporary use, the following information must be provided for the permit.

- a. A description of the temporary use.
- b. A site plan showing the location of all structures (both temporary and permanent) which includes the distance from these structures to the property lines and each other. Temporary structures must be at least five (5) feet from all side and rear property lines and at least fifteen (15) feet from property lines along a roadway. These structures shall not violate the clear sight triangle. These structures, excluding fences and signs, must be at least ten (10) feet from all other buildings on the property.
- c. The site plan must also show the traffic circulation including parking spaces and driving aisles on the property. There shall be adequate room for traffic circulation around the temporary use. Temporary uses are not permitted to obstruct more than:
 - (1) Twenty-five percent (25%) of the parking area if there are twenty (20) parking spaces or less;
 - (2) Fifteen percent (15%) of the parking area if there are between twenty-one (21) and fifty (50) parking spaces;
 - (3) Ten percent (10%) of the parking area if there are more than fifty (50) parking spaces; and
 - (4) The temporary use shall not obstruct disabled accessible parking spaces.
- d. The date the temporary use will start and end and hours of operation.

2. Time limitations

- a. Temporary uses are restricted to the time limits and zoning districts listed below.
- b. Temporary uses not listed in this section shall be permitted for up to fourteen (14) calendar days at one location in a calendar year. A single temporary use conducted for longer than the time limits stated in this section for that use shall be considered a permanent use and shall comply with all county and other Doña Ana County Unified Development Code requirements.
 - (1) Carnival, amusement park or hall, circus: These uses are permitted for no more than fourteen (14) calendar days at a single location one time in a calendar year (not including the time required to set up and take down the structures associated with the use). Permitted in MU-NC, MU-MS, and MU-CC zones.
 - (2) Christmas tree stands: Sales of Christmas trees shall not occur before November 15 or after December 31. Permitted in MU-MS and MU-CC zones.

- (3) Community wide event: Temporary uses at the time of a community wide event are permitted to begin one week (seven calendar days) before the beginning of the community wide event and shall end three calendar days from the last day of the community wide event. These temporary uses are permitted in addition to other types of temporary uses such as tent sales and outdoor sales and displays. Permitted in STR-1, STR-2, MU-NC, MU-MSC, and MU-CC zones.
- (4) Firework stands: Sale of fireworks shall not occur before June 20 or after July 6. Sale of fireworks is also permitted three calendar days preceding and including each of the following holidays: New Year's Day, Chinese New Year, and Cinco de Mayo of each year. Permitted in MU-CC zone.
- (5) Flea markets: Temporary flea markets shall operate for no more than 30 calendar days at one location in a calendar year. Permitted in MU-MSC and MU-CC zones.
- (6) Kiddie ride carnival and exhibits: These uses shall be permitted for no more than 14 calendar days at a single location one time in a calendar year. Permitted in MU-NC, MU-MSC, and MU-CC zones.
- (7) Special events: These events shall be permitted for no more than 14 calendar days at a single location one time in a calendar year. Permitted in MU-MSC and MU-CC zones.
- (8) Temporary outside sales and displays: These types of sales and displays shall be permitted for no more than 21 calendar days at a single location one time in a calendar year. Permitted in MU-NC, MU-MSC, and MU-CC zones.
- (9) Temporary stands: These uses are permitted for no more than three months for the sale of seasonal merchandise and for no more than 30 calendar days for non-seasonal merchandise. Permitted in MU-NC, Mu-MSC, and MU-CC zones.
- (10) Tent sales and activities: These types of sales and activities shall be permitted for no more than 21 calendar days at a single location one time in a calendar year. Permitted in MU-MSC and MU-CC zones. The fire department has several requirements for tents which must also be met.
- (11) Yard, garage or rummage sales, fund raising or celebration activities for nonprofit organizations: These types of uses shall be conducted for no more than four calendar days, three times at one location in a calendar year. No permits are required for these uses when conducted from an individual's dwelling or an institution. If conducted from a business or other property not used mainly for residential or institutional purposes all requirements for temporary uses must be met. This use is permitted in all zones.

E. Fences and Walls.

Fences and walls are permitted accessory uses in all districts and are further regulated as follows:

1. Zoning Permit

- a. No fence or wall shall be constructed or altered until a zoning permit for such erection or alteration shall have been issued by the Zoning Administrator. Such permit shall be valid for a period of one hundred and eighty (180) days after which period the permit shall lapse and become void unless a building permit has been issued within said period and is not thereafter

cancelled. This Zoning Permit is a prerequisite for a building permit that must be obtained from Doña Ana County.

