

DOÑA ANA COUNTY ORDINANCE NO. 354-2024

AN ORDINANCE AMENDING CHAPTER 350, THE UNIFIED DEVELOPMENT CODE OF THE COUNTY OF DOÑA ANA, AMENDMENT NO. 6. This amendment repeals and replaces the following sections: Section 350-204 (Special use permits); Section 350-501 (Zoning districts); Section 350-502 (Regulations general to all zones; and Section 350-702 (Glossary).

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; and

WHEREAS, the UDC is a single document that incorporates all related land use regulations, including zoning and the official zoning map, subdivision regulations, and construction and development standards for Doña Ana County; and

WHEREAS, County Staff has administered the UDC since its effective date of February 2, 2017 along with five 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, Amendment No. 4 was adopted on June 13, 2023 as Ordinance No. 335-2023, and Amendment No. 5 adopted on April 9, 2024 as Ordinance No. 351-2024 ; 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, Staff has determined that additional changes to the UDC are necessary to help clarify and streamline the development process and held four public hearings with the P&Z and received a positive recommendation from the Development Review Committee; and

WHEREAS, on October 10, 2024, the P&Z voted 7-0-0 to recommend adoption of the proposed UDC Amendment No. 6 to the BOCC; and

WHEREAS, County Staff, the Development Review Committee, the Planning and Zoning Commission and the Board of County Commissioners 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 updating and amending the UDC.

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: Section 350-104 (Administrative authority and duties); Section 350-201 (General public hearings); Section 350-203 (Zone changes); Section 350-210 (Building permits and mobile home installation permits); Section 350-214 (Expiration of land use applications); Table 5.1 (Land Use Classification Matrix: Zoning Districts); Section 350-501 (Zoning districts); Section 350-502 (Regulations general to all zones); Section 350-702 (Glossary); Section 350-703 (Acronyms); and Section 350-800 (Article VIII Appendices).



§ 350-104 Administrative authority and duties.

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

- (2) Receive, hear, and make final determinations to approve, approve with conditions, or deny applications for deviations, modifications or alternative design to subdivision plats submitted in conjunction with a preliminary plat, variances and special use permits, as prescribed by, and subject to, the procedures established herein;

§ 350-201 General public hearings.

F. Limitations on rehearing. A proposed zone change, special use permit, variance, claim of exemption or subdivision application that has been denied by the Zoning Administrator, Planning and Zoning Commission and/or County Commission on a particular tract of land for a particular purpose cannot again be applied for within one year from the date of the denial.

§ 350-203 Zone changes.

D. Decisional criteria for a zone change.

- (12) Approval procedures and conditions. The P&Z may approve, conditionally approve or deny a zone change with a right to appeal to the BOCC in accordance with the provisions of § 350-216, Appeals. Approval may be granted with conditions that are deemed necessary to ensure that the purpose and intent of this chapter are met and to mitigate potentially detrimental effects of the zone change to surrounding properties in order to protect the public interest. If a zone change is approved with conditions, it will be designated on the Official Zoning Map by a lowercase 'c' following the zoning district designation. [Added 12-8-2020 by Ord. No. 317-2020]

§ 350-210 Building permits and mobile home installation permits.

A. Building permits. A building permit shall be required for all construction within the County as specified in the latest Building Code adopted by the County. All building permit applications submitted to the Building Services Division (BSD) shall be reviewed in accordance with the currently adopted Building Code in effect and subsequent amendments thereto. Additionally, all building permit applications shall be reviewed for compliance with the requirements of this chapter, an approved site plan, delinquent taxes, and all other applicable state and local laws. A building permit may be refused until compliance with all county codes and ordinances.

§ 350-214 Expiration of land use applications and compliance with code violations.

All land use applications submitted to the CDD shall expire by limitation and become null and void if no action is taken by the applicant within 180 days after receiving written notification of inaction from the Zoning Administrator. The Zoning Administrator may grant extensions to the applicant for periods not exceeding 90 days upon written request by the applicant explaining the circumstances beyond the control of the applicant that have prevented any action from being taken. Additionally, if the property undergoing any land use application has zoning, code or building permit violations, the application may not be submitted until all code violations are corrected or abated.

Table 5.1 Land Use Classification Matrix: Zoning Districts

[Amended 11-14-2017 by Ord. No. 294-2017; 12-8-2020 by Ord. No. 317-2020; 12-14-2021 by Ord. No. 324-2021; 6-13-2023 by Ord. No. 335-2023]

Legend

P	Permitted
C	Conditional uses, see Table 5.2
**	Permitted for existing on-site farm operations only; packaging, warehousing and processing of off-site products may be permitted; an SUP is required if not allowed by right.
S	Special use permit
*	Retail uses not elsewhere classified, limited by building size
N	Natural
T2	Rural
T3	Neighborhood Edge
T4	General Neighborhood
T5	Town Center
R5	Rural Density Residential
R5L	Rural Density Residential – Limited
D1	Low Density Residential
D1L	Low Density Residential – Limited
D2	Medium Density Residential
D2L	Medium Density Residential – Limited
D3	High Density Residential
DM	Mobile Home Park
MU	Mixed Use
C1	Neighborhood Commercial
C2	Community Commercial
C3	Regional Commercial
I1	Light Industrial
I2	Medium Industrial
I3	Heavy Industrial
Inst	Institutional/Government

Consult § 350-501, Table 5.1, 5.2 and 5.3 for additional restrictions on uses. Lots in all zones shall conform to Tables 5.4 through 5.17, Site Standards.

