



# LAND DEVELOPMENT CODE

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& COMPANY

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# TITLE 10 LAND DEVELOPMENT CODE

## CHAPTER 1. GENERAL PROVISIONS

### 10-1-1 TITLE

This article is referred to as either this "City of Sunland Park zoning and subdivision regulations" or this "Title"

### 10-1-2 PURPOSE

The purpose of this Zoning and Subdivision Regulations is to implement the adopted Sunland Park Comprehensive Plan and ensure that all development within the City is consistent with the spirit and intent of other plans and policies adopted by the Governing Body. The zoning code shall protect the health, safety, and general welfare of the public by providing for orderly development; ensuring the provision of adequate public facilities and services for new development; protecting the quality and character of existing neighborhoods; providing for a variety of housing types, for the efficient administration of land use regulations; providing for parks and open spaces to promote physical activity and public health; provide for harmonious development of the City and its environments; to coordinate streets within subdivisions with other existing or planned streets or with other features of the City of Sunland Park Comprehensive Plan and of the territory lying within three (3) miles of the City; to provide for adequate open spaces for traffic, recreation, drainage, light and air; to provide for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity or general welfare; and promoting the economic development and financial stability of the City.

### 10-1-3 AUTHORITY & JURISDICTION

The City of Sunland Park Zoning Code is adopted pursuant to the provisions set forth in the New Mexico State Statutes 1978, Sections 3-21-1 through 3-21-26, as amended. This Title shall be effective within the corporate boundaries of the City of Sunland Park. The land subdivision regulations shall be applicable to all the territory within the present Municipal boundary of the City, and all territory within three (3) miles of such present Municipal boundary and shall be under the jurisdiction of the Planning and Zoning Commission and the Governing Body. If annexation of land to the City should occur, these regulations automatically apply to the annexed land and that land lying up to three (3) miles therefrom.

### 10-1-4 EFFECTIVE DATE

The provisions of this Title were originally adopted and became effective on \_\_\_\_\_, 20\_\_.

### 10-1-5 INTERPRETATION

The provisions of this article shall be held to be minimum requirements to meet the intent expressed in § 10-1-2. Where the provisions of this article impose greater restrictions than those of any other ordinance or resolution the provisions of this article shall prevail. Where the provisions of any other ordinance, resolution, or covenant impose greater restrictions than those of this article, the provisions of such other ordinance, resolution, or covenant shall prevail.

Any use not designated as a permissive or conditional use in a zone is specifically prohibited from that zone, except as otherwise provided herein.

### 10-1-6 EXISTING USES

The existing use of all buildings, improvements, and premises not in conformity with the standards or requirements of the zoning district in which they are located, as stated in this Title, and which uses were legal, or for which permits or variances were granted under previous ordinances, may continue as nonconforming uses or variances as defined within this Title, and subject to the provisions regulating such uses.

### 10-1-7 SEVERABILITY

It is declared to be the intention of the council that the sections, paragraphs, sentences, clauses, and phrases of this title are severable. If any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such declaration shall not affect any of the remaining title.

### 10-1-8 REPEAL

The City of Sunland Park Ordinance No. 1985-03, 4-16-1985 and Ord. 1993-10, 11-1-1993; Ord. 1997-05, 12-8-1997; Ord. 1998-02, 4-7-1998; Ord. 1998-06, 10-6-1998; Ord. 1999-01, 1-5-1999; 2000 Code; 2006-07, 5-16-2006 are hereby replaced and repealed. The adoption of the ordinance codified in this Title, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Ordinance No. 1985-03, 4-16-1985 if the violation is also a violation of the provisions of this Title.

## CHAPTER 2. DEFINITIONS

### 10-2-1 DEFINITIONS AND RULES OF CONSTRUCTION

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

- A. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- B. The words "shall" and "must" are mandatory, the word "may" is permissive.
- C. The masculine gender includes the feminine gender.

