



DOÑA ANA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING ▫ BUILDING SERVICES ▫ GIS ▫ ANIMAL CONTROL/CODES

**P&Z RECOMMENDED AMENDMENTS TO THE UDC
AS REQUESTED BY THE BOCC FOR THE FOLLOWING ITEMS**

1. Review how “livestock pens” are accommodated in zoning districts with specific attention to potential inclusion in Zones T3 and D1. “A” added to T3, D1 & D1L for Livestock Pens in the Matrix on Table 5.1 as well as other changes on the Matrix per P&Z’s recommendation. See *Exhibit A*.
2. Review allowed uses in the “N” zone and consider allowance of grazing where authorized by state or federal agencies or in accordance with the “Right to Farm Act”. Natural “N” zoning designation eliminated from zoning maps; uses not regulated in this category. See *Zoning Maps, Exhibit B*.
3. Continue exploration of zoning options for Talavera in order to more closely align zoning in the UDC with the development pattern of Talavera and the expressed interests of Talavera residents. Such exploration shall include, but are not limited to, the following options:
 - Zone the entire area R5L
 - Create a new zone (R2L) and apply to the entire area
 - Zone parcels within the area either D1L or R5L
 - Zone parcels within the area D1L, R5L, or (new zone) R2LFactors to be considered include, but are not limited to: issues with non-conforming lots, issues with up-zoning or down-zoning parcels, potential implications for future re-zoning requests elsewhere in the county, and alignment of land use density with sector plans in the Comprehensive Plan. Lots that are currently zoned ER3 be zoned D1L, and lots that are currently zoned ER2 be R5L, with the exception of Miner’s Ridge Subdivision to be zoned D1L. See *Zoning Maps, Exhibit B*.
4. Review agricultural uses in the land use matrix, zoning map, and Section 5.11 to ensure compliance with "Right to Farm Act", support dairy operations, and support family farming. Right to Farm Act inserted in Section 5.11.1.h, entire Section 5.11 revised. See *Exhibit C*.
5. Review size limitations of accessory buildings, and lot coverage.
 - Language clarified for Accessory Buildings to read: “Not to exceed 5,000 square feet or 10% of the lot area, whichever is less” for Tables 5.4, 5.8, 5.9, 5.10, 5.11, and 5.12. See *Exhibit D*.
 - For lot coverage in R5 & R5L zone “12,500 S.F. or 10% of the lot size, whichever is greater, excluding the residential access driveway” inserted in Table 5.4 and the definition of residential access driveway inserted in Article 7, Glossary of Terms. See *Exhibit E*.

6. Review request to change the zoning classification for the Dalrymple / Mayfield area and Milestone Court, from D2L to D1L. **Motion: The P&Z recommended that the zoning stay or remain D2L for Dalrymple. Milestone Court already zoned D1L. Vote 6-0-0.**
7. Concerns about the adverse impact of the UDC on private property rights. **Motion: The attached [sic] recommended Amendments are intended to address these concerns. Vote 7-0-0.**
8. Exemption of Federal and State lands from zoning administration by the County. **Motion: N zoning designation be removed from all State and Federal lands, see Zoning Maps in Exhibit B. When public lands are transferred to private ownership the following language will apply in Section 5.1.2.a.ii. "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". Vote 7-0-0. See Exhibit F.**
9. Notice requirements for proposed zoning changes. **Motion: Recommend notice be given to property owners about the new zoning under the UDC on their property through the use of the annual tax bill notices sent by the Assessor's Office. Vote 7-0-0.**
10. Review potential adverse impact of the UDC on affordable housing. **Motion: Recommend adding replacement language in Section 2.12.18 for Affordable Housing Subdivision Design. Vote 7-0-0. The definition of Affordable Housing inserted in Article 7, Glossary of Terms. See Exhibit G.**
11. Consider recommendation regarding the implementation timeframe. **Motion: Recommend effective date 30 days after date of recordation. Vote 4-3, motion passes.**
12. Airport Operation District Requirements. **Revise Article 5.12.3, and insert associated maps in Appendix Z. See Exhibit H.**

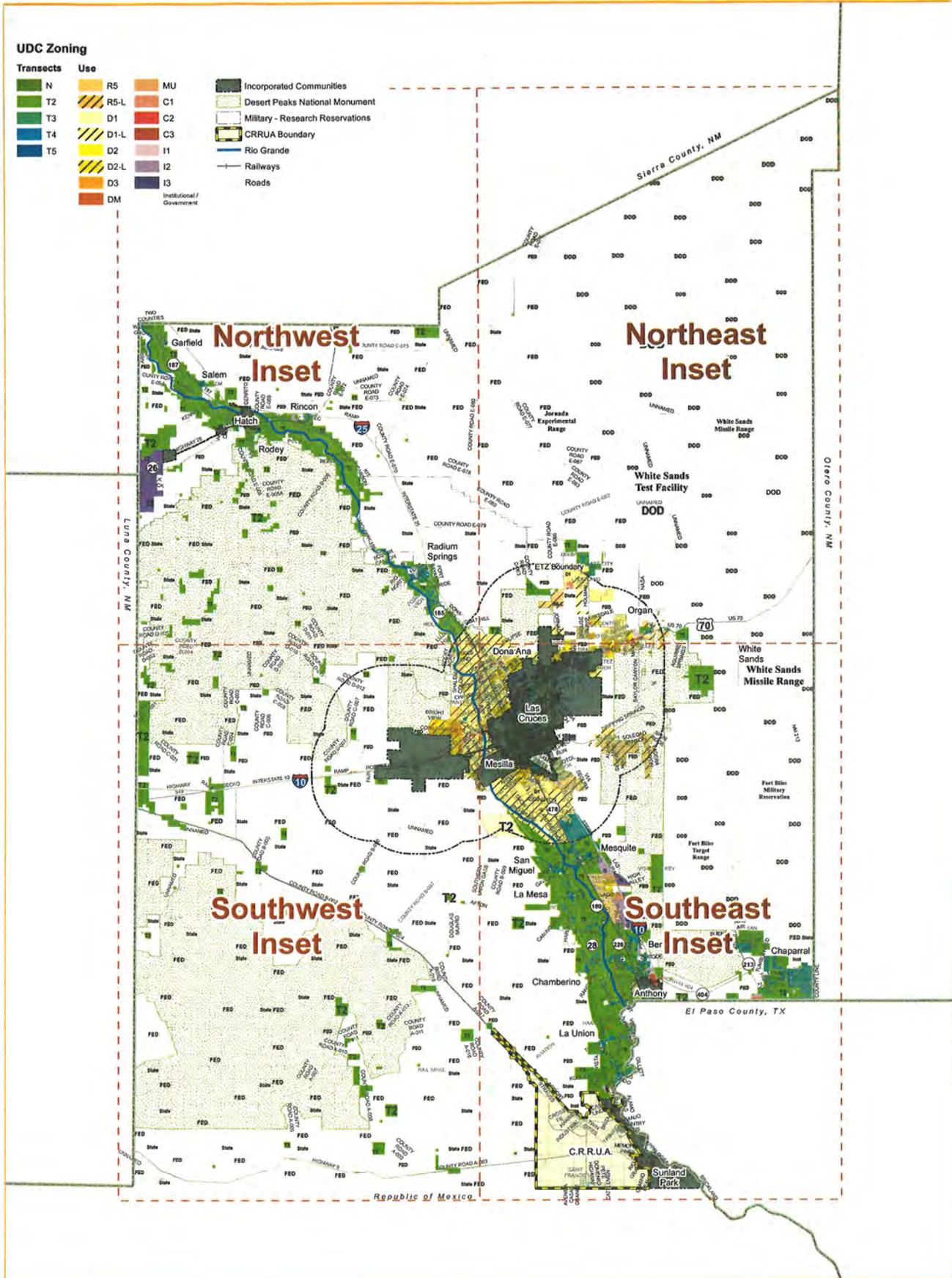
Additional Staff Recommendations:

13. **Revise Table 5.21. Buffer Class Requirements, Change Buffer Type 2 to 3 for T2, R5 & R5L for uses adjacent to a T5 zone. See Exhibit I.**
14. **Clarify Accessory Dwelling language in Table 5.4, to specify that the 1,250 S.F. accessory dwelling size applies to T2, R5 & R5L. See Exhibit J.**
15. **Amend Section 5.8 Signs and Article 7 Glossary of Terms per Legal recommendations to meet Case Law requirements. See Exhibit K.**
16. **Amend flow charts in the Appendix per changes in policy per P&Z recommendations. See Exhibit L.**

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											
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	P							
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						
Townhouse				P	P							P		P						
Triplex				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		PS		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, Ag Research, Office and Service		S	S	C	P									P	P	P	P	P	P	
Office, General				C	P									P	P	P	P	P		
Office, Small				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

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			P	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	△			S	S	△	△									P	P	P
Poultry Raising, Commercial		S																	P	P
Poultry Slaughtering and Processing, Commercial																			P	P
Research		P	S											P	P			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		S	S	C	P	S	S	S	S					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			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 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 Ag Office and Medical Research		P	S	C		S	S						S	P	P	P	P	P		
Cemetery		S		C													P	P	P	
Crematorium													P				P	SP	P	P
Funeral Home and Funeral Chapel																P	P	SP		
Health Service, Public or Private		S		C	P			S	S						P	P	P	P		
Hospital																P	P	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	
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	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	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	P
Junkyard and Dismantling																					P
Laboratory Facility				C	P										P	P	P	P	P	P	P
Light Manufacturing				C	P												P	P	P	P	P
Major Facility for Distribution of Electric, Natural Gas, Water, Sewer, Cable		S			P										PS	PS	P	P	P	P	P
Heavy Manufacturing																					P
Mini-Storage Unit		S														P	P	P	P	P	P
Petroleum Refinery and Storage																					P
Recycling Center		S															P	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	P
Warehouse																			P	P	P
Wholesale Sales and Storage																		P	P	P	
Wrecking Service		S																P	P	P	P



0 2.5 5 10 15 Miles

State Plane Coordinate System
New Mexico Central Zone - NAD83 - Feet
December 1, 2016

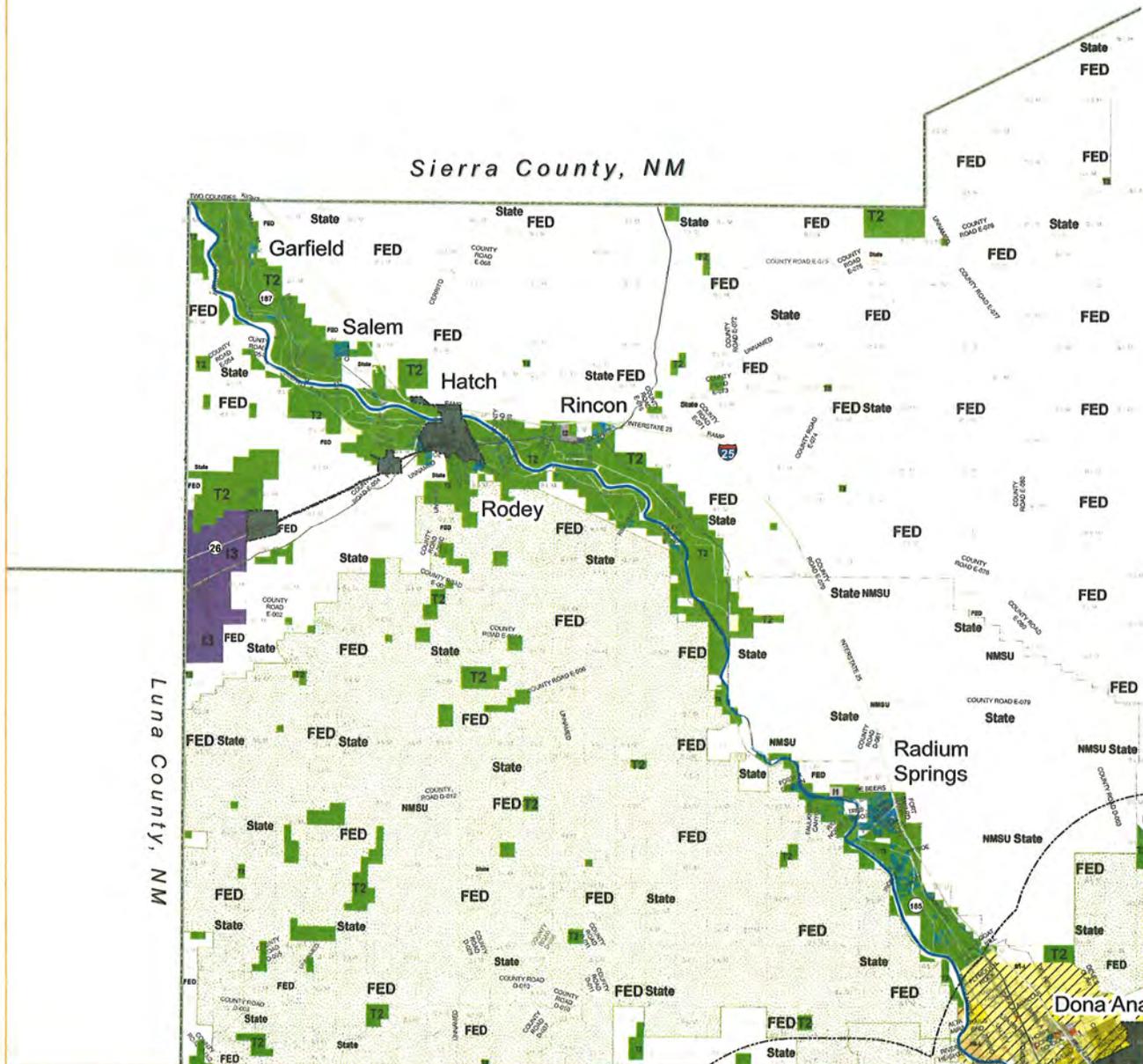
Article 9 Official Zoning Map of Doña Ana County Overview