Table 5.1 Land Use Classification Matrix: Zoning Districts

		Zoning Districts																			
Primary Use of Property		Transect Zones					Use Zones														
		N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Civic Space																					
Park		P	P	P		P	P	P	P	P	P	P	P								
Green		P	P	P	P	P	P														
Square					P	P															
Plaza					P	P															
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	P	P	P	P
Community garden, small		P	P	P	P	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	P			
Community garden, large		P	P			P	P	P	P				P	P	P	P	P	P			
Residential																					
Apartment or condominium complex					P	P						P		P	P						
Duplex					P	P				P	P	P		P							
Accessory dwelling		P	P	P	P	S	S	S	S	P	P										
Fourplex					P	P						P		P	P						
Home occupation (see § 350-510, Home occupation permits)		P	P	P	P	P	P	P	P	P	P	P	P	P							
Live-work unit					P	P									P						
Mobile home park		S	S									S	P			S	S				
Single-family dwelling, mobile home		P	P	P		P		P		P			P								
Single-family dwelling, site-built		P	P	P	P	P	P	P	P	P	P	P		P							
Townhouse					P	P						P		P							
Triplex					P	P						P		P							
Community types		P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P			
Lodging																					
Bed-and-breakfast		P	S	P	P	S	S	S	S	P	P	P		P							

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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
Hotel and motel					C	P									P		P	P			
Campground		S					S	S						S	P	P	P				
Inn					C	P									P	P	P	P			
Recreational vehicle park		S			C										S	P	P	P			
Office																					
Laboratory, scientific, agricultural research, office and service		S	S		C	P									P	P	P	P	P	P	
Office, general				S	C	P									P	P	P	P	P		
Office, small				S	P	P									P	P	P	P	P	P	
Residential Service																					
Adult bookstore or adult entertainment																	S	S	S	S	S
Cannabis retailer		S	S		S	P									S	P	P	P			
Commercial laundry						C	P									P	P	P			
Commercial use not elsewhere classified		S	S		C	P									P	P	P	P			
Convenience store						P									P	P	P	P	P		
Display gallery					C	P									P	P	P	P			
Gas station					P	P									S	P	P	P	P	P	P
Kiosk					P	P										P	P	P	P		
Retail facility, large, over 10,000 square feet*					C	S											P	P	P		
Retail facility, medium, 5,000 to 10,000 square feet*		S	S		C	P										P	P	P			
Retail facility, small, under 5,000 square feet*		S	S		C	P									P	P	P	P			

Table 5.1 Land Use Classification Matrix: Zoning Districts

		Zoning Districts																			
Primary Use of Property	Use of	Transect Zones					Use Zones														
		N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Open market building				S	P	P									P	P	P	P			
Personal service				S	C	P									P	P	P	P	P		
Bar, pub, tavern, wine tasting room					C	P									P	P	P	P	P		
Nightclub						S											P	P	P		
Restaurant, bakery, catering service				S	C	P									P	P	P	P	P	S	S
Mobile food vending truck/push cart		S	S	S	P										P	P	P	P	P	P	P
Institutional																					
Community building, public or private		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Convention or exhibition hall															P			P			
Cultural center					C	P									P						
Entertainment facility, not adult entertainment						P										P	P	P			
Exhibition center						P									P						
Event center		S	S	S	P										P	P		P			
Institutional use such as library, educational or cultural					C	P									P	P	P	P			
Museum					C	P									P	P	P	P			
Off-site parking area for commercial and industrial use					C	P										P	P	P	P	P	P
Prison																				S	S
Recreation and sports facility		S	P	P			S	S	S	S	S	S	S	S	S	P	P	P			

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Table 5.1 Land Use Classification Matrix: Zoning Districts

Primary Use of Property		Zoning Districts																			
		Transect Zones									Use Zones										
		N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Research and education	P	S				S	S	S	S					S			P	P	P		
Stable, boarding, training or riding facility, commercial	P	S				P	P	S	S	S	S					S	S	S	S	S	S
Stockyard or slaughter house																			P	P	
Swine production																			P	P	
Wine tasting room or winery	S	S	C	P	S	S	S	S	S					P	P	P	P	P	P	P	
Automotive																					
Automobile, SUV repair, sales or service	S	S			P												P	P	P	P	
Automobile garages, painting or auto body work	S																P	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	P	
Truck stop																	P	P	P	P	
Civic Support																					
Animal hospital, veterinary clinic, kennel, agricultural office, and training and medical research	P	S	C			S	S	S	S				S	P	P	P	P	P			
Cemetery	S		C														P	P	P		
Crematorium																	P	P	P	P	
Funeral home and funeral chapel																	P	P	P		
Health service, public or private	S		C	P				S	S					P	P	P	P				

Table 5.1 Land Use Classification Matrix: Zoning Districts

[illegible]

[illegible][illegible]

Table 5.1 Land Use Classification Matrix: Zoning Districts

		Zoning Districts																			
Primary Use of Property		Transect Zones					Use Zones														
		N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
substation, minor, private or public																					
Warehouse																			P	P	P
Wholesale sales and storage																			P	P	P
Wrecking service, storage only no dismantling		S																P	P	P	P

§ 350-502 Regulations general to all zones.