2. Fence and Wall Location.

- a. No fence or wall shall be located in the front yard setback of the principal structure, unless required for grading between adjacent parcels and in that case shall be only tall enough as needed for grading/retaining purposes.
- b. No fence in the vision clearance triangle shall exceed two and a half (2.5) feet in height above mean street grade.
- c. All walls and fences shall require a building permit.
- d. Walls and fences constructed as part of a master planned subdivision may be constructed straddling lot lines.
- e. Retaining walls constructed after original development shall be located such that no part of the wall or footing is outside the property boundaries (i.e., no encroachment on adjacent property).
- f. Retaining walls retaining more than thirty (30) inches of soil or other fill material and all walls exceeding seventy-two (72) inches in height shall be designed by a professional engineer licensed to practice in the State of New Mexico.
- g. Fences shall be located outside of easement areas unless Planning and Zoning Commission approval is granted to place a fence in or on the easement.

3. Fence and Wall Construction

- a. All structural and support components of a fence shall face away from adjacent properties.
- b. All fences shall be constructed in such a manner and of such materials and colors as to not adversely affect the appearance of the neighborhood or adjacent property values.
- c. Permissible fence and wall materials:
 - (1) Rock and mortar walls
 - (2) Solid Masonry
 - i. Brick and mortar
 - ii. Split-faced CMU
CMU must have integral earth tone color
 - (3) Wrought Iron
 - (4) Stucco (finish)
 - (5) Panelized system if reviewed and approved by the Zoning Administrator
- d. Prohibited fence materials/colors:
 - (1) Smoothed faced CMU, unless covered with a stucco finish
 - (2) Plain concrete colored CMU
- e. All walls shall have adequate footings such that they remain in a straight and plumb condition.
- f. Chain link fences be allowed only in public recreational field/court conditions no perimeter boundaries or for civic use subject to the conditional use provisions in Section 350-7.C.2

4. Maintenance.

- a. All fences and walls shall be maintained in good repair at all times. No signs or advertising shall be permitted on a fence or wall. No materials shall be stored between the fence/wall and the lot line.

F. Encroachments

1. Encroachment Permits.

- a. Person seeking to obtain encroachments into or onto public rights-of-way or other public property shall follow the following procedure:
- (1) An application shall be submitted to the Zoning Administrator requesting an encroachment permit.
 - (2) The Zoning Administrator shall:
 - i. Prepare a staff report and forward to the Planning and Zoning Commission;
 - ii. Set a Planning and Zoning Commission public hearing date;
 - iii. Notify the public. Notification to occur through the posting of the Planning and Zoning Commission agenda.
 - (3) The Planning and Z Commission shall hear the comments in response to the application and shall either:
 - i. Approve;
 - ii. Approve with additional conditions; or
 - iii. Deny the application.
- b. The Zoning Administrator shall notify the applicant within ten (10) days of the Planning and Zoning Commission meeting of the final decision.
- c. The issuance of an encroachment permit by the Planning and Zoning Commission shall require the payment of a fee as established in Chapter 179, Fees and Permits in the Code of Dona Ana County.

- G. Signs.** Signs shall be regulated exclusively by Doña Ana County Chapter 350: Unified Development Code, Article V. Zoning Districts and Regulations, §350-508 Signs.

SECTION 830-9. PARKING REQUIREMENTS

A. Definitions.

1. Auditorium: A large room to accommodate an audience in a building such as a school or theater, or, an indoor or outdoor facility to hold public meetings or performances.
2. Assisted Living: A living arrangement in which people with special needs, especially seniors with disabilities, reside in a facility that provides help with everyday tasks such as bathing, dressing, and taking medications.
3. Back-outs: Additional area within a parking lot to adequately assist vehicles backing out of spaces with the proper turning radius.