COMANDO EN JEFE
VIVA DOÑA ANA
BUILDING A SUSTAINABLE FUTURE | COMMITTED TO OUR FUTURE SUSTAINABLE

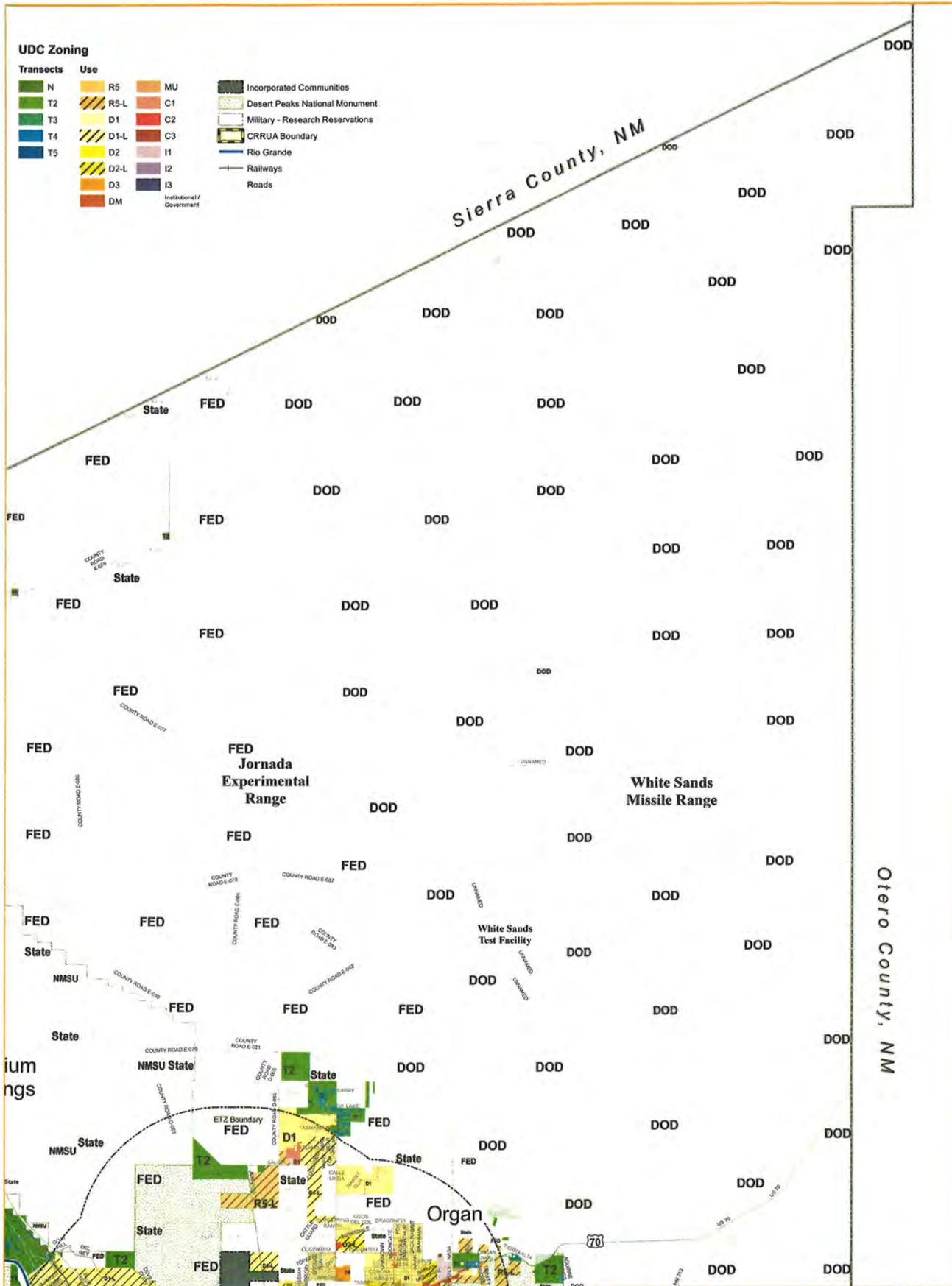
UDC Zoning

Transects	Use		
N	R5	MU	Incorporated Communities
T2	R5-L	C1	Desert Peaks National Monument
T3	D1	C2	Military - Research Reservations
T4	D1-L	C3	CRRUA Boundary
T5	D2	I1	Rio Grande
	D2-L	I2	Railways
	D3	I3	Roads
	DM	Institutional / Government	



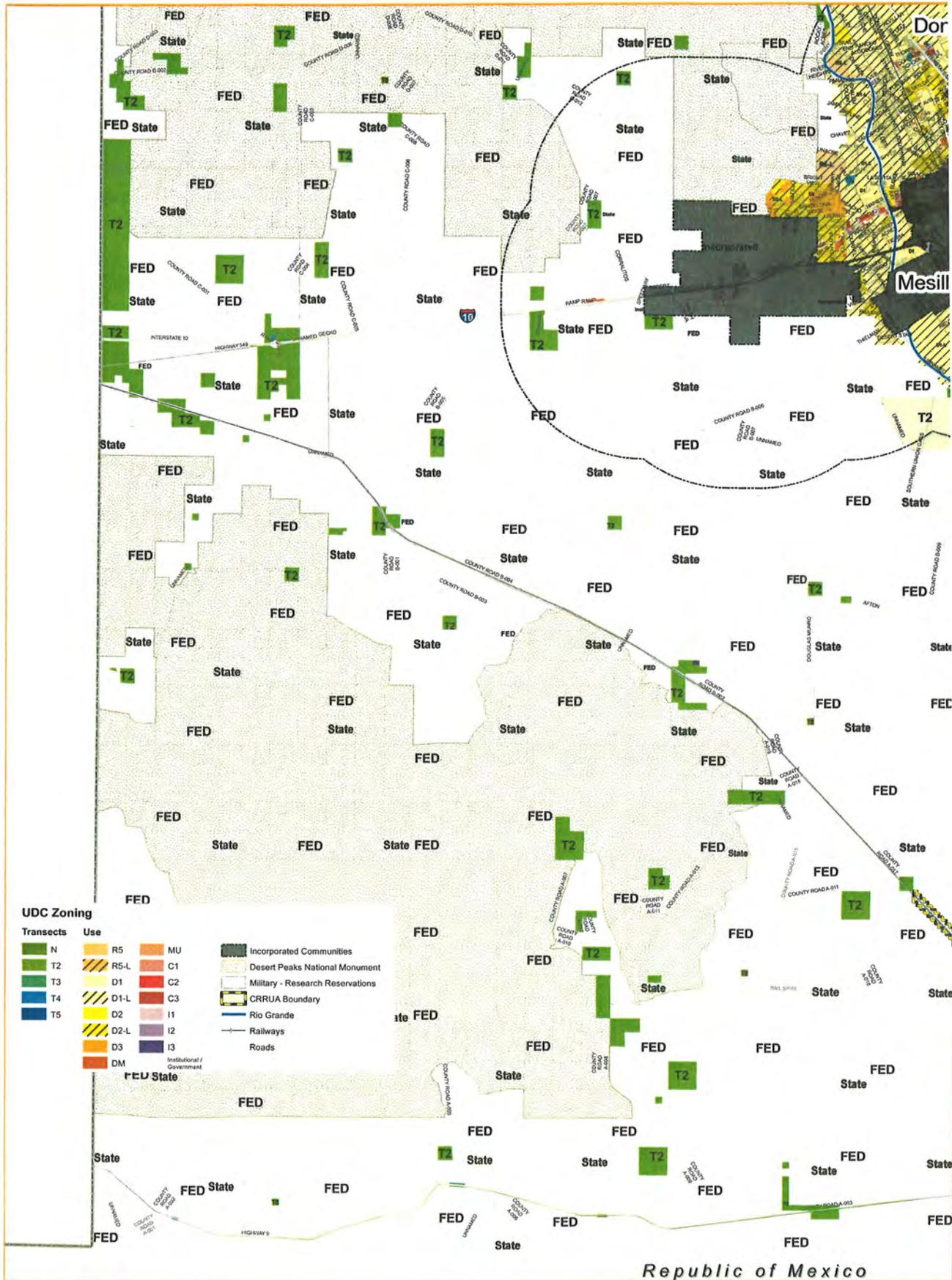
Article 9
Official Zoning Map of Doña Ana County
Northwest Inset





Article 9 Official Zoning Map of Doña Ana County Northeast Inset





UDC Zoning

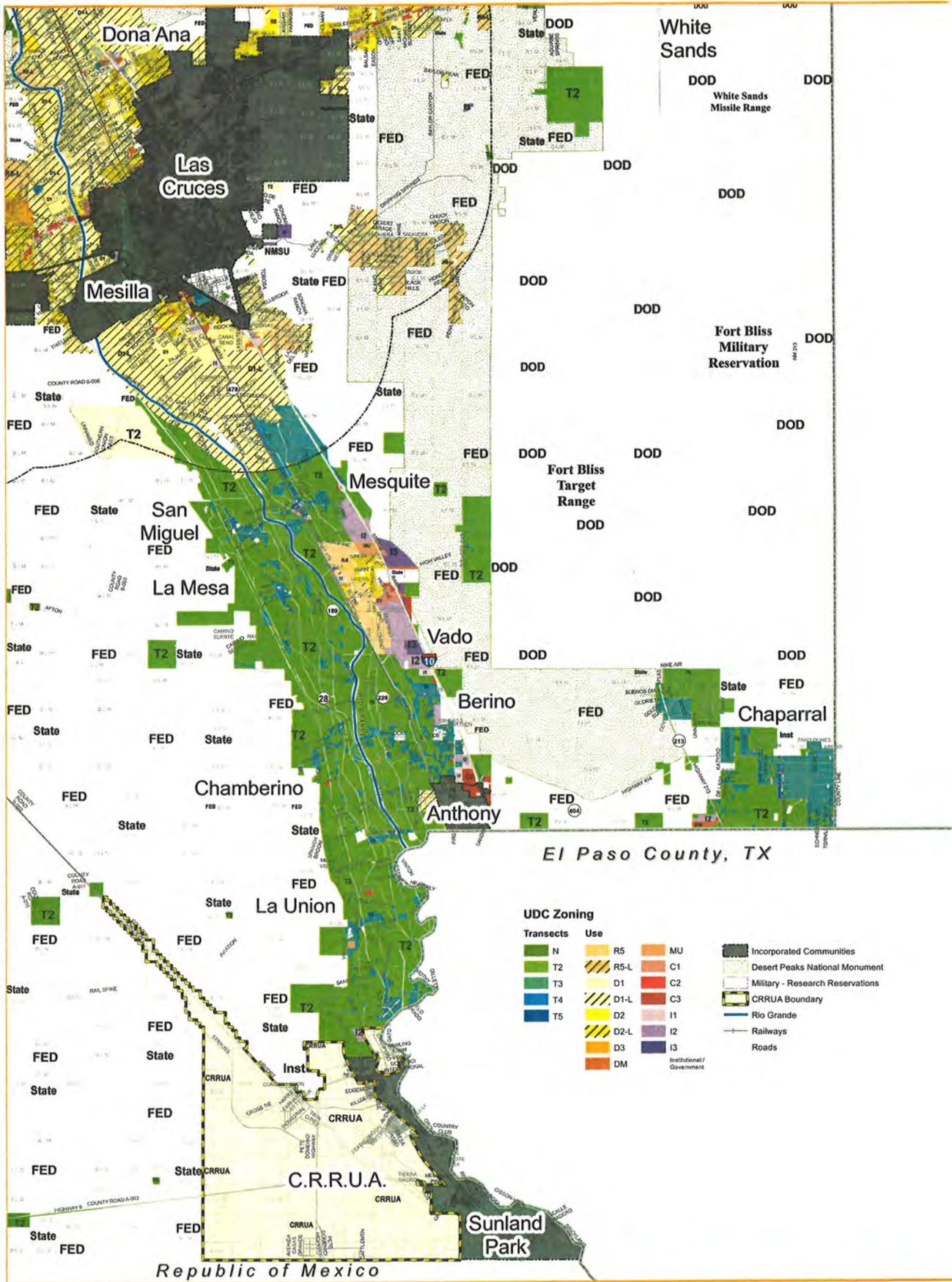
Transects	Use
N	R5
T2	R5-L
T3	D1
T4	D1-L
T5	D2
	D2-L
	D3
	DM
	MU
	C1
	C2
	C3
	I1
	I2
	I3
	Institutional / Government