Table 5.2 Conditions for Transect Zones

Use	District T4
Office	6,000 square feet building footprint maximum
Retail and services	12,000 square feet building footprint maximum.
Institutional	20 parking spaces maximum
Agricultural	20 parking spaces maximum
Automotive	Accessory to residential only. No exterior storage permitted
Civic support	30 parking spaces maximum
Education	Childcare facilities shall have no more than 4 parking spaces. Elementary school sites shall be 5 acres maximum unless playground has 24-hour shared community access

B. General Use Standards

- (6) Travel trailers and recreational vehicles shall be located in approved recreational vehicle parks. Temporary location of mobile homes and recreational vehicles shall be permitted outside mobile home parks or recreational vehicle parks under the following conditions: [Amended 12-8-2020 by Ord. No. 317-2020]
- (8) Commercial vehicle parking. Commercial vehicles with more than six wheels, and semitrucks or semitrailers cannot park in residential areas except for reasonable periods for loading and unloading. Agricultural vehicles parked on farms for on-site farm operations are exempt from this provision. One semitruck, cab only, may be parked on properties of $\frac{3}{4}$ acre or larger. Such vehicles may not be parked in the front yard, forward of the front building line of the residential structure.
- (10) Other structures. In any residential zoning district, an accessory building or accessory structure shall not be allowed except where a principal building is permitted and exists prior to the construction of

the accessory building or accessory structure. If a shipping container is used as a structure, an accessory structure, or accessory building, or for any other purpose, a building permit is required. A principal building must exist, or a permit shall be issued prior to the issuance of a permit for the shipping container. The installation shall meet all other development standards for structures, accessory structures, or accessory buildings. If an accessory structure, or accessory building is located within a FEMA SFHA, a floodplain development permit is required pursuant to § 350-604C. [Amended 12-8-2020 by Ord. No. 317-2020]

- 12) Outdoor storage. Outdoor storage of any materials that total 200 square feet or greater shall be enclosed by a six-foot solid wall or opaque fence on all sides. Outdoor storage or enclosed storage of any kind shall not be permitted as the primary use on any residentially zoned property. For all rigid walls located in a FEMA SFHA, a floodplain development permit shall be obtained by the Flood Commission Office, pursuant to § 350-604C. [Amended 12-8-2020 by Ord. No. 317-2020]

C. Lots, driveways, and residential access.

- (6) All development, including the creation of a lot through the claim of exemption process, shall require that roads linking the development to a County or state-maintained road shall comply with the access requirements in Tables 5.19, 6.5, 6.6, and 6.7, unless a lesser width is approved by the County Engineer because of a physical hardship and other criteria for variances per § 350-207B are met. The composition of road surfaces shall be designed to withstand the anticipated loading. Width and design may vary depending upon the use and a road maintenance agreement shall be required. Drainage swales and drainage structures shall be part of the road design. [Amended 12-8-2020 by Ord. No. 317-2020]
- (a) The County Engineer may approve a reduction in the required road width to not less than 30 feet of right-of-way or road and utility easement with a minimum width of 20 feet of improved roadway if it is determined by a professional engineer that is approved by the County Engineer that the lesser standard is sufficient for the potential traffic based on the potential number of lots served by the right-of-way and allowed uses under current zoning.
- (b) The County Engineer may approve for residential development proposing no more than one additional lot, a reduction in the required road width to a minimum travelled roadway width of 20 feet, with a secondary outlet or turnaround, approved by the Fire Chief. The roadway and turnaround may be unimproved but must be capable of supporting fire apparatus weighing at least 75,000 pounds. Only one approval per parcel may be granted under this subsection. .

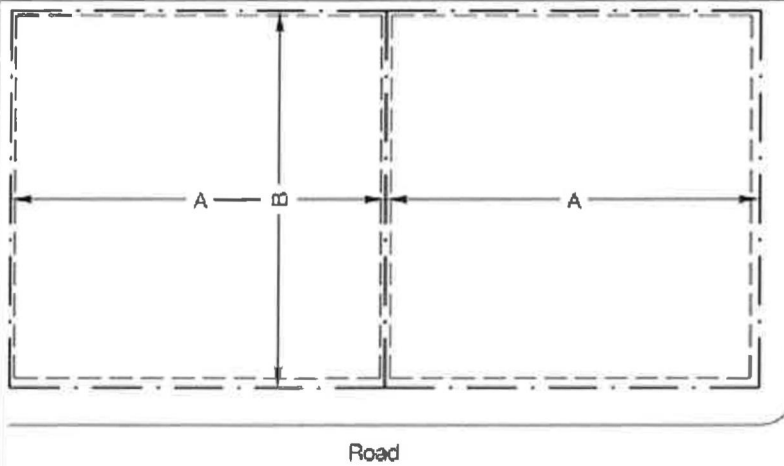
D. Principal building, accessory building, setbacks and building height. One principal building shall be built at the primary frontage. Required building placement, setbacks and building heights shall conform to Tables 5.4 through 5.17.