4. **Church or Religious Institution:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.
5. **Clinic:** A facility which is often associated with a hospital or medical school that is devoted to the diagnosis and care of outpatients.
6. **Day/Childcare:** Childcare center, group childcare home, family childcare home, preschool, nursery school, day nursery, kindergarten and similar uses shall be in accord with State licensing requirements.
7. **Duplex:** One building arranged, intended or designed to be occupied by two (2) families living independently of each other and having separate cooking facilities in each dwelling unit.
8. **Dwelling Unit, Single-Family Attached (SFA):** A residential structure on a private lot or lots, which is attached to other units horizontally or vertically.
9. **Dwelling Unit, Single Family Detached (SFD):** A residential structure on a private lot, detached from other units and designed for and occupied by no more than one family for living purposes.
10. **Gross Square Feet (GSF):** Total building area measured from outside walls. For example, a building this is sixty (60) feet by one hundred (100) feet would have a gross square footage of six thousand (6,000) square feet.
11. **Hospital:** An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured including as an integral part of the institution, such related facilities as laboratories, outpatient department, training facilities, central service facilities and staff offices.
12. **Hotel / lodging:** One (1) or more buildings providing temporary lodging primarily to persons who have residences elsewhere or both temporary and permanent lodging in guest rooms, or apartments.
13. **Independent living:** A living arrangement that maximizes independence and self-determination, especially of disabled persons living in a community instead of in a medical facility.
14. **Landscape island:** Space reserved within a parking lot to certain landscaping.
15. **Library:** A publicly operated facility housing a collection of books, magazines, multi-media, or other material for use by the general public.
16. **Long term parking / storage:** An area dedicated for the storage of household goods or the parking of boats, trailers, and other larger vehicles for a period of thirty (30) days or more.
17. **Multi-family:** Three or more dwelling units attached with a common wall. Multi-family units may also have shared common amenities on the property.

18. **Museum:** A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical or artistic value.
19. **Office:** Occupancy primarily for the provision of professional, executive management, or administrative services; excluding, however, clinic or office, dental or medical. Typical uses include real estate offices, brokerage firms, legal offices, or architectural firms.
20. **On-street parking:** Areas within the right-of-way of a public street that is designated to parking. This parking is typically designed to be parallel or angled.
21. **Opacity:** An object or group of objects that causes an area to be of obscurity or impenetrability.
22. **Parking Lot:** An area provided for self-parking by employees, visitors, residents, and/or patrons of any public/institutional, commercial, industrial, or multi-family residential use.
23. **Recreational vehicle:**
 - a. Travel trailers, camping trailers, fifth-wheel trailers, and all other vehicles that are constructed to include a chassis, integral wheels, and a towing hitch, and are primarily designed or constructed to provide temporary, readily moveable living quarters for recreation, camping, or travel uses.
 - b. Pickup campers, either mounted or non-mounted, or any structure designed to be mounted in the bed of a truck and providing living quarters for recreation camping, or travel uses.
 - c. Chassis mount, motor home, mini-motor home or other recreational structure or vehicles constructed integrally with a truck or motor van chassis and incapable of being separated therefrom and designed to be used for moveable living quarters for recreation, camping or travel uses.
 - d. Recreational vans or converted and chopped vans or other vehicles which are either initially constructed or converted to contain living quarters for recreational, camping or travel uses.
 - e. Trailers, boats, etc.
24. **Restaurant (sit- down):** An establishment where food/drink is typically consumed on-site. This type of restaurant may include indoor or outdoor seating for servicing and consumption of food on-site.
25. **Restaurant (drive-thru):** An establishment where food/drink is consumed on or off-site. This establishment may include a drive-thru operation where food/drink is purchased for off-site consumption.
26. **Retail:** Sale to the ultimate consumer for direct consumption or use and not for resale.
27. **Senior housing / assisted living:** A living arrangement in which people with special needs, especially seniors with disabilities, reside in a facility that provides help with everyday tasks such as bathing, dressing, and taking medication.
28. **School, elementary, middle, or high:** A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten

through grade twelve (12). Middle and high schools are generally grades seven (7) through twelve (12).

29. Sports field: This area is designated as recreational sporting facilities to include baseball, softball, or full-size soccer uses.
30. Year-round landscaping: Coniferous landscape material that does not lose its foliage. Foliage exists all year long.