- Incorporated Communities
- Desert Peaks National Monument
- Military - Research Reservations
- CRRUA Boundary
- Rio Grande
- Railways
- Roads



**Article 9
Official Zoning Map of Doña Ana County
Southwest Inset**





UDC Zoning

Transects	Use	
N	R5	MU
T2	R5-L	C1
T3	D1	C2
T4	D1-L	C3
T5	D2	I1
	D2-L	I2
	D3	I3
	DM	Institutional / Government

- Incorporated Communities
- Desert Peaks National Monument
- Military - Research Reservations
- CRRUA Boundary
- Rio Grande
- Railways
- Roads



Article 9
Official Zoning Map of Doña Ana County
Southeast Inset



- 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, which are included in the classes of domestic horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, ostriches, emus, rheas, camelids and farmed cervidae (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 and 1 acre are allowed one (1) large animal.
 - ii. Properties between 1 and 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 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 ~~not less than 4 1/2 feet in height~~ adequately to contain the animals. ~~For use in conjunction with stud stalls, such fence shall be maintained not less than 6 feet in height.~~
- 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 ~~provided within 50 feet of~~ 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 ~~with preservatives, fasteners and other materials~~ 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 acceptable-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 ~~upon which animals, poultry or fowl are permitted to be kept~~ shall be maintained in a clean, orderly and sanitary condition at all times. ~~All manure shall be removed or spread at least once a week so as not to constitute a nuisance and all premises and facilities shall be treated weekly with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents which in any way can be considered a clear and~~

~~present nuisance or detriment to the health, safety, comfort, welfare, peace and/or tranquility of the general public.~~

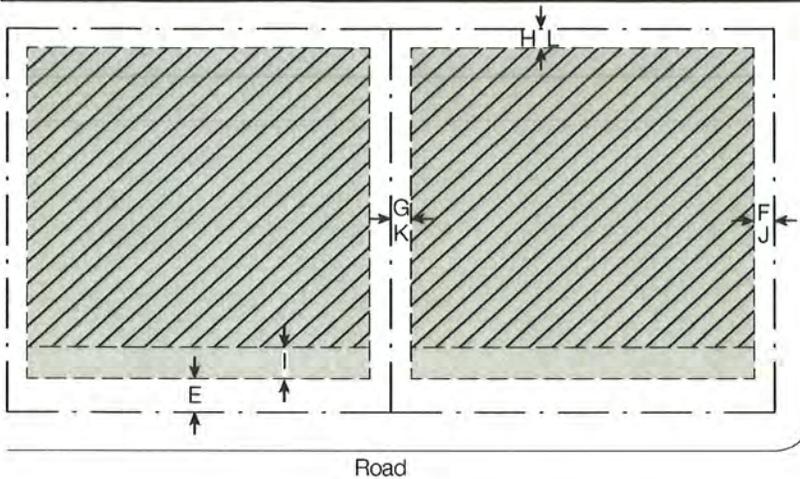
5.11.3 Keeping of Small Animals

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.
 - i. 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].
 - ii. 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 ~~upon which animals, poultry or fowl are permitted to be kept~~ shall be maintained in a clean, orderly and sanitary condition at all times. ~~All manure shall be removed or spread at least once each week so as not to constitute a nuisance. All premises and facilities shall be treated weekly with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents which in anyway can be considered a clear and present nuisance or detriment to the health, safety, comfort, welfare, peace and/or tranquility of the general public.~~

Rural and Rural 5-Acre Zones (T2, R5 & R5L)

Building Setbacks, General



Legend:

- — — Property Line
- - - - - Setback Line
- █ Buildable Area
- ▨ Accessory Building Area

5. Principal Building

- E Primary Frontage: 25 feet (min)
- F Secondary Frontage: 12 feet (min)
- G Side Setback: 5 feet (min)
- H Rear: 5 feet (min)

6. Accessory Buildings

- I Primary Frontage: 20 feet behind front façade (min)
- J Secondary Frontage: 12 feet (min)
- K Side Setback: 5' min
- L Rear Setback: 5' min

7. Accessory Buildings (R5 & R5L only)

7.1 Not to exceed 5,000 square feet or 10% of the lot area, whichever is less.

7.2 Accessory buildings shall be at least 10 feet from all other buildings.

78. Lot Coverage and Encroachments

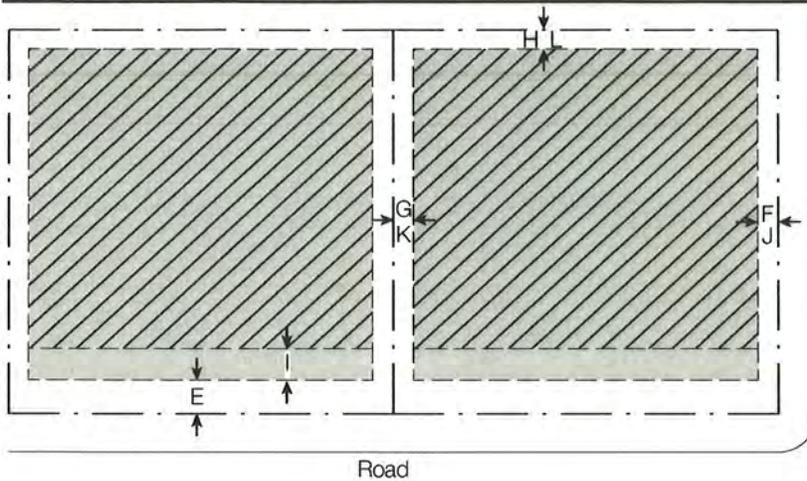
78.1 Lot Coverage 12,500 sf or 10% of the lot size, whichever is greater, with residential access driveway exclusions 5% (max)

78.2 Portal 16% of setback (max), but no more than 8 feet

78.3 Balcony or Bay Window 8% of setback (max), but no more than 4 feet

Rural and Rural 5-Acre Zones (T2, R5 & R5L)

Building Setbacks, General



Legend:

- Property Line
- Setback Line
- █ Buildable Area
- ▨ Accessory Building Area

Side Road

5. Principal Building

- E Primary Frontage: 25 feet (min)
- F Secondary Frontage: 12 feet (min)
- G Side Setback: 5 feet (min)
- H Rear: 5 feet (min)

6. Accessory Buildings

- I Primary Frontage: 20 feet behind front façade (min)
- J Secondary Frontage: 12 feet (min)
- K Side Setback: 5' min
- L Rear Setback: 5' min

7. Accessory Buildings (R5 & R5L only)

7.1 Not to exceed 5,000 square feet or 10% of the lot area, whichever is less.

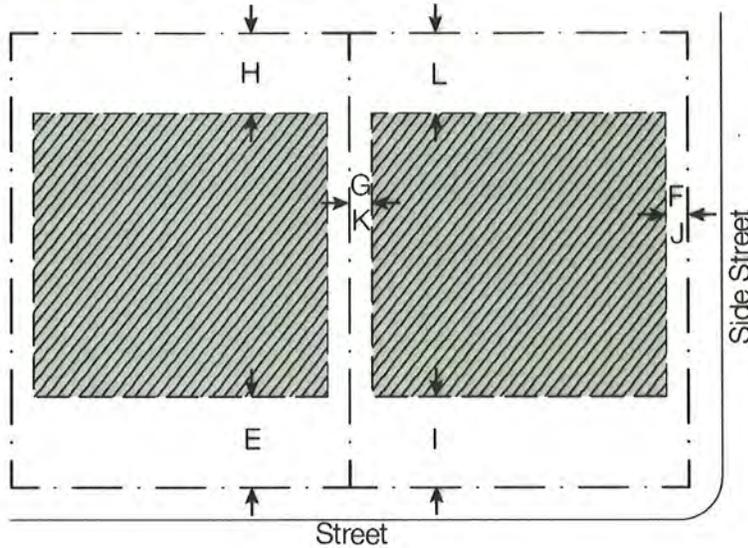
7.2 Accessory buildings shall be at least 10 feet from all other buildings.

78. Lot Coverage and Encroachments

- | | | |
|------|-----------------------|--|
| 78.1 | Lot Coverage | 12,500 sf or 10% of the lot size, whichever is greater, excluding the residential access driveway-5% (max) |
| 78.2 | Portal | 16% of setback (max), but no more than 8 feet |
| 78.3 | Balcony or Bay Window | 8% of setback (max), but no more than 4 feet |

Low Density Residential Zone (D1 & D1L)

Building Setbacks, General



Legend:

- Property Line
- Setback Line
- █ Buildable Area
- ▨ Accessory Building Area
- ▩ Façade Area

5. Principal Building

- E Primary Frontage: 20 feet (min)
- F Secondary Frontage: 5 feet (min)
- G Side Setback: 10 feet (min)
- H Rear: 10 feet (min)

6. Accessory Buildings

- I Primary Frontage: 25 feet (min)
- J Secondary Frontage: 5 feet (min)
- K Side Setback: 5 feet (min)
- L Rear Setback: 5 feet (min)

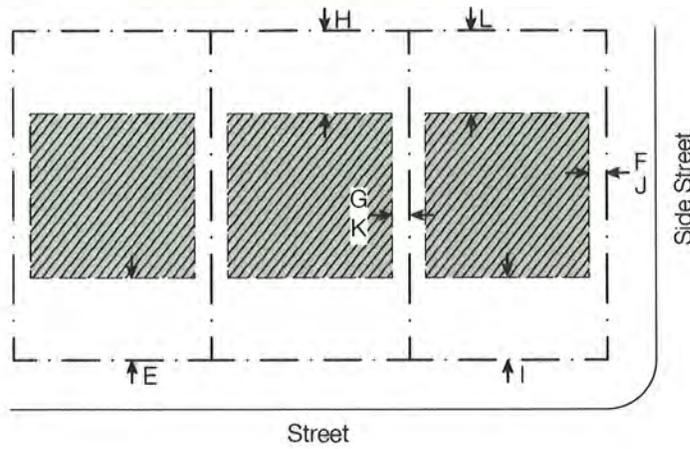
7. Accessory Buildings

- 7.1 Not to exceed 5,000 square feet or 10% of the lot area, whichever is greater~~less~~.
- 7.2 Accessory buildings shall be at least 10 feet from all other buildings.