- (6) Building separations. Unless otherwise specified in this Chapter, there shall be no less than six feet between detached buildings or structures on the same lot, measured eave to eave or wall to wall, if no projection. [Amended 12-8-2020 by Ord. No. 317-2020]

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

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

Lot Standards



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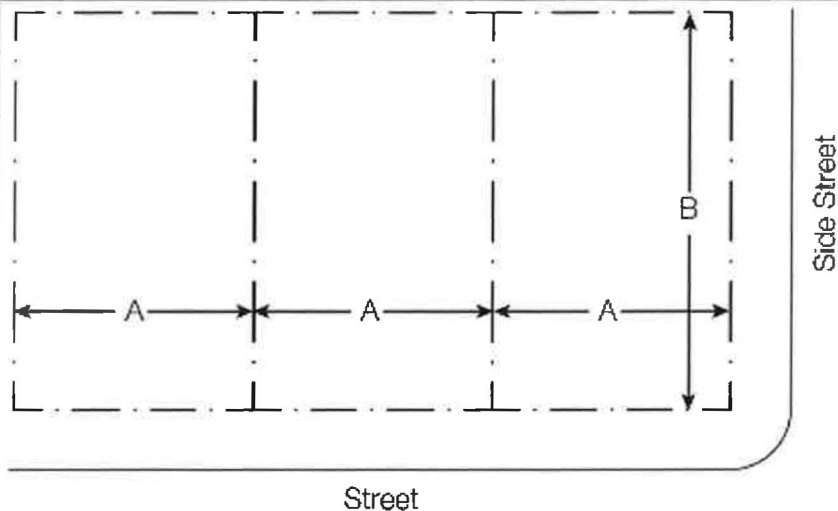
	Property Line
	Setback Line
1. Lot Size and Density	
A	Lot width: not applicable
B	Lot depth: not applicable
1.1	Lot Area: 2 acres (minimum) T2; 5 acres (minimum) R5 and R5L

2. Other Lot Standards

Accessory dwelling: T2, R5 & R5L - 1 accessory dwelling limited to 1,800 square feet and 1 accessory dwelling permitted for every 5 acres of lot area, R5 & R5L - Special use permit (S) required.

Table 5.5 Site Standards: T3 Zone

[Amended 11-14-2017 by Ord. No. 294-2017]

Neighborhood Edge Zone (T3)**Lot Standards****Legend:**

	Property line
	Setback line

1. Lot Size and Density

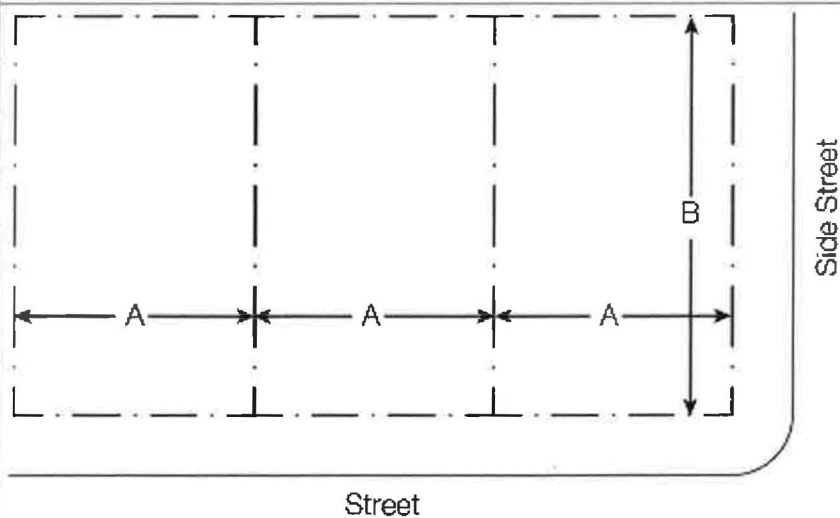
A	Lot width: 60 feet (minimum)
B	Lot depth: not applicable
1.1	Lot area: 6000 square feet (minimum)

2. Other Lot Standards

Accessory dwelling: 1 accessory dwelling permitted per lot limited to 1,800 square feet.

Table 5.8 Site Standards: D1 Zone

[Amended 12-8-2020 by Ord. No. 317-2020]

Low Density Residential Zone (D1 & D1L)**Lot Standards****Legend:**

	Property line
	Setback line

1. Lot Size and Density

A	Lot width: 100 feet or 60 feet with community sewer (minimum)
B	Lot depth: not applicable
1.1	Lot area: 1 acre or 6,000 square feet with community sewer (minimum)

Table 5.8 Site Standards: D1 Zone

[Amended 12-8-2020 by Ord. No. 317-2020]

Low Density Residential Zone (D1 & D1L)**2. Other Lot Standards**

Accessory dwelling: 1 accessory dwelling limited to 1,800 square feet and permitted by special use permit

§ 350-502 Regulations general to all zones.