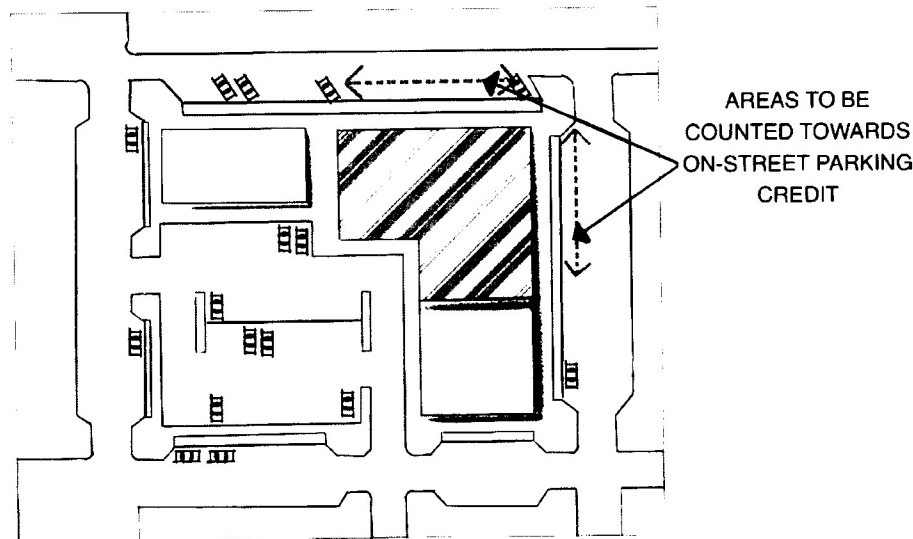
B. Parking Spaces Required

1. Residential
 - a. Single family dwellings:
 - (1) Single Family Detached: 2 off-street spaces per dwelling
 - (2) Single Family Attached: 1.5 off-street spaces per dwelling on average
 - (3) Two car garages are required for all single family detached residential dwellings
 - (4) One car garage is required for all single family attached residential dwellings
 - b. Multiple family dwellings / Senior housing-independent living:
 - (1) Studio or 1 bedroom = 1 off-street space
 - (2) 2 bedrooms – 1.75 spaces
 - (3) 3 bedrooms or more = 2.25 spaces
 - (4) 0.5 spaces per unit for guest parking
 - (5) On-street parking adjacent to the site can count toward guest parking
 - c. Senior housing-Assisted living:
 - (1) 0.5 spaces per dwelling unit
 - (2) 0.2 spaces per unit for guest parking
 - (3) 0.2 spaces per unit for employee parking
 - (4) On-street parking adjacent to the site can count toward guest parking
2. Non-residential uses
 - a. Auditorium: 1 space per 200 gross square feet
 - b. Churches: 1 space per 5 seats
 - c. Day/Childcare: 2 spaces, plus 1 additional space per 10 children, plus .75 space per every employee
 - d. Hospitals: 2 spaces per room
 - e. Library / Museums: 1 space per 300 gross square feet
 - f. Lodging: .75 space per room, 1 per employee
 - g. Office: 1 space per 300 gross square feet
 - h. Restaurants and Clinics: 1 space per 200 gross square feet
 - i. Retail Merchandising: 1 space per gross square feet
 - j. Schools: 1 space per teacher / staff member, and 1 space for every 5 students 16 years of age and older. Additional parking may be required if the facility has an auditorium or gymnasium – 1 space per every 5 seats
 - k. Sports Field: 30 spaces per field

3. On-Street Parking Credit

- a. 75% of on-street parking on the side of the street immediate to any public street frontage of a use/ building can be included towards the required parking count (see Exhibit 9.1) for the use / building fronting such on-street parking.
- b. To receive credit for on-street parking, stalls shall meet the stall dimensional requirements and the street shall meet the County's design standards. In the event that the street is later widened, or the status changed to prohibit on-street parking the use on the property will become legal nonconforming (see Exhibit 9.1).

Exhibit 9.1. On-Street Parking



4. Off-Street Parking Credit (MU-NC and MU-MSZ zones only)

- a. Off-site parking ownership or current lease of parking spaces within a seven hundred fifty (750) feet radius measured from the perimeter boundary of the site dedicated to the use in question during its hours of operation shall be considered towards parking requirement.
- b. This off-street parking credit should only account for no greater than fifty percent (50%) of the total required spaces.
- c. The Zoning Administrator shall have the authority to approve such a parking strategy, through a zoning permit, that ultimately meets the parking requirements identified in 830-9.B.1 and provided for via adjacent off-street parking or via 830-9.B.3 – 9.B.5.
- d. The uses upon which the parking agreement/lease is approved shall not be changed without the Zoning Administrator's approval.
- e. Dedicated parking spaces via lease or the shared parking agreement shall be established for off-site spaces.
- f. Divesting ownership or terminating lease of the required parking spaces shall result in termination of the zoning permit until the deficiency is rectified.