8. Lot Coverage Not Applicable

Medium Density Residential Zone (D2 & D2L)

Building Setbacks, General



Legend:

- · — Property Line
- — — — — Setback Line
- █ Buildable Area
- ▨ Accessory Building Area
- ▩ Façade Area

6. Principal Building

- E Primary Frontage: 15 feet (min)
- F Secondary Frontage: 7 feet (min)
- G Side setback: 5 feet (min)
- H Rear: 5 feet (min)

7. Accessory Buildings

- I Primary Frontage: 25 feet (min)
- J Secondary Frontage: 7 feet (min)
- K Side Setback: 5 feet (min)
- L Rear Setback: 5 feet (min)

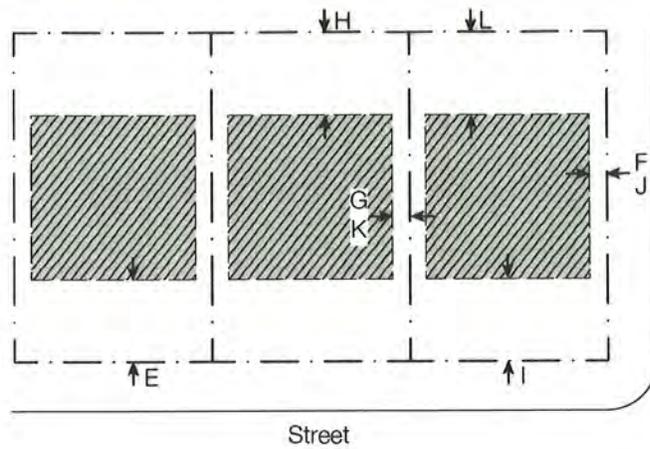
8. Accessory Buildings

- 8.1 Not to exceed 5,000 square feet or 10% of the lot area, whichever is less.greater
- 8.2 Accessory buildings shall be at least 10 feet from all other buildings.

9. Lot Coverage Not applicable

High Density Residential Zone (D3)

Building Setbacks, General



Legend:

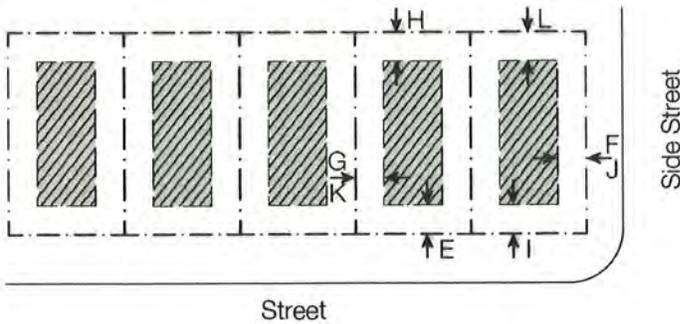
	Property Line
	Setback Line
	Buildable Area
	Accessory Building Area
	Façade Area

6. Principal Building	
E	Primary Frontage: 15 feet (min)
F	Secondary Frontage: 5 feet (min)
G	Side Setback: 5 feet (min)
H	Rear: 5 feet (min)
7. Accessory Buildings	
I	Primary Frontage: 20 feet (min)
J	Secondary Frontage: 7 feet (min)
K	Side Setback: 5 feet (min)
L	Rear Setback: 5 feet (min)

- | | |
|-------------------------------|---|
| 8. Recreational Space | 10% of the lot, but no more than 20,000 sq. ft. shall be recreational space |
| 9. Accessory Buildings | |
| 9.1 | <u>Not to exceed</u> 5,000 square feet or 10% of <u>the</u> lot area, whichever is <u>greaterless</u> . |
| 9.2 | Accessory buildings shall be at least 10 feet from all other buildings. |
| 10. Lot Coverage | Not applicable |

Mobile Home Park Zone (DM)

Building Setbacks, General



Legend:

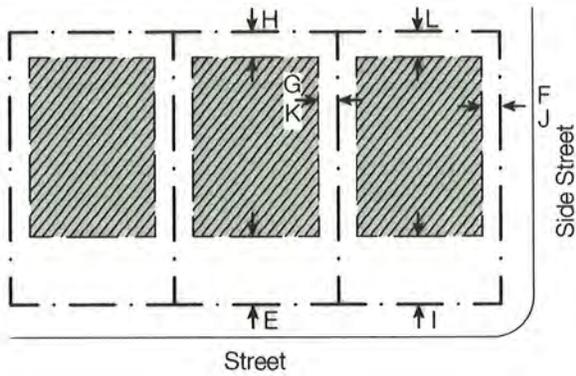
- Property Line
- — — — — Setback Line
- █ Buildable Area
- ▨ Accessory Building Area
- ▩ Façade Area

- 6. Principal Building
 - E Primary Frontage: 15 feet (min), or 10 feet (min) with a wall in the front
 - F Secondary Frontage: 7 feet (min)
 - G Side Setback: 5 feet (min)
 - H Rear: 25 feet (min)
- 7. Accessory Buildings
 - I Primary Frontage: 25 feet (min)
 - J Secondary Frontage: 7 feet (min)
 - K Side Setback: 5 feet (min)
 - L Rear Setback: 5 feet (min)

- 8. **Recreational Space** 10% of the Mobile Home Park, but no more than 20,000 sq. ft. shall be recreational space.
- 9. **Accessory Buildings**
 - 9.1 Not to exceed 5,000 square feet or 10% of the lot area, whichever is greaterless.
 - 9.2 Accessory buildings shall be at least 10 feet from all other buildings.
- 10. **Lot Coverage** Not applicable

Mixed Use Zone (MU)

Building Setbacks, General



Legend:

- Property Line
- — — — — Setback Line
- █ Buildable Area
- ▨ Accessory Building Area
- ▩ Façade Area

6. Principal Building

- E Primary Frontage: 15 feet (min)
- F Secondary Frontage: 7 feet (min)
- G Side Setback: 7 feet (min)
- H Rear: 25 feet (min)

7. Accessory Buildings

- I Primary Frontage: 25 feet (min)
- J Secondary Frontage: 7 feet (min)
- K Side Setback: 7 feet (min)
- L Rear: 5 feet (min)

8. Accessory Buildings

8.1 Not to exceed 5,000 square feet or 10% of the lot area, whichever is greater~~less~~.

8.2 Accessory buildings shall be at least 10 feet from all other buildings.

9. Lot Coverage Not applicable

matter - i.e., having had no pre-hearing or ex-parte contacts concerning the question at issue, and to a record made and adequate findings executed.

REAR SETBACK

The distance from the rear lot line at which a building or structure may be located. It is generally indicated by a range of distances per zoning classifications from the rear lot line.

RECOMMENDED

A matter that is not required to be as described, but which this Chapter advises as the intended or optimal condition.

RECREATIONAL VEHICLE

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

RECREATIONAL VEHICLE PARK (RV PARK)

A lot where travel trailers or other nonpermanent types of shelters are erected or maintained. Permitted related buildings and facilities may include an office, delicatessen and/or grocery store, laundry facilities, showers, bathrooms, and playgrounds to be operated during operating hours of the park for the patrons of the park.

REGIONAL COMMERCIAL

An area of land used for shopping centers and commercial activities of a size intended to generally serve a major portion of Doña Ana County and/or nearby settlements in adjoining counties or states; may include retail, services, entertainment, and wholesale activities.

RELEASE

Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4, channels, watercourses, water, waters of the U.S., or onto the ground that is not authorized by an NPDES or RCRA permit.

RENEWABLE ENERGY FACILITY

Any facility that generates power from resources which are naturally replenished on a human time scale.

REPLACEMENT POLE (Specific to WCF and WSS)

Pole of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate co-location. Requires removal of the wireless support structure it replaces.

REPORTABLE QUANTITY (RQ)

For any hazardous substance, the quantity established and listed in Table 302.4 of 40 CFR Part 302; and for any extremely hazardous substance, the quantity established in 40 CFR Part 355 and thereof listed in its Appendix A.

RESIDENTIAL

Activities within land areas used predominantly for housing.

RESIDENTIAL ACCESS DRIVEWAY

A lane providing vehicular access from a thoroughfare, right-of-way or easement to a principle single family residence. The term does not include access to accessory structures or accessory buildings or vehicle parking for non-residence of the principle single family residence.

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. 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. 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. D1 (Low Density Residential) Zone permits single-family site-built homes, mobile homes, and related uses necessary to serve residential areas.
 - iv. D1L (Low Density Residential – Limited) Zone permits single-family site-built homes and manufactured homes.
 - v. D2 (Medium Density Residential) Zone permits a mixture of single-family site-built homes, mobile homes, duplex residences, and related residential support uses.
 - vi. 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. 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. 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. 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. C1 (Neighborhood Commercial) Zone permits neighborhood commercial activities and small-scale freestanding businesses.

this Chapter. If the claim of exemption is approved, or if the Zoning Administrator fails to notify the applicant within 30 days after receipt of the completed claim of exemption and all supporting documents, the person claiming the exemption may divide the land in the manner provided by the Exemption under which the application was made without complying with the provisions of this section. If approved, the claim of exemption form shall be filed along with the conveyance documents in the Office of the County Clerk.

- (b) In denying a claim of exemption, the Zoning Administrator shall cite the reason the request does not qualify for an exemption as stated within the definition of a subdivision contained within Article 7, or because of lot size and access requirements as stated in this Chapter. If the claim of exemption is denied, the person claiming the exemption may appeal the denial as provided in Section 2.16, or submit an application for a subdivision as provided in this Chapter.

2.12.17 Amended Plats and Replats

If an applicant amends a previously approved and recorded subdivision plat, the following will apply:

- a. A minor replat is any amended plat for the purpose of correcting an error on a previously approved and filed subdivision if the amendment creates no additional lots and does not materially affect any existing lots, dedicated rights-of-way, or easements. Minor replats will be processed and approved by the Zoning Administrator.
- b. A major replat is any amendment to a final plat that alters or increases the number of lots, dedicated rights-of-way, or easements in a previously platted subdivision, and creates no more than 5 additional lots that conforms to zoning. Major replats shall meet the requirements of a final plat, and will be processed and reviewed as a summary plat review per Section 2.12.6.
- c. Any plat amendment not described as a minor or major replat in this subsection shall require the submission of a new subdivision application and will be processed and reviewed accordingly.

2.12.18 Affordable Housing Subdivision Design

This subsection provides a subdivision design option to enhance the development of affordable housing located in the County, consistent with the Comprehensive Plan, the Doña Ana County Affordable Housing Plan (Resolution 2015-64), the Affordable Housing Program Ordinance (Ordinance Number 280-2015), and to ensure compliance with the New Mexico Subdivision Act (Section 47-6-9).

- a. The Affordable Housing Subdivision Design (AHSD) option utilizes traditional and community type development best practices. DRC flexibility for an AHSD during the rezoning, site plan, or subdivision plat process will be based on the following decisional criteria:

- i. Demonstrably reduce costs to the home buyer.
- ii. Be compatible with subdivision development standards per this Chapter.
- iii. Benefit residents by maximizing land use efficiency, maintaining community character, and incorporating natural systems.
- 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 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;

AFFORDABLE HOUSING

Housing where the homeownership market applies to households or individuals earning 60 percent or less than the Area Median Income (AMI). Affordable housing is defined in more detail in the adopted Doña Ana County Affordable Housing Plan 2015 (Resolution 2015-64) and the Affordable Housing Program (Ordinance Number 280-2015).

AGENT

A person or persons legally empowered to act for another.

AGGRIEVED PERSON OR PARTY

A person or party who can demonstrate a specific personal or legal interest, as distinguished from a general interest, who has been or is likely to be specifically and injuriously affected by a final decision.

AGRICULTURAL PACKAGING AND WAREHOUSING

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

AGRICULTURAL PROCESSING FACILITY

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

AGRICULTURAL STORMWATER RUNOFF

Any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR 122.24.

AGRICULTURAL STRUCTURE

Structures intended primarily or exclusively for support of agricultural functions.

AIRPORTS

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

ALLEY

An access lane, generally of an urban character, that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

ALTERNATIVE SITE DESIGN

Design, construction, and engineering practices that use natural features of the landscape with bio-engineered solutions (e.g., infiltration and water storage), to treat, manage, and control stormwater on-site.

AMERICAN WITH DISABILITIES ACT (ADA)

The 1990 Federal Civil Rights Law that prohibits discrimination on the basis of disability. This law dictates specific levels of compliance for both the public sector (Title II: State and Local Governments) and the private sector (Title III: Public Accommodations).

WIRELESS SUPPORT STRUCTURE (WSS) (Specific to WCF and WSS)

A freestanding structure such as a monopole or tower, designed to support wireless facilities. This definition does not include utility poles.

WRECKING SERVICES

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

WSS

See Wireless Support Structure.

YARD SIGN

Small freestanding sign that is not a monument sign. A yard sign is typically supported by one or two pole-like supports, and rises to head-height or below.