- G. Cannabis establishments. In addition to the applicable authority set forth elsewhere in the UDC and state law, the zoning and other regulations in this section are enacted pursuant to the County's authority in Section 12 of the Cannabis Regulation Act, Laws 2021 (1st S.S.), Chapter 4, and the Dee Johnson Clean Indoor Air Act, NMSA 1978, Chapter 24, Article 16.[Added 12-14-2021 by Ord. No. 324-2021; amended 6-13-2023 by Ord. No. 335-2023]
- (2) No cannabis establishment, cannabis consumption area, or cannabis courier may be located within 300 feet of a residential area, school (K-12) or day-care center (excludes commercial schools and places of higher learning serving those 18 years and older) in existence at the time a license was sought for the cannabis establishment, cannabis consumption area, or cannabis courier. For purpose of this section, all measurements determining the location of a cannabis establishment, cannabis consumption area, or cannabis courier in relation to residential areas, schools or day-care centers shall be the shortest direct line measurement between the actual limits of the real property of the residential area, school or day-care center and the actual limits of the licensed premises of the proposed cannabis establishment, cannabis consumption area, or cannabis courier.
- H. Mobile Food Vending Businesses.
- (1) Mobile food vendors shall follow all applicable state and local laws, including fire codes, zoning codes, occupational tax codes, and obtain a State of New Department Food Handler's Card.
- (2) A mobile food vendor may operate in a location as permitted in Table 5.1 Land Use Classification Matrix so long as the food vending vehicle is not parked within twenty (20) feet of a roadway and has written approval from the property owner. A mobile food vendor may operate from legal parking spaces with permission from the property owner/business so long as there is adequate parking for all uses. (3) An approved site plan shall be submitted with the business registration. All display signs must be placed in areas that do not obstruct traffic, clear sight triangle, or the public view. A minimum of one (1) 30-gallon waste receptacle shall be required on-site at all times.
- I. Campground / Recreational Vehicle (RV) Park.
- (1) The following standards shall apply to applications for new campgrounds/RV parks, additions to an existing campground/RV park, and to primitive and semi-primitive campgrounds.
- (a) A campground shall have an area of not less than five (5) acres and sites for no less than fifteen (15) campsites per acre. The maximum gross density within a campground shall be 15 camp sites per acre. Land not accessible to campers shall not be included in the calculation of gross density.
- (b) Each camp site shall provide parking spaces of adequate size to accommodate the vehicles allowed at the same site. Such parking spaces shall be constructed so that no portion of such vehicle shall extend onto any street within the campground.

- (c) All recreational vehicles or tents parked or attached to the ground for use as overnight accommodations shall be on a camp site, as defined by this section.
 - (d) Campgrounds and RV parks shall have an adequate design to reduce risk from wildfires, shall not be located in flood zones and shall have a posted evacuation route that does not transverse through a defined arroyo or at risk of being severed by wildfires.
- (2) Layout and Design Requirements. Camp sites shall comply with the following requirements.
- (a) Recreational Vehicles. Mobile homes are not permitted in a recreational campground. Recreational campgrounds shall be at least 1,650 square feet minimum lot size for each space within a recreational vehicle campground.
 - (b) Tent sites. The minimum size of each space within a tent site shall be 600 square feet. Group tent size shall be permitted as long as the maximum number of sites of the group site is designated, and the group site density complies with the overall density, water supply, and sewage disposal requirements of the campground. All tents within the campground shall be located a minimum of 12' away from combustible materials.
 - (c) Campsites shall have a perimeter of 20 feet to the next campsite and shall be located 100 feet from a public right-of-way. The minimum setback requirements may be reduced if the camp site is totally obscured from sight by natural barriers.
 - (d) Where campgrounds abut a mobile home park, the minimum setback may be reduced to 10 feet along the boundary between the mobile home park and the campground.
- (3) Toilet and lavatory facilities.
- (a) For primitive campsites: a solid waste facility shall be required unless a pack-in pack-out policy is in place. (b) For semi-primitive campsites: Each sanitary station shall have water-flush toilets and shall not be farther than 300 feet from any campsite not provided with an individual sewer connection.
- (1) A minimum of one (1) unisex toilet and lavatory shall be provided for the first 20 campsites. For each additional 20 campsites not provided for sewer connections, one additional toilet and lavatory shall be required.

J. Recreational Outdoor Events

- (1) Outdoor recreational events are any planned assemblage open to the general public held outdoors. Outdoor events may include, but are not limited to, contests, carnivals, festivals, concerts, seasonal or annual events, competitions, car shows, art/craft shows, or other similar activities that meet the definition listed herein.
- (2) A Temporary Use Permit is required pursuant to Section §350-205.

§ 350-504 Regulations specific to use zones.

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

H. Regulations specific to DM Zone. The DM Zone is for mobile and manufactured homes; see § **350-509** for additional standards. [Amended 11-14-2017 by Ord. No. 294-2017]

(1) Mobile homes, type. Mobile homes shall be equal to or greater than eight feet in width or 40 feet in length and 11 feet in height.

(3) Site conditions. If the site accommodates mobile homes, it shall be approved for a:

(a) Mobile home park with community water and sewer;

(b) Subdivision with community water and sewer; or

(4) Mobile home site. Each mobile home site/space shall be governed by the site standards for the DM Zone in Table 5.11, Site Standards: DM Zone.

(5) Dwellings, number. A minimum of five dwellings are required per mobile home or subdivision with a maximum of one dwelling per each space allotted for a mobile home.

(6) Space for a mobile home, area: minimum 3,500 square feet, excluding roadways.