5. Shared Parking

- a. To reduce the amount of land dedicated to parking lots, an applicant may propose a parking strategy using shared parking and differential time use.
- b. The minimum lease for this parking agreement would be five (5) years.
- c. The Zoning Administrator shall have the authority to approve such a parking strategy, through a zoning permit, that ultimately meets the parking requirements identified in 850-9.B.1 through 9.B.4 above, after determining that adequate parking is provided for the proposed uses.
- d. The uses upon which the parking agreement/lease is approved shall not be changed without the Zoning Administrator's approval.
- e. Divesting ownership or terminating lease of the required parking spaces shall result in termination of the use permit until the deficiency is rectified.

C. Parking Lots

1. Location

- a. Parking lots shall in general be located behind the principal building.
- b. Parking lots shall be set back a minimum of six (6) feet from a public street to accommodate adequate screening.

2. Surfacing

- a. All off-street parking areas and aisles shall be graded and surfaced to be properly drained.
- b. Parking areas shall be paved with concrete or asphalt surfacing, or with special paving materials such as brick.

3. Landscaping

- a. All off-street parking areas which serve twenty (20) vehicles or more shall be provided with landscape islands within the parking lot totaling not less than five percent (5%) of the surfaced area.
- b. The minimum size of each landscape island shall be one hundred seventy (170) sq. ft. (see Exhibit 9.2).
- c. Landscape islands shall consist of trees, shrubs, and other low water plantings (see Exhibit 9.3)
- d. Any landscape island less than one hundred seventy (170) sq. ft. shall not count towards the requirements.
- e. One canopy tree shall be provided for every fifteen (15) parking spaces.
- f. Canopy trees must be evenly distributed throughout the parking lot.
- g. In areas where a canopy tree would be located in the landscape buffer adjacent to a sidewalk/parkway, up to fifty percent (50%) of the street trees immediate to the lot may be counted towards the minimum parking lot tree requirement.
- h. Structurally covered or underground motor vehicle parking spaces are not included in calculating the required number and location of canopy trees.

Exhibit 9.2. Landscape Island

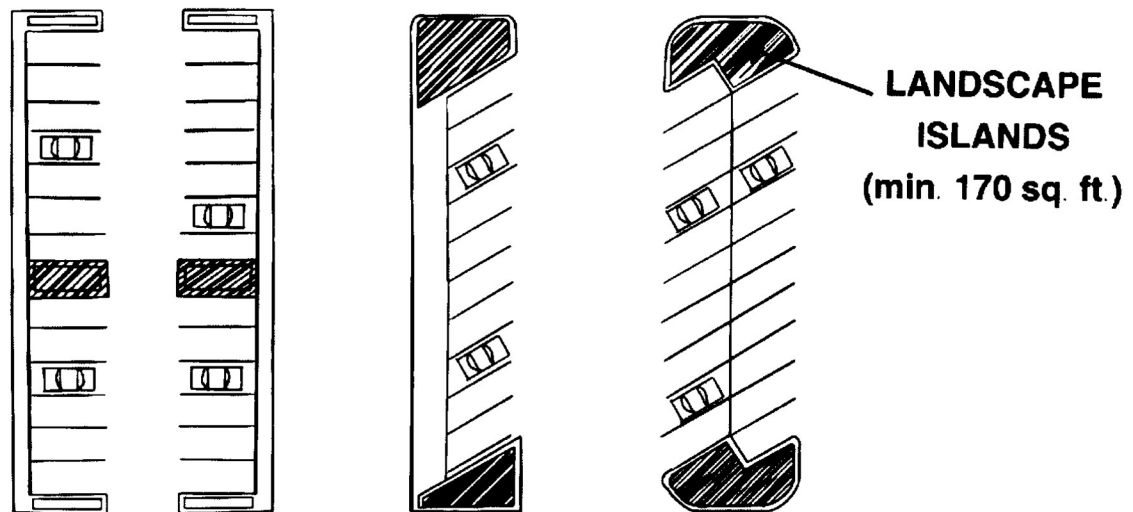
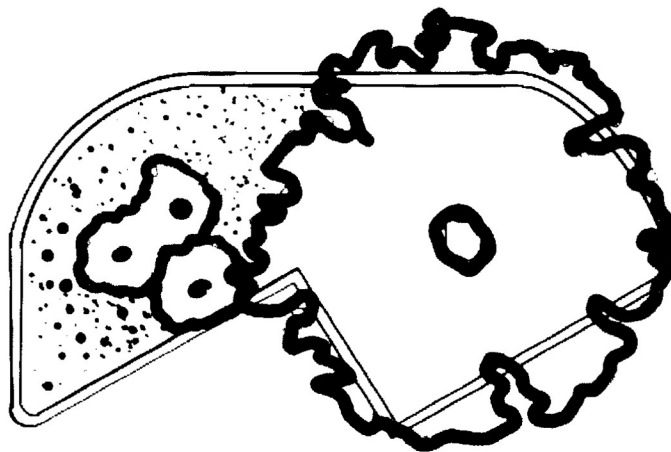