YARD WASTE

Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

ZONING

The classification of land into different areas and districts that regulates land use, building height, intensity, density, design, and placement of buildings, which are generally referred to as “zones”, “districts” or “zoning districts”.

ZONING ADMINISTRATOR

The Director of the Community Development Department or designee responsible for administering this Chapter.

Acronyms

A

AASHTO	Association of American State Highway and Transportation Officials.
ADA	American with Disabilities Act.
ADT	Average Daily Traffic
AHSD	<u>Affordable Housing Subdivision Design</u>

B

BFE	Base Flood Elevation
BMP, BMPs	Best Management Practice
BOCC	Board of County Commissioners

C

CDD	Community Development Department
CFR	Code of Federal Regulations
CGP	NPDES General Permit for Discharges from Construction Activities
COW	Carrier on Wheels or Cell on Wheels
CRZ	Critical Root Zone

- 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

- i. 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 5.11.1.h.i) and box stall size (Section 5.11.1.h.ii) requirements of this Article.
- ii. 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

~~See Chapter 125 of the Doña Ana County Code.~~

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 associated with this district are dependent upon the physical boundaries of specific airport features, the boundaries shall change as necessary with respect to any changes in these features.~~

5.12.2 The airport boundaries, uses, and restrictions for development within the 2.5-mile Area of Disclosure shall adhere to all applicable restrictions outlined in the Federal Regulations Title 14 Part 77 (Height Restrictions) and Part 150 (Noise and Land Use Compatibility).

~~a. All subdivisions within the 2.5-mile Area of Disclosure shall require disclosure of the land's proximity to an Operational Airport by any person or entity subdividing land within this 2.5-mile area. Disclosure of this information shall be required in the following documents.~~

- ~~i. Filed Plat and Disclosure Statement.~~

Shall include minimum required language and a detailed graphic indicating location of subject property and airport with the following minimum criteria: drawn on 8.5"x11", north arrow, location of airport runways, location of proposed subdivision, location of 2.5-mile Area of Disclosure, and approximate distance from the end of closest runway to closest point of the proposed subdivision.) As shown in the manner set forth in Exhibit Z

ii. Aviation Easement.

The developer/owner of a subdivision within the 2.5-mile Area of Disclosure shall grant an aviation easement covering portions of said subdivision that are within the 2.5-mile Area of Disclosure, that easement to grant to all persons lawfully using the Las Cruces International Airport the right and easement to use the airspace above the 2.5 mile Area of Disclosure for the operation of aircraft for aviation purposes, and to create noise normally associated with the routine operation of aircraft. The grant of easement shall limit the exercise by the grantees of such rights to be only in the manner consistent with safe and proper flying procedures promulgated by agencies of the United States government and the State of New Mexico, specifically consistent with applicable Federal Aviation Regulations. The aviation easement shall be created and filed of record prior to the recordation of the subdivision plat. Each aviation easement shall be signed by the grantor(s). Reference to the aviation easement shall be included in the following:

(a) Disclosure Statement.

(b) Final Plat Notes indicating existence of aviation easement.

5.12.3 Any land within the Airport Zone of the Doña Ana County Jetport shall conform to Chapter 125, Airport.

5.12.4 Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to 0 feet.

~~5.12.1 Any land within the Airport Zone shall conform to Chapter 125, Airport.~~

~~5.12.2 Setbacks for loading facilities from railroad tracks or airport taxiways maybe reduced to 0 feet.~~

5.13 WIRELESS COMMUNICATIONS FACILITIES

5.13.1 Purpose

The purpose of this Section is to encourage consistent and safe wireless communication infrastructure and accommodate reasonable and reliable access to communications facilities and networks, consistent with "Plan 2040". This Section ensures the placement, construction or modification of wireless facilities complies with all applicable federal laws, including without limitation, Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1455(a) ("Section 6409"). This Section applies to all new communications facilities or new appurtenances to existing facilities except facilities utilized for law enforcement, fire, ambulance and other emergency dispatch functions.

5.13.2 Approvals Required for Wireless Facilities and Wireless Support Structures

APPENDIX Z. LAS CRUCES AIRPORT - 2.5 MILE DISCLOSURE ZONE

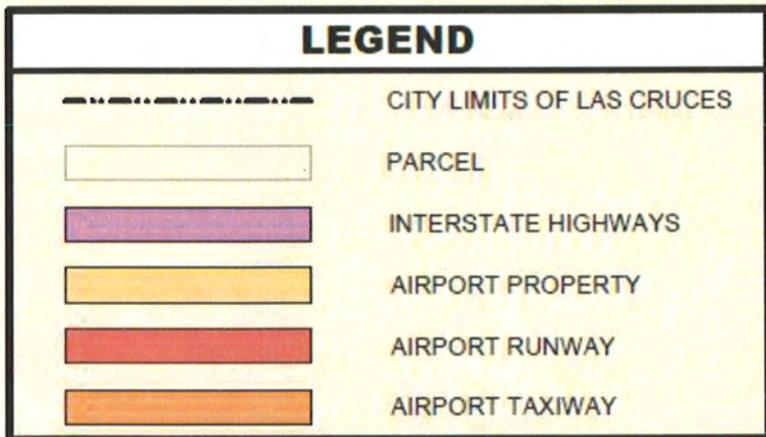
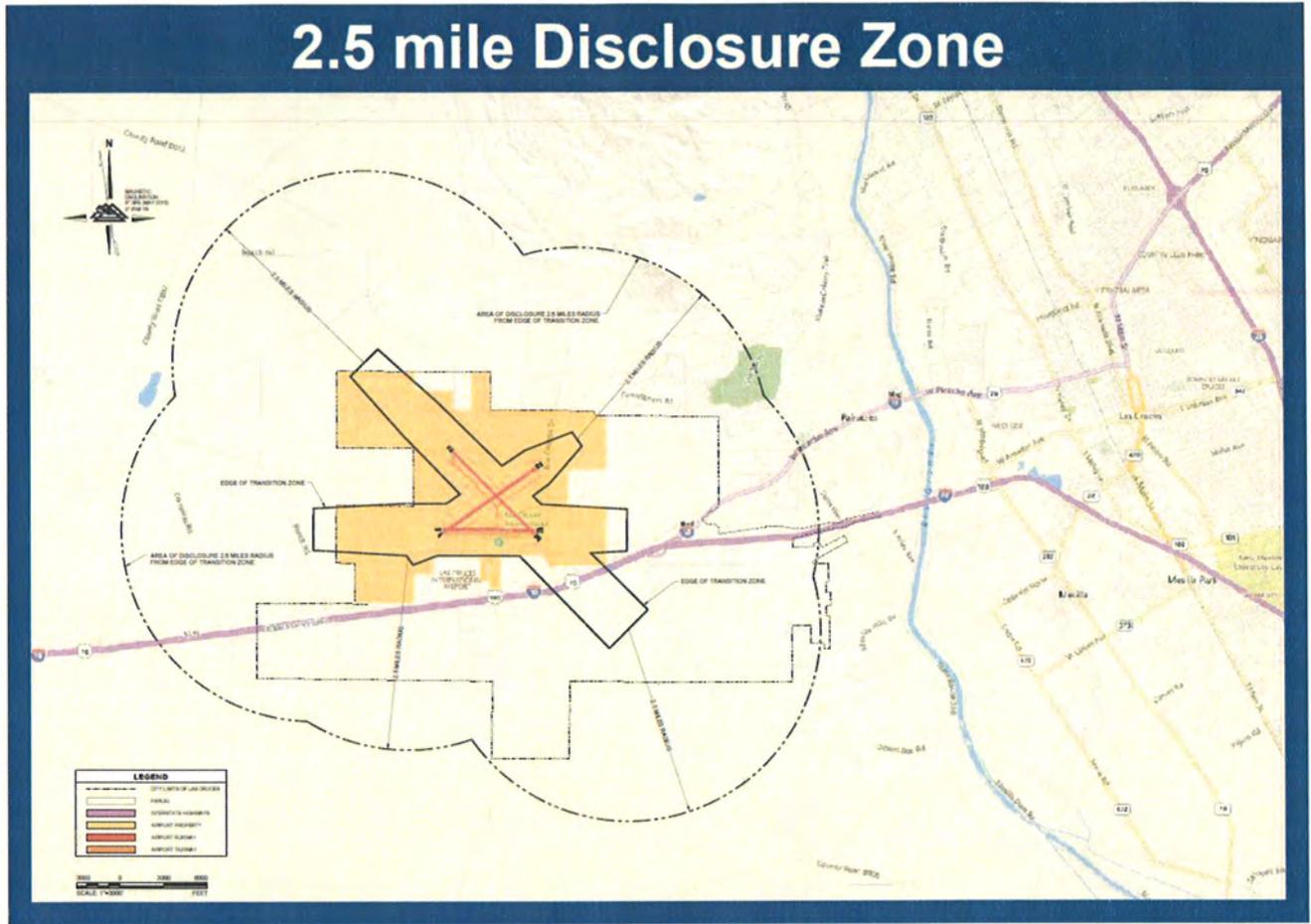


Table 5.21. Buffer Class Requirements

Adjacent Use	New Use																
	N	R5/R5L	T2	T3/L	T4/M	T5/H	D1/D1L	D2/D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
N																	
R5/R5L				1	2	2 3		1	2	2	2	2	3	3	3	3	3
T2				1	1 2	2 3		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		2 3	2 3	1	1	1	2	2	2	2	2	2	3	3	3	3	3
D1/D1L				1	1	2		1	2	2	2	2	3	3	3	3	3
D2/D2L		1	1	1	1	2	1		2	2	2	2	3	3	3	3	3
D3		2	2	2	2	2	2	2	1	2	2	1	3	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	3	3	1	1	1	3	3	3	3
C3		3	3	3	3	3	3	3	3	3	3	3	3	1	1	1	1
I1		3	3	3	3	3	3	3	3	3	3	3	3	1	1	1	1
I2		3	3	3	3	3	3	3	3	3	3	3	3	1	1	1	1
I3		3	3	3	3	3	3	3	3	3	3	3	3	1	1	1	1

Legend: Number indicates the buffer class required per Section 5.7.19

5.7.17 Walls or Fences, Location

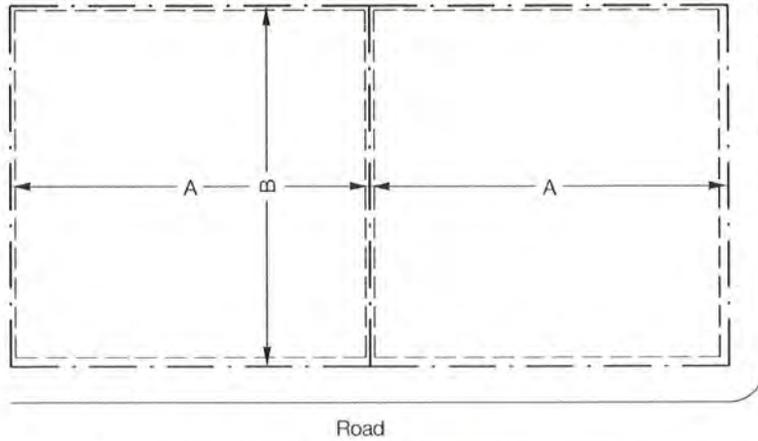
Walls and Fencing shall be located on the property as follows and per Figure 5-5:

- 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.

Table 5.4 Site Standards: T2, R5, and R5L Zone

Rural and Rural 5-Acre Zones (T2, R5 & R5L)

Lot Standards



Legend:

- · — Property Line
- - - - Setback Line

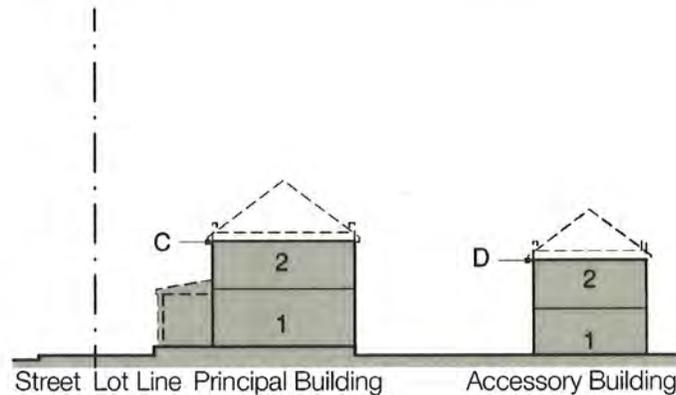
1. Lot Size and Density

- A Lot Width: not applicable
- B Lot Depth: not applicable
- 1.1 Lot Area: 2 Acres (min) T2; 5 Acres (min) R5 & R5L

2. Other Lot Standards

Accessory Dwelling T2, R5 & R5L - 1 Accessory dwelling limited to 1,250 sq. ft. and 1 Accessory dwelling permitted for every 5 acres of lot area, R5 & R5L - Special Use Permit (S) required.