(7) Space for a mobile home, width: minimum 50 feet.

(8) Space for a mobile home, depth: minimum 70 feet.

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

§ 350-702 Glossary.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY DWELLING

A separate, complete unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is either attached or detached from the primary dwelling on the lot.

ADDITION

An extension or increase in floor area, number of stories or height of a building structure in terms of size coverage, height, length, or gross floor area.

AGRICULTURAL ANIMALS

Animals considered accessory to agricultural use, whether used for personal enjoyment or for commercial purposes, including horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu, or rhea.

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, for on-site farm operations only

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, for on-site farm operations only.

AGRITOURISM see also Outdoor Recreational Event

A form of commercial enterprise that links agricultural production and/or processing with tourism to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner.

CAMPGROUND, primitive

A campground accessible by vehicle, walking, pack-in where no facilities are provided for the comfort or convenience of the campers.

CAMPGROUND, semi primitive

A campground accessible only by walk-in, pack-in, equestrian, or motorized vehicles where rudimentary facilities (privies and/or fireplaces) may be provided for the comfort and convenience of the campers.

CAMPGROUND, semi-developed

A campground with two or more camping unit sites, accessible by vehicle traffic. Roads, facilities (toilets and/or privies are provided).

CAMPGROUND, developed

A campground with two or more camping sites, accessible by vehicle travel where sites are substantially developed and tables, refuse containers, flush toilets, bathing facilities, and water are provided.

CAMPSITE

Any plot of land within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

CANOPY

A permanent structure or architectural projection of ridged construction over which a covering is attached that provides weather protection, identity or decoration. A canopy is permitted to be structurally independent or supported by attachment to a building on one or more sides.

CANOPY, temporary

A roof like cover, including an awning, that projects from the wall of a building over a door entrance, or window; or a free standing or projecting cover above an outdoor service area.

CARETAKER, child/adult

A person residing in the home where a child/adult care facility operates, whose duties include but are not limited to direct care, supervision, and guidance.

COMMUNITY BUILDING, PUBLIC

A place where people meet for social, educational, or recreational activities, whose participation or attendance is not limited by residence or membership, typically owned and operated by a governmental entity.

DWELLING UNIT, efficiency

A dwelling unit where all permanent provisions for living, sleeping, eating and cooking are contained in a single room.

ENVIRONMENTAL IMPROVEMENT DIVISION (EID)

A division of the State of New Mexico Health and Environment Department.

EVENT CENTER

A public or privately owned structure or area used for purposes of public performances, sporting events, private receptions or parties, or similar attractions that may generate moderate to heavy traffic. Entertainment facilities may include concert halls, stadiums, sports arenas, racetracks, rodeo arenas.

FARMING AND RANCHING

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

FOOD HANDLER'S CARD

Food employees are persons who handle food, utensils, and food contact surfaces. A certificate is required for all food employees who are involved in the preparation, storage, or service of food in a food facility obtained through State of New Mexico Health and Environment Department.

FOOD VENDING VEHICLE

Any vehicle used to sell food or beverages by a mobile food vendor.

GLAMPING

A form of camping involving accommodation and facilities more luxurious than those associated with traditional camping.

GROUNDSET

A manufactured home that is placed on a permanent foundation that is installed according to the manufacturer's specifications,

GROUP HOME

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

LICENSED PREMISES

The limits of the structure, enclosed area or tenant space licensed for a cannabis establishment.

MOBILE FOOD VENDOR

Any person who dispenses food or beverages from a food vending vehicle for immediate service and/or consumption.

OUTDOOR RECREATIONAL EVENT

Any planned assemblage open to the general public held outdoors.

PERSONAL CARE SERVICES

The care of persons who do not require medical care. Personal care involves responsibility for the safety of the persons while inside the building.

PUSH CARTS (see also vending cart)

A category that includes nonmotorized bicycle carts and ice cream carts.

PUZZLE ROOM

A puzzle room is a type of special amusement area in which occupants are encouraged to escape from a room or series of rooms.

SLEEPING UNIT

A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

TENT

A portable shelter made of cloth, supported by one or more poles and stretched tight by cords or loops attached to pegs driven into the ground.

VENDING

Any activity by any person involving the display, sale, offering for sale, offering to give away, or giving away of anything of value including any food, beverage, goods, wares, merchandise, or services.

VENDING CART (see also pushcart)

Any box or container with wheels that is not propelled or moved by an engine. Trailers of any type are not vending carts.

VENDOR

Any person or persons, including corporations as well as natural persons, who engage in the activity of vending.

VENDOR, Itinerant

A person who sells, displays for sale, solicits, or takes orders for such items as food, merchandise, or services of an any character from non-specified locations.

VENDOR, Temporary Site-Specific

A person who sells, offers to sell, solicits or takes orders for such items as food, merchandise, or services of any character at a specified location.

WRECKING SERVICES

A place where motor vehicles are towed and stored in the open, and are not being restored to operation, including an impound yard, but does not permit dismantling or the selling of parts thereof.