Exhibit 9.3. Landscaped Island Example



4. Screening
 - a. All commercial and multi-family parking lots shall be screened from all adjacent residential uses.
 - b. Screening shall be between 30" – 42" in height.
 - c. Low masonry walls, fences, and/or landscaping that provides minimum seventy-five (75%) opacity for the length of the screening counts as screening.
 - d. All landscape screening shall be year-round.

5. Size of parking stalls and drive aisles

a. The minimum dimensional requirements for parking stalls and driving aisles are shown in the following Table (Exhibit 9.4).

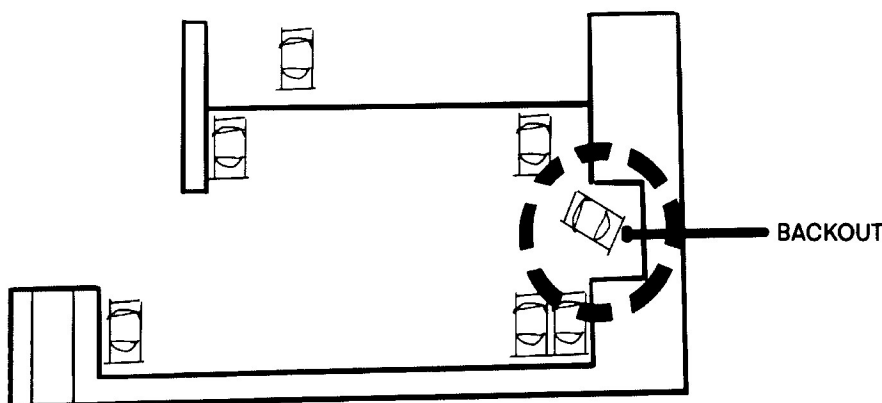
Exhibit 9.4: Parking Stall Requirements

Parking angle	Stall Width	Stall Length	Stall Base	Stall Depth	Width of One-Way Aisle	Width of Two-Way Aisle
30 degrees	9'	19'	18'	17.3'	11'	24'
45 degrees	9'	19'	12.7'	19.8'	13'	24'
60 degrees	9'	19'	10.4'	21'	18'	24'
90 degrees	9'	20'	9'	20'	24'	24'
0 degrees (parallel)	9'	22'	22'	9'	12'	22'

b. General notes:

- (1) All angle parking, except 90 degree and parallel parking shall have aisles designed for one-way traffic flow only, except that two-way traffic is permitted where angled and 90 degree parking share a drive land and as reviewed and approved by the Zoning Administrator.
- (2) All parking lot designs shall have primary ingress and egress to a public street, access easement or alley.
- (3) Circulation within a parking lot shall be designed to minimize aisles with one inlet/outlet. Aisles with only one inlet/outlet shall provide "back outs" for end spaces (see Exhibit 9.5).

Exhibit 9.5. Back Outs



(4) All parking spaces abutting walkways or buildings shall provide parking stops.

- (5) All off-street parking areas must comply with State of New Mexico Accessibility requirements and with the Americans with Disabilities Act (ADA).