Building Form



3. Building Height

- C Principal Building Height: 2 stories (max)
- D Accessory Building Height: 2 stories (max)

4. Private Frontage

- 4.1 Private Frontage Type: Common Yard or Fenced/Walled Yard
- 4.2 Frontage Buildout: not applicable

Table 5.24. Wall or Fence Types, Illustrated

Wall or Fence type	General Design
<p>6. Fence: Open Face (decorative CMU, cast-in-place concrete or metal)</p>	

5.8 SIGNS

5.8.1 The ~~purpose of these sign regulations includes regulation of permanent monuments, signs and markers within required buffers include~~ the following:

- a. Provide property owners and occupants an opportunity for effective identification ~~and identification~~ of place, goods sold or produced, or services rendered;
- b. Reflect the character of the natural and built environments;
- c. Maintain or improve the aesthetic character of their context, relate to any buffer walls and fencing, compliment architecture and landscaping, provide safe and non-obtrusive lighting, and not distract motorists or demand excessive attention; and
- d. Protect pedestrians and motorists from injury and property damage wholly or partially caused by cluttered, distracting, poorly constructed or poorly maintained signs.

5.8.2 Permit Required

- a. A sign permit shall be required before the erection, re-erection, construction, alteration, placement or installation of all signs regulated by this chapter, except according to Section 5.8.78. Additional electrical and building permits may also be required and shall meet all requirements of those permits. The following actions shall also require a valid sign permit:
 - i. Expansion to the face area or height of an existing sign.
 - ii. Change in location of an existing sign.
 - iii. Change in the dimensions of an existing sign.

5.8.3 Non-conforming Signs

- a. Non-conforming signs may not be altered, changed in shape or size, raised, or replaced unless such action brings the sign into closer conformity with this chapter.

- b. Non-conforming signs that do not comply with this section's prohibition of signs in the public right-of-way and prohibition of freestanding signs in the clear sight triangle shall be moved to comply with those subsections of this section within 180 days of adoption of this chapter. If a notice has been sent to a sign owner, lessee, or property owner indicating that a sign is in need of repair, alteration or removal because it is in violation of this section, the County may initiate proceedings to revoke the sign permit (if any was issued) and may remove the sign 30-180 days after the notice is sent; time may be reduced if it is a health and safety issue.

5.8.4 Prohibited Signs

The following signs are prohibited:

- a. Any sign built or displayed without a permit, if a permit is required.
- b. Any sign not expressly allowed in this section.
- c. Signs that pose a distraction by blinking, flashing, fluttering, rotating and similar movement (actual or illusion), and other distractions identified by the Zoning Administrator. These restrictions do not apply to the following:
 - i. Rotating barber poles at an approved barbershop;
 - ii. Flashing and chasing lights on concessions and rides at fiestas, fairs and similar special events,
 - iii. Warning signs placed by government authorities;
 - iv. Strings of flashing and chasing lights displayed during the December holiday season, if such lights do not outline or highlight a sign; and
 - v. ~~Display of the accurate time and temperature; and~~
 - ~~vi.~~ —Scotchlite or reflective tape.
- d. Signs, except sidewalk signs within 5 feet of a curb or edge of a roadbed, that obstruct vehicular or pedestrian traffic or that obstruct the clear sight triangle.
- e. Except as expressly ~~allowed~~permitted in this section, signs placed over the public right-of-way or public property or any sign that encroaches onto the right-of-way below 8 feet above the sidewalk or grade of the land.
- f. Signs placed or painted on vehicles, trailers, or movable devices whose primary use is a sign, this includes the parking of such vehicle, trailer, or device in a manner as to constitute a sign. This does not include vehicles, etc., used in the course of usual business activities.
- g. Signs that pose a safety hazard or block a clear view of surroundings.
- h. Signs affixed to public or utility poles, street furniture, fences, walls, retaining walls or similar features.
- i. Signs on natural features such as rocks, trees or outcroppings.
- j. Banners, pennants, streamers and other fluttering devices except in Section 5.8.~~89~~.k.

5.8.5 Maintenance and Removal

- a. Signs shall be maintained in conformity with the structural standards of the current Building Code adopted by the County and shall be kept clean and in good repair.
- b. All braces, bolts, clips, fastenings and supporting frames shall be securely affixed to the support structure or wall. Signs shall be kept free of rust, rot, insect infestation, bird nests and other deterioration. Billboard posters shall be kept free of peeling, fading and other deterioration.
- c. If the message portion of a sign is not maintained, is peeled or becomes faded and unreadable, the message portion shall be replaced within 30 days or the sign shall be removed. If structural elements of the sign structure separate or collapse, or fall into severe disrepair, the sign shall be removed if not replaced within 30 days.
- d. If a sign is considered to be unsecured, unsafe or in danger of falling or if it is damaged, destroyed, taken down or removed for any purpose other than copy change, the sign shall be removed immediately or repaired and made to comply with all standards in this section. Such signs may be removed by the County and associated costs shall be charged to the owner.
- e. No sign shall be placed within any public right-of-way or on County property without the County's consent. Signs placed within the public right-of-way or on County property may be removed by the County and associated costs charged to the owner.

5.8.6 General to all Zones and Community Types, General Limitations

- ~~a. Mounting Hardware. Mounting hardware shall complement the design of the sign.~~
- ~~b.~~ ba. Illuminated Signs. Illuminated signs shall only be illuminated from dusk to dawn (or during similar darkness during storms), and shall permit no direct view of bulbs.
- ~~b.~~ be. Coordinated Design. The signs within each property shall be coordinated in design when possible. For buildings with multiple signs, mounting hardware or sign shapes, sizes and colors shall be coordinated between the developer and the property owner.
- ~~c.~~ cd. Placement. Signs should be placed where the architectural features suggest the best placement for signage. They should be vertically aligned with the center of an architectural feature such as a storefront window, entry portal or width of a bay or overall retail space. They shall not interrupt or obscure these features or cause visual disharmony.
- ~~d.~~ de. Wiring. Electrical raceways, conduits and wiring shall not be exposed. Internal lighting elements shall be contained completely within the sign assembly or inside the wall.
- ~~e.~~ fe. Sign Area. Height and width shall be measured using the smallest rectangle that fully encompasses the entire extent of letters, logo and background and shall only apply to one side of any sign that has two faces separated by a horizontal angle of 45 degrees or less. All freestanding signs may be double-sided.
- ~~f.~~ gf. Lettering design and construction. Signs shall use only cut-out ~~letters~~, painted, etched ~~and or~~ channel letters.

- hg. 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.
- ih. Encroachment. No sign may encroach beyond the property line except as specifically ~~allowed~~ permitted for the type of sign in Sections 5.8.8-9 through 5.8.11.

5.8.7 Signs ~~Allowed~~ Permitted by Zone or Community Type

The following types of signs are ~~allowed~~ permitted in all zones and community types ~~but are not listed in Table 5.25 below~~: signs required by ~~statute~~ law, signs not visible ~~from a street, address and name signs, curbside address signs, directional signs, future use, construction, real estate signs, historical markers, emblems, miscellaneous exempt signs, newspaper boxes, open house signs, public utility warnings,~~ signs on vehicles, ~~temporary commercial displays~~ and temporary signs. All other signs are allowed as indicated in Table 5.25.

Table 5.25. Signs ~~Allowed~~ Permitted 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
Ordering Board					OB	B					B	B	B	B			
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					OB	B					B	B	B	B			
Monument Sign					OB	P				P	P	P	P	P	P	P	P
Outdoor Display Case		B			B	B					B	B	B	B			
Sidewalk Sign					OB	B					B						
Shingle Sign		B	B	B	B	B											
Window Sign		B			B	B					B	B	B				B
Yard Sign	BP	PB	BP	BP	BP	B <u>P</u>	BP	BP	BP	BP	PB	B	B	B	B	B	B
Billboard														C	C	C	C
Pole Sign					OB	P						P	P	P	P	P	P
LEGEND																	
Allowed <u>Permitted</u>	P																
Allowed <u>Permitted</u> for business	B																
Allowed <u>Permitted</u> for business in an “O” overlay	OB																

5.8.8 Signs Exempt from Permitting

The following types of signs shall not require sign permits and shall be allowed~~permitted~~ by right, ~~provided that they obey the limitations herein.~~

- a. Signs ~~Required~~required by Statutelaw.
- b. ~~Signs that are constructed, placed, or maintained by a governmental entity or signs that the law requires to be constructed, placed or maintained to enforce a property owner’s rights.~~
- c. Yard Signs.
- ~~b. Address Signs and Name Signs. Address signs and name signs, if they conform to the following limitations:

 - i. ~~They shall be constructed of durable materials.~~
 - ii. ~~Address signs and family name signs shall be of a single panel or individual letters.~~~~
- ~~e. Curbside Address Signs. Curbside address signs consisting of numbers painted on curbs. Such signs shall not be considered to be address signs.~~
- ~~d. Directional Signs. Directional signs shall list entrances, exists, parking locations, and other directional and safety information.

 - i. ~~The Zoning Administrator may determine that additional directional signs are necessary for safety and wayfinding and shall permit or require them.~~
 - ii. ~~The general description and additional limitations shall be as listed below:~~~~

Directional Sign

Description: A sign located on private property which displays warnings, instructions or directions and on which no other form of business promotion or advertising appears.	Permitted Quantity	1 per curb cut or pedestrian entry
	Attachment	Building wall or freestanding
	Width	2 feet (max)
	Height	4 foot (max)
	Depth	4 foot (max)
	Setback from a frontage line	0 feet (min)
	Letter Height	8 inches (max)

- ~~e. Future Use, Construction and Real Estate Signs, Exempt. Signs shall indicate future use of the site, building or tenant space. The general description and additional limitations shall be as below:~~

Future Use, Construction and Real Estate Signs, Exempt

Description: A sign indicating the future use, construction, availability for rent or lease of the site, building or tenant space.	Permitted Quantity	1 per future use or per lot
	Permitted Duration	7 days after the use commences
	Attachment	Varies
	Area	32 square feet (max)

Setback from a frontage line	10 feet if not attached to a wall
Letter Height	4 foot

~~f. Historical Markers, Emblems. Historical markers, flags, seals, emblems and other official devices.~~

~~g. Miscellaneous Exempt Signs. Signs for rest rooms; logos of credit cards accepted; trading stamps; trade association and Chamber of Commerce membership; business hours; gasoline and car wash signs for pumps, oil racks, vacuum cleaners and supply racks; vending and newspaper machines and other similar signs as determined by the Zoning Administrator.~~

~~hd. Newspaper Delivery Boxes. Newspaper boxes, mailboxes and other delivery enclosures not greater than 2 cubic feet in volume and bearing the address of the box or a logo of the box's owner or supplier.~~

~~e. Signs on Vehicles. Signs on vehicles and trailers that are currently operating and registered.~~

~~nf. Temporary Signs. The Zoning Administrator shall determine the scope of this exception beyond the terms listed in the description below.~~

~~i. Signs that are allowed~~permitted~~ under other provisions of this section shall not meet the exception for temporary signs.~~

~~ii. The general description and additional limitations shall be as listed below:~~

Temporary Sign

Description: Signs and decorations including but not limited to "for sale," "for rent," "for lease," "open house," personal opinion, political and "garage sale" signs, construction signs, holiday decorations and signs advertising home tours, fairs, fiestas and other similar events. A banner, pennant, poster, or display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to is not designed or be intended to be displayed for a limited period of time. permanently.	Width Permitted	Quantity	8 feet (max)	Varies
	Height Allowed	Permitted	Duration	8 feet (max) 32 days (max)
	Area	Attachment	36 square feet (max)	Varies
	Setback from a frontage line	Width	20 feet	8 feet (max)
	Letter Height		Varies	