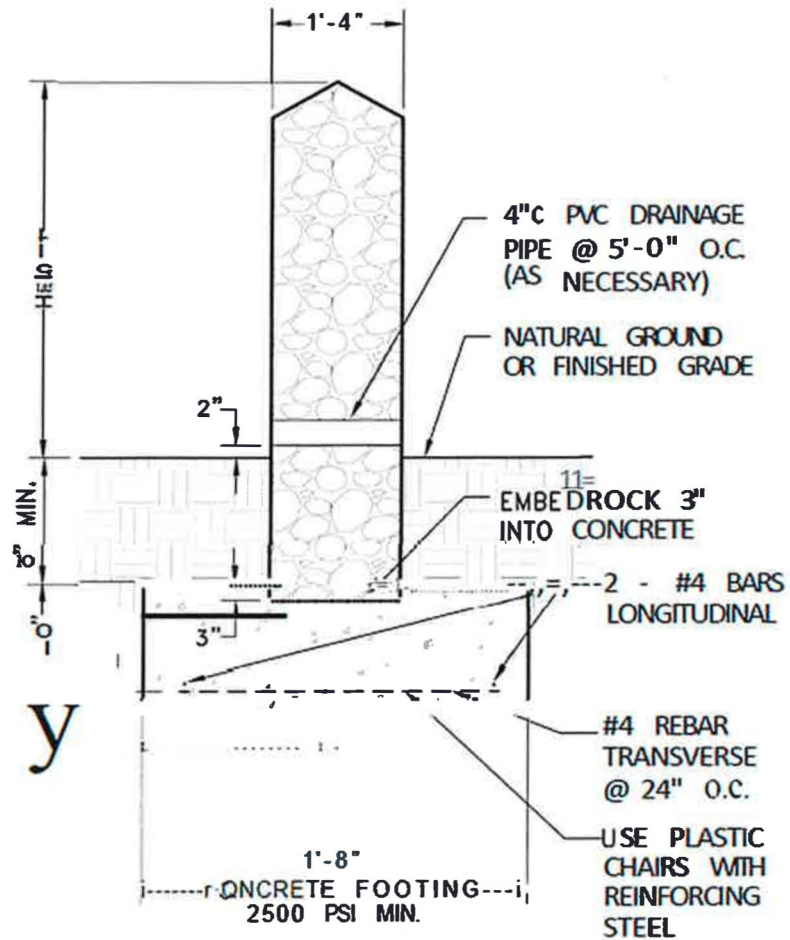
YURT

A circular domed tent made of canvas, skins, felt or similar materials stretched over a collapsible lattice framework (considered a portable tent). If a platform is built on which the Yurt is placed, that platform is considered a structure and requires a building permit.

§ 350-703 Acronyms.**EID**

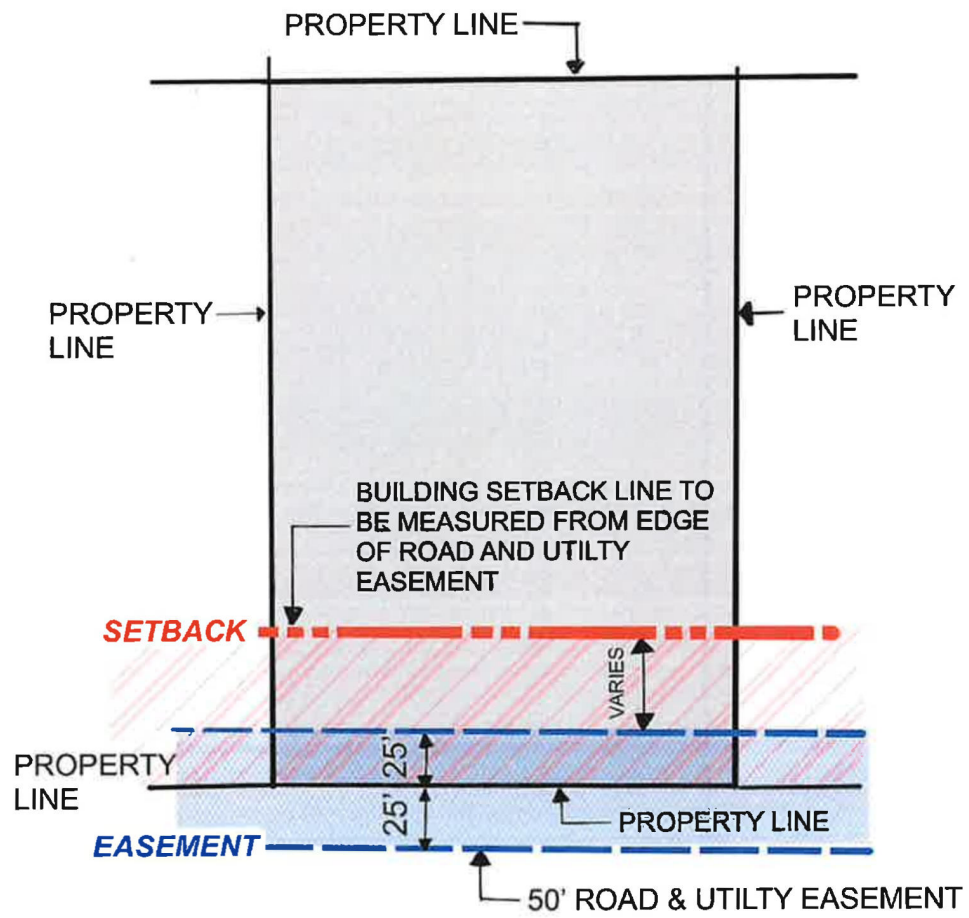
A division of the State of New Mexico Health and Environment Department.