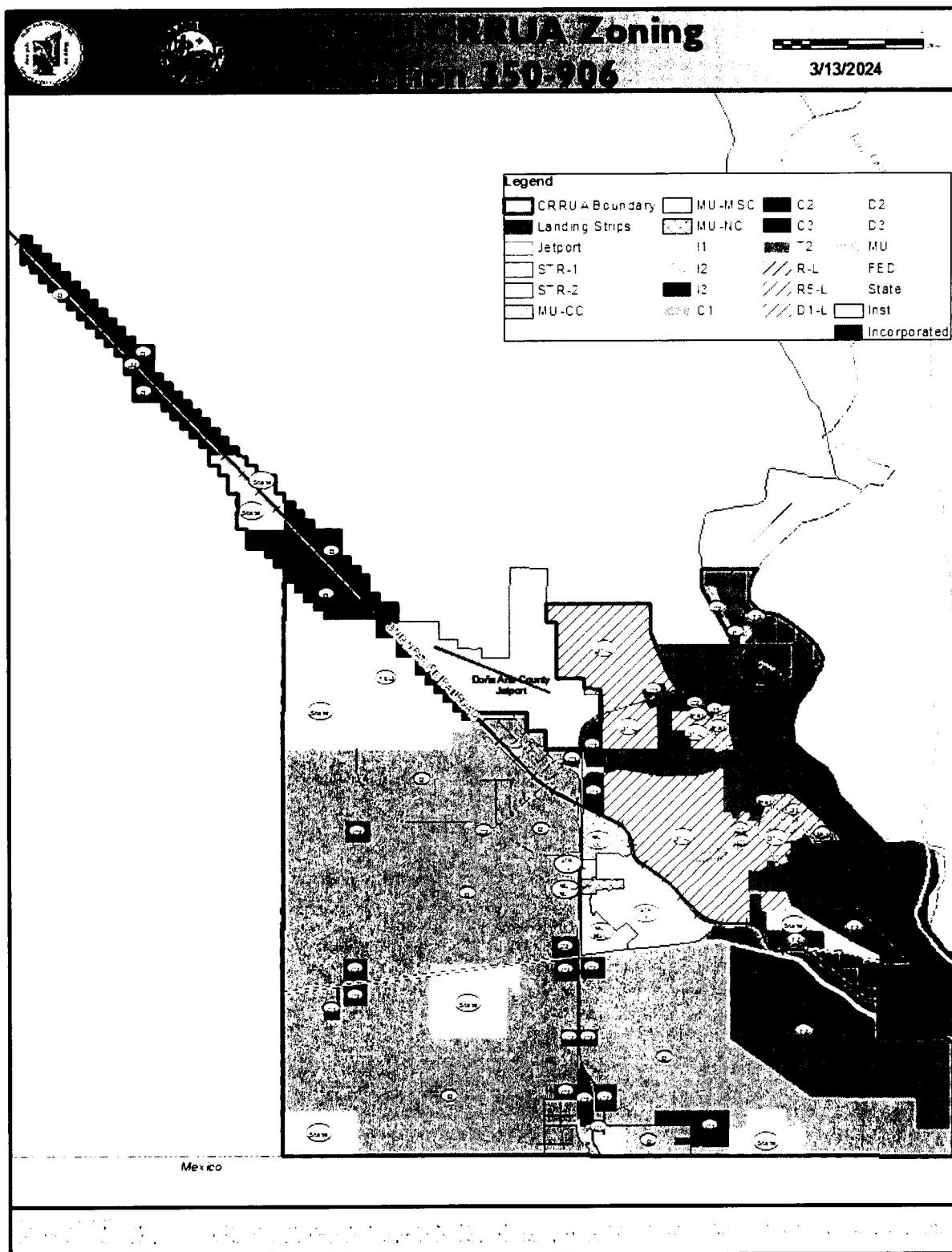
C. Parking Storage

1. The long-term parking or storage of boats/recreational vehicles, semi-tractors and semi-trailers, and construction vehicles and equipment (except during periods of permitted construction activity and/or deliveries) is prohibited in the MU-NC, MU-MSC, MU-CC, STR-1, and STR-2 zones.

§ 350-830-10 SEVERABILITY

Should any section, paragraph, clause or provision of this Appendix for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Appendix.

Article IX Official Zoning Map of Doña Ana County § 350-906 CRRUA Zoning Map



NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Doña Ana County that Plan 2040 is hereby approved for the unincorporated area of the County formally known as CRRUA-ETZ.

RESOLVED this 9th day of April 2024.

BOARD OF COUNTY COMMISSIONERS
OF DOÑA ANA COUNTY, NEW MEXICO



Christopher Schajó Hernández
Christopher Schajó-Hernandez, District 1, Chair For/Against

Diana Murillo
Diana Murillo, District 2, Vice Chair For/Against

Shannon Reynolds
Shannon Reynolds, District 3 For/Against

Susana Chaparro
Susana Chaparro, District 4 For/Against

Manuel A. Sanchez
Manuel A. Sanchez, District 5 For/Against

ATTEST:

Amanda López Askin
Amanda López Askin, Ph.D.
County Clerk