5.8.9 General to all Zones and Community Types, Limitations by Type of Sign

a. ~~Limitation on Information. The following types of signs shall not list products, sales or other promotional messages or contact information: awning, band, blade, monument, pole, roof or wall.~~

b. ~~Awning Signs. Awning signs shall not be internally illuminated or backlit. The general appearance and additional limitations are listed below:~~

Awning Sign



Allowed Permitted Quantity	1 per window
Depth/projection Attachment	4 feet, (min) Wall above window
Clearance from pavement Width	8 feet (min) Width of façade (max)
Sign Area	70% of each fabric plane (max)
Distance from curb	2 feet (min)

b. Band Signs. The following band sign construction types are ~~allowed~~ permitted: cut-out letters individually attached to the wall or on a separate background panel, and externally illuminated; flat panel letters printed or etched on the same surface as the background, which is then affixed to the wall and externally illuminated; translucent or solid channel letters, if each has its own internal lighting element and is individually attached to the wall or onto a separate background panel. The general appearance and additional limitations are listed below:

Band Sign



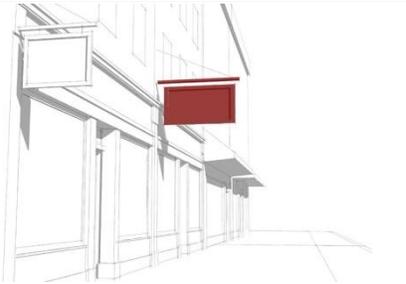
Allowed Permitted Quantity	1 per frontage
Attachment Allowed Size	Wall (fascia) above windows or doors 200 square feet (max)
Width	90% of width of the façade (max)
Clearance from pavement	7 feet (min)

c. Blade Signs. Blade signs shall not encroach above the roof line or above the bottom of the second story window. The general appearance and additional limitations are listed below:

Blade Sign

Permitted Quantity	1 per frontage or 1 per 1st floor entry
Attachment	Wall
Width	4 feet (max)

Blade Sign

	Height	4 feet (max)
	Depth/projection	4 feet (max)
	Clearance from pavement	7 feet (min)

~~e. Future Use, Construction and Real Estate Signs, Non-exempt. Construction, future use and real estate signs that are greater than 32 square feet in area require a sign permit, but signs of 32 square feet or smaller do not. The general description and additional limitations shall be as follows:~~

Future Use, Construction and Real Estate Signs, Non-Exempt

Description: A sign indicating the future use, construction, availability for rent or lease of the site, building or tenant space.	Permitted Quantity	1 per future use or per lot
	Permitted Duration	7 days after the use commences
	Attachment	Varies
	Area	32 square feet (min)
	Setback from a frontage line	10 feet if not attached to a wall
	Letter Height	4 foot

~~f.d.~~ Marquees. Marquees shall be located only above the principal entrance of a building housing a theater, auditorium, ballroom or similar venue.

- i. All marquees, ~~including anchors, bolts, supporting rods and braces~~ shall be constructed of non-combustible materials and shall be designed by a structural engineer and approved by the Building ~~Inspector~~ Official.
- ~~ii. While marquees' components and materials may vary, anchors, bolts and supporting rods should be limited to the interior of the marquee.~~
- iii. Message boards shall be ~~allowed~~ permitted as part of marquees, and shall be limited only by the width of the entrance and the ~~allowed~~ permitted encroachment, except that the sides and front of the marquee shall not exceed 60 linear feet in total.
- ~~iii.v.~~ The general appearance and additional limitations are listed below:

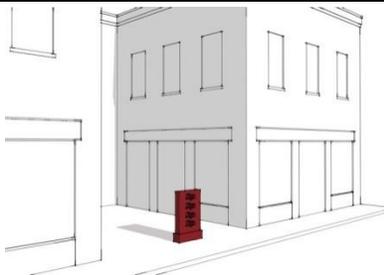
Marquee Sign



Allowed <u>Permitted</u> Quantity	1 per business or civic use
Width	Entrance plus 2 feet on each side
Height	4-10 feet
Depth/projection	10 feet (min)
Clearance from pavement	10 feet (min)

~~g.c.~~ g.c. Monument Sign. ~~A monument sign may contain the names of all tenant(s) or occupant(s) of the building.~~ The general appearance and additional limitations are listed below:

Monument Sign

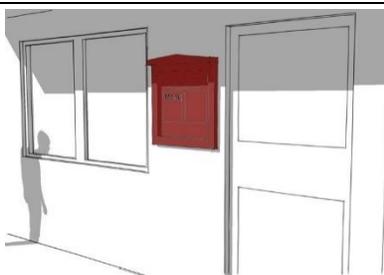


Allowed <u>Permitted</u> Quantity	1 per lot, or 2 if frontage > 600 feet
Width <u>Allowed size</u>	4-50 square feet (max)
Setback from a frontage line	5 feet (<u>min</u>) or 30 feet from a controlled access highway

~~h.f.~~ h.f. Outdoor Display Case. Outdoor display cases may be externally or internally illuminated.

- i. Theaters, movie theaters and other places of assembly are ~~permitted~~ allowed outdoor display cases 12 square feet in area.
- ii. The general appearance and additional limitations are listed below:

Outdoor Display Case



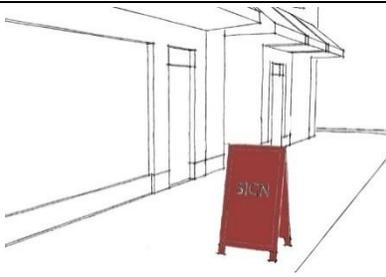
Allowed <u>Permitted</u> Quantity	1 per qualifying use
Attachment	Building wall, 10 feet of entry (max)
Area	6-6 square feet (max)
Clearance from pavement	4 feet (min)

~~i.g.~~ i.g. Sidewalk Signs. Sidewalk signs shall consist of freestanding, double-sided temporary signs placed near the entrance to a business in a primarily pedestrian environment

- i. No more than 1 sidewalk sign is ~~permitted~~ allowed for each business.

- ii. Sidewalk signs shall be removed at the close of business each day and whenever high winds or other weather conditions might pose a hazard to safety.
- iii. ~~Sidewalk signs shall not exceed 42 inches in height or 26 inches in width.~~
- ~~iv.~~ Sidewalk signs shall not impede ADA accessibility.
- ~~iv.~~ The general appearance and additional limitations are listed below:

Sidewalk Sign



Allowed Permitted Quantity	1 per frontage-use or 1 per 1st floor entry
Width Allowed size	2 feet 2 inches (max) 8 square feet (max)

- ~~j.h.~~ Shingle Signs. Shingle signs shall not encroach above the roof line or above the bottom of the second story window. The general appearance and additional limitations are listed below:

Shingle Sign



Allowed Permitted Quantity	1 per frontage-use or 1 per 1st floor entry
Allowed size Attachment	6 square feet (max) Wall or awning
Clearance from pavement	7 8 feet (min)

- ~~k.~~ Temporary Commercial Displays. A temporary commercial display may incorporate the following items: banners, pennants, streamers and balloons which are not to exceed 30 feet from the ground to the top of the balloon. Balloons cannot be placed on top of a building; one portable sign, not flashing.
- ~~i.~~ A sign permit is required for a temporary commercial display. A bond shall be posted by the display builder or business to ensure that the display will be removed when the sign permit expires. If the display is not removed within two days after the sign permit expires, the County may remove the display.
- ~~ii.~~ The general description and additional limitations are listed below:

Temporary Commercial Displays

	Permitted Quantity	Varies
--	--------------------	--------

Description: A sign indicating the future use of the site, building or tenant space.	Permitted Frequency	Four occasions per year
	Permitted Duration	14 days per occasion
	Attachment	Varies
	Height, Balloons	30 feet from the ground (max)
	Area	Varies
	Setback from a frontage line	5 feet or 30 feet from a controlled access highway

h.i. Window Signs

- i. Window signs shall consist of individual vinyl appliqué letters or graphics applied to the window; letters painted directly on the window; hanging signs suspended behind the window; neon signs; or door signs applied to or hanging inside the glass portion of an entrance doorway.
- ii. ~~Window signs shall not interfere with the primary use of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays.~~
- ~~iii.~~ Other forms of signs in windows shall be deemed to be temporary signs. See Section 5.8.8.
- ~~iv.~~ The general appearance and additional limitations are listed below:

Window Sign

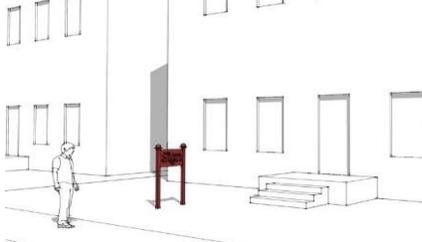


Allowed Permitted Quantity	25% of glass area in each window
Letter Height	8 inches (max)

m.j. Yard Signs.

- ~~i.~~ A business that has a setback sufficient to accommodate a yard sign shall be ~~allowed~~ permitted one yard sign.
- ii. A yard sign shall be set back at least 6 feet from the frontage line and shall not exceed 6 square feet in area excluding posts or 6 feet in height including posts.
- iii. ~~The permit requirement and limitation on quantity indicated below shall not apply 90 days prior to and including any election day and 10 days following such election day.~~
- ~~iv.~~ The general appearance and additional limitations are listed below:

Yard Sign

	Allowed Permitted Quantity	1 per lot
	Attachment Allowed Size	Freestanding on 1-2 poles 6 square feet (max)
	Height	6 feet (max)
	Setback from a frontage line	6 feet (min)

~~5.8.10 Size Limitations Use Zones, Limitations by Transect or Community Type~~

~~a. Awning, Band, Blade, Roof, Projecting, Wall and Window Signs. The areas of awning, band, blade, projecting, roof, wall and window signs shall be allocated from a total budget to be calculated as follows: 3 square feet of sign area for each linear foot of wall on which the sign will be placed or at least 32 square feet of sign allowed for each business.~~

~~b.k. Pole Sign. The general description and additional limitations shall be as listed below:~~

Pole Sign

Description: An outdoor sign on non-residential property that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.	Allowed Permitted Quantity	1 per frontage lot
	Allowed Permitted Size; 100- 300 ft. frontage	100 square feet (max)
	Allowed Permitted Size; 150- between 300-600 ft. frontage	150 square feet (max)
	Allowed Permitted Size; 200- min 600 ft. or more frontage	200 square feet (max)
	Height	20-25 feet
Setback from a frontage line	5 feet or 30 feet from a controlled access highway Sign overhang min 6 feet from property line	

~~5.8.10 Billboards~~

~~a.l. Billboards: General. The general description and additional limitations shall be as listed below:~~

Billboard

Description: A large outdoor sign typically designed to be read from a moving vehicle.	Format A	Controlled access highways; additionally major arterials in T2/R Zone only
	Format B	Controlled access highways; 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.

b.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)

e.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 PARKS, AND MOBILE HOME SUBDIVISIONS

The purpose of these regulations for mobile homes, mobile home 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

COMPACTION

The process in which a stress applied to a material/soil causes densification as air is displaced from the pores between the soil grains

CONCEALED WIRELESS FACILITY (Specific to WCF and WSS)

Any wireless facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the facility or wireless support structure is not readily apparent to a casual observer.

CONCEPTUAL SITE PLAN

A scaled drawing that provides a general concept of what is proposed to be developed on a site.

CONDOMINIUM (CONDO)

A single unit in a multi-unit dwelling or structure that is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

CONSTRUCTION

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

CONSTRUCTION ACTIVITY

Any activity that: (1) disturbs equal to or greater than one acre of total land area; (2) disturbs less than one acre of total land area but is part of a larger common plan of development that will ultimately disturb equal to or greater than one acre of area.

CONSTRUCTION PLANS

The maps or drawings accompanying a building permit or subdivision plat application that show the specific location and design of improvements to be installed on a property or subdivision in accordance with the requirements of this Chapter.

CONSTRUCTION SIGN

~~A temporary sign announcing construction, typically located on the same site as the construction, and usually displaying the name of the project, the firm developing it, the construction firm, and other information.~~

CONTAMINATED

Containing a harmful quantity of pollutant.

CONTIGUOUS

At least one boundary line of one lot touching a boundary line or lines of another lot.

CONTINUUM OF INTENSITY

An array of conditions ranging from the rural to the urban and used in this Chapter, by arranging development intensities or zones within that range. These development intensities and zones describe the physical form and character of a place, according to the intensity of its land use and urbanism.