§ 350-800 Article VIII Appendices
§ 350-831. Appendix EE. Standard Garden Wall Design



STANDARD GARDEN WALL DETAIL
N.T.S.

§ 350-832. Appendix FF. Sample Easement Setback Diagram



AFFIDAVIT OF PUBLICATION

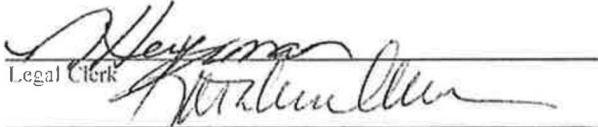
Michael Perez
Dona Ana County
845 N Motel BLVD
Las Cruces NM 88007-8100

STATE OF WISCONSIN, COUNTY OF BROWN

The Las Cruces Sun News, a newspaper published in the city of Las Cruces, Dona Ana County, State of New Mexico, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

10/27/2024, 11/03/2024

and that the fees charged are legal.
Sworn to and subscribed before on 11/03/2024


Legal Clerk

Notary, State of WI, County of Brown

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KATHLEEN ALLEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

On October 22, 2024, the Board of County Commissioners of Dona Ana County (BOCC) directed that a public hearing be conducted at their Regular Meeting on November 12, 2024, at 9:00 a.m. on the question of whether to adopt Amendment No. 6 to Chapter 350 of the Code of Dona Ana County, the Unified Development Code (UDC). The public hearing will be held in the Commission Chambers of the Dona Ana County Government Center located at 845 N. Motel Blvd., Las Cruces, New Mexico.

THE OFFICIAL TITLE OF THE PROPOSED ORDINANCE: An Ordinance Amending Chapter 350, The Unified Development Code of Dona Ana County, Amendment No. 6.

GENERAL SUMMARY: Amendment No. 6 to the UDC corrects clerical errors or omissions from previous ordinances, updates and clarifies the following Sections of the UDC:

Section 350-104 (Administrative authority and duties).
Section 350-201 (General public hearings).
Section 350-210 (Building permits and mobile home installation permits).
Section 350-214 (Expiration of land use applications).
Table 5.1 (Land Use Classification Matrix: Zoning Districts).
Section 350-501 (Zoning districts).
Section 350-502 (Regulations general to all zones).
Section 350-702 (Glossary).
Section 350-703 (Acronyms).
Section 350-800 (Article VIII Appendices).

Written comments may be submitted no later than November 6, 2024, at 5:00 pm to charlenes@donaanacounty.org to be included in the BOCC packet; however, oral comments may be presented at the hearing. A copy of the proposed Amendment may be obtained upon payment of an administrative fee at the Office of the County Clerk, Dona Ana County Government Center, 845 N. Motel Blvd., Las Cruces, New Mexico during regular business hours. It is also available electronically at <https://www.donaanacounty.org/departments/community-services/community-development/udc-land-use-regulations>.

The public may attend the Dona Ana County Board of County Commissioners meeting via livestream on <https://www.donaanacounty.org/bocc/video/streaming>.

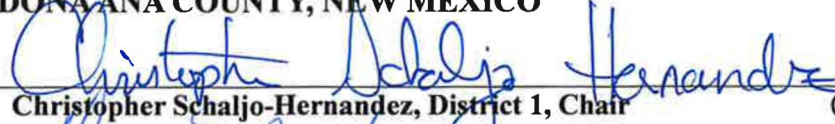
Prior to and during the meeting, for the duration of public input, please use the following email to submit input: publicinput@donaanacounty.org. The information will be provided to the Commission.


Should you require special accommodations as a result of a disability, please contact the County ADA Coordinator at 575-525-5884 (voice), 575-525-5951 (TTY), or 1-877-827-7200 (toll free), or write to ADA Coordinator, 845 N. Motel Blvd., Las Cruces, New Mexico 88007. Spanish language interpretation services are available upon request. Please contact the Community & Constituent Services Office at 575-525-6163, at least 48 hours prior to the event. Servicios de interpretación en las juntas será disponible por petición. Por favor en contacto la Oficina de Servicio a la Comunidad y Constituyentes 525-6163 por lo menos 48 horas por adelantado para pedir este servicio.
#10670720, Sun News, Oct 27, Nov 3, 2024

ENACTED this 12th day of November, 2024

BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO




Christopher Schaljo-Hernandez, District 1, Chair ☒ For ☐ Against

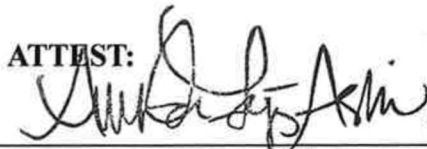

Diana Murillo, District 2, Vice Chair ☒ For ☐ Against


Shannon Reynolds, District 3 ☒ For ☐ Against

Absent
Susana Chaparro, District 4 ☒ For ☐ Against


Manuel A. Sanchez, District 5 ☒ For ☐ Against

ATTEST:



Amanda López Askin, Ph.D.
County Clerk