CORRIDOR

A street or roadway identified as a principle link or gateway and adjacent land uses within the County.

met to assure that a project at a specific location does not have unacceptable impacts on neighboring properties or community infrastructure. The agreement may clarify how the project will be phased, the required timing of public improvements, the developer's contribution toward funding system-wide community improvements, and other conditions. The agreement can also facilitate enforcement of requirements, since it is a contract that details the obligations of the developer and local jurisdiction.

DEVELOPMENT INTENSITY

The degree to which land is used for community types; refers to levels of concentration or activities in use in a gradient of light, medium, and high intensity.

DEVELOPMENT PERMIT

A permit is required to construct or for property improvement, either of which results in a change of land use or character of the property. Individuals must obtain a permit from the Floodplain Administrator.

DEVELOPMENT REVIEW COMMITTEE (DRC)

A committee consisting of the Directors of Utilities, the Flood Commission, Community Development, the County Fire Chief, and the County Engineer. The purpose of the DRC is to review development proposals, deviation of development standards, and provide a recommendation to the appropriate decision-making body.

~~DIRECTIONAL SIGN~~

~~A sign located on private property which displays warnings, instructions, or directions and on which no other form of business promotion or advertising appears.~~

DISCHARGE

Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the Municipal Separate Storm Sewer System, channels, watercourses, water, or waters of the U.S.

DISCHARGER

Any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site.

DISCLOSURE STATEMENT

A statement required to be given to persons acquiring an interest in subdivided land; this statement must comply with the requirements of NMSA 1978, §47-6-17 and Appendices I and J.

DISPLAY CASE OR DISPLAY CASE SIGN

A glazed enclosure for the display of directories or printed materials.

DISTURBED AREA

Any land surface area in which the soil will be altered by grading, leveling, scraping, cut-and-fill activities, excavation, brush and timber clearing, grubbing, and unpaved soils on which vehicle operations and/or movement will occur or has occurred.

DITCHES

A channel made on or in the ground for draining or irrigating land.

DOMESTIC SEWAGE

Human excrement, gray water (from home clothes washing, bathing, showers, dish washing, and food preparation), other wastewater from household drains, and waterborne waste

human or natural activities. Excluded particulate matter includes matter emitted directly from the exhaust of motor vehicles, or from other combustion devices, portable brazing, soldering or welding equipment, and pile drivers.

FURNISHING ZONE

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

~~FUTURE USE SIGN~~

~~A sign indicating the future use of the site, building, or tenant space.~~

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

Low-growing, spreading plants generally used to prevent weeds.

ODD SHAPED LOTS

A lot that due to shape or frontage has irregular property lines, such as multi-sided or triangular shaped lots that do not fit the definition of front, side and rear lot lines making the setbacks difficult to determine.

OFF-SITE

Any area not located within the boundaries of the property to be developed, whether or not in the ownership of the applicant.

OFF-STREET PARKING SPACE

A location not in a street or alley, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a driveway that affords ingress and egress for a vehicle.

OFFICE, GENERAL

An interior space available for the transaction of general business but excluding retail, artisanal and manufacturing uses, generally larger than 1,500 square feet.

OFFICE, SMALL

An interior space limited to 1,500 square feet and available for the transaction of general business but excluding retail, artisanal and manufacturing uses.

ON-LOT PONDING

A retention area used to store runoff within an individual lot.

ONE-HUNDRED-YEAR STORMWATER RUNOFF

The flood event that has a one-percent chance of being equaled or exceeded in any given year. It is also known as the “base flood.”

~~OPEN HOUSE SIGN~~

~~A sign indicating that an open house for real estate is in progress.~~

OPEN SPACE

Land intended to remain undeveloped, or when required within a lot, a publicly or privately owned and maintained ground area that satisfies visual and physiological needs of the community for light and air.

~~ORDERING BOARD~~

~~Any sign displaying the items offered at a business, typically for the convenience of drivers.~~

ORDINARY MAINTENANCE (Specific to WCF and WSS)

Ensures that wireless facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity and structural integrity, such as, the strengthening of a wireless support structure’s foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape, color and accessory equipment within an existing equipment compound and relocating the antennas to different height levels on an existing monopole or tower upon which they are currently located.

Ordinary maintenance does not include substantial modifications.

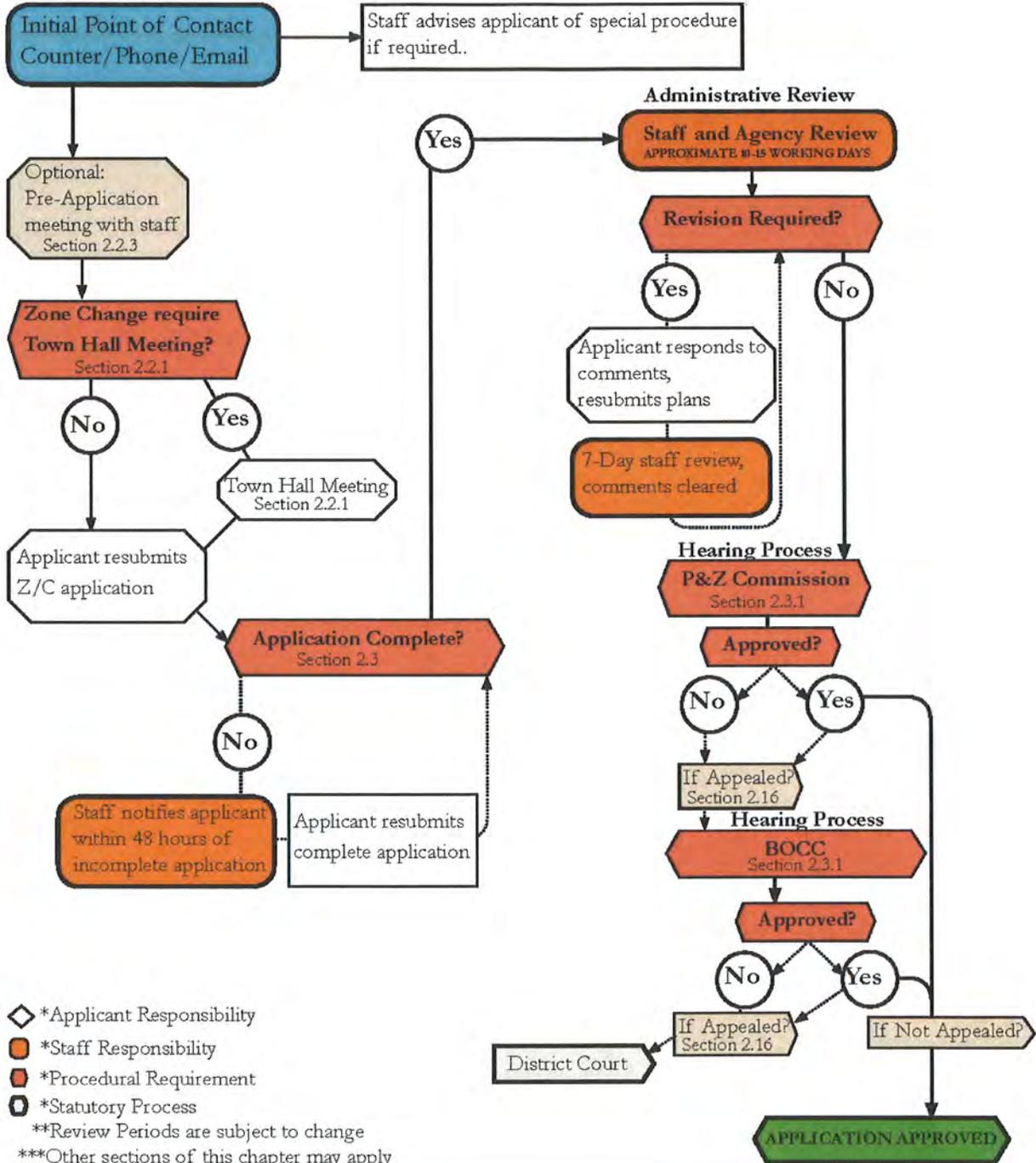
OWNER

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

APPENDIX Q. ZONE CHANGE – FLOW CHART

Zone Change Application Process

START HERE

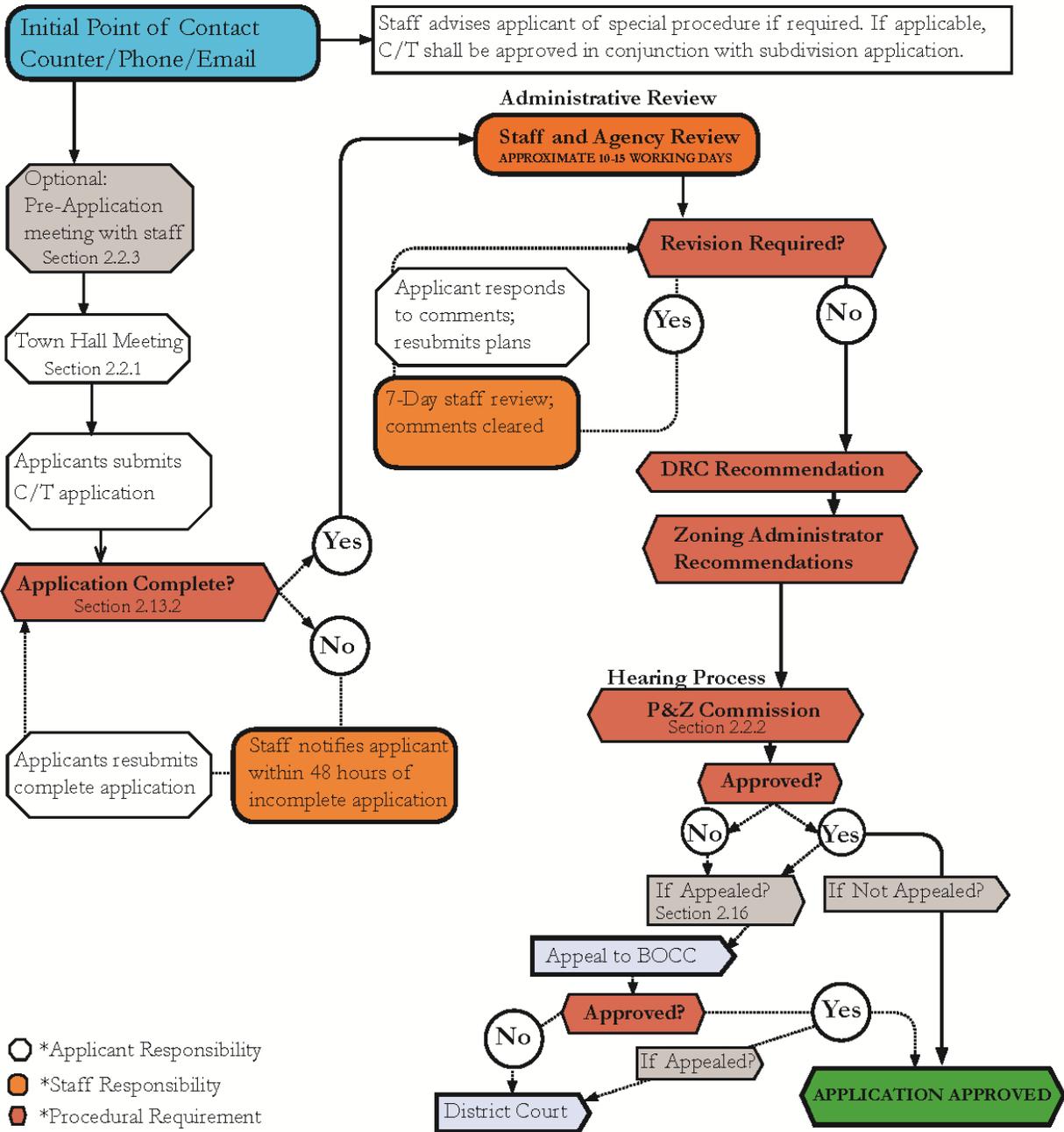


- ◇ *Applicant Responsibility
- *Staff Responsibility
- *Procedural Requirement
- *Statutory Process
- **Review Periods are subject to change
- ***Other sections of this chapter may apply

APPENDIX V. COMMUNITY TYPES – FLOW CHART

Community Types Application Process

START HERE



- *Applicant Responsibility
- *Staff Responsibility
- ▭ *Procedural Requirement
- ◻ *Statutory Process
- **Review Periods are subject to change
- ***Other sections of this chapter may apply