TERM	DEFINITION
<b>ABANDONED SIGN:</b>	An on-or off-premises sign which no longer directs, promotes, or advertises a bona fide business, lessee, owner, product, or activity conducted, or product or service available on- or off- the premises where such sign(s) is displayed.
<b>ABOVE-GROUND STORAGE OF FUELS OR FEED:</b>	A facility used primarily for the storage and/or marketing of petroleum products, other fuels, or feed.
<b>ACCENT LIGHTING:</b>	Any directional lighting which emphasizes a particular object or draws attention to a particular area.
<b>ACCESSORY:</b>	Subordinate and incidental to a principal use or structure on the same lot.
<b>ACCESSORY DWELLING UNIT:</b>	Accessory dwelling units are residential units located on the same parcel of land as principal structure, which is secondary in size.
<b>ADMINISTRATIVE REVIEW:</b>	Review of a zoning or other application to the city that is reviewed and approved, approved with conditions, or denied by staff.
<b>ADULT ESTABLISHMENT:</b>	An establishment that provides amusement, entertainment, and/or books, or videos which is distinguished or characterized by an emphasis on material depicting or relating to specified sexual activities or specific anatomical areas; Features topless dancers, exotic dancers, strippers, topless/bottomless waitering, or similar entertainment.
<b>ADVERTISING:</b>	The action of calling something to the attention of the public by verbal or visual presentation.

TERM	DEFINITION
<b>AGRICULTURAL SALES STAND:</b>	A structure for the retail sale of agricultural products raised on the same premises.
<b>AIRPORT/ HELIPORT:</b>	A complex of runways or buildings for the takeoff, landing, and maintenance of civil aircraft, with facilities for passengers. Uses shall be in accord with all Federal Aviation Administration Regulations.
<b>ALLEY:</b>	A public way used primarily as a service access to the rear or side of a property which abuts on a street; A public or private thoroughfare which typically affords a secondary means of access to abutting property.
<b>ALTERNATIVE TOWER STRUCTURE:</b>	Such structures as manufactured trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
<b>AMUSEMENT PARK:</b>	A large outdoor area with fairground rides, shows, refreshments, games of chance or skill, and other entertainments.
<b>ANIMAL SHELTER:</b>	A facility providing animal care, or boarding services not restricted to household pets with overnight accommodations, animal hospitals, boarding kennels, and/or the maintaining, raising, harboring and/or boarding of six (6) or more dogs or six (6) or more cats or six (6) or more dogs and cats.
<b>ANIMATED SIGN:</b>	Any sign which oscillates, rotates, flashes, varies in intensity or in color, or automatically changes advertising, or is animated or equipped with a glaring or rotating strobe light, or with spotlights.
<b>ANTENNA:</b>	Any structure that radiates or receives radio or other communication signals.
<b>APARTMENT:</b>	A multi-family building or buildings, which has 3 or more dwelling units.

TERM	DEFINITION
<b>APPURTENANCE/ SATELLITE SERVICE DEVICE (SSD) :</b>	Any structure used to receive satellite programming services specifically associated with television reception from the transmission of signals from a satellite to a receiver, usually a round "dish" that can vary in size from eighteen inches (18") to ten feet (10') in diameter. This does not include those dishes or devices used for two-way communications.
<b>ART GALLERY OR MUSEUM:</b>	A building or part thereof where works of art such as paintings, sculptures, pottery pieces, glass objects, and weaving articles are displayed for public viewing and may include the sales of art and/or art supplies.
<b>ARTERIAL:</b>	A major street or thoroughfare that carries, or will carry, a considerable volume of traffic of more than neighborhood character and also serves abutting properties.
<b>ATTACHED SIGN:</b>	Any sign which is fastened to, connected to, or painted on, and wholly or partially supported by a building.
<b>ATTACHED:</b>	The physical union of two (2) otherwise independent structures or objects, or the relation between two (2) parts of a single structure, each having its own function.
<b>AWNING SIGN:</b>	A sign which is fastened to or painted on an awning.
<b>AWNING:</b>	A hood or cover which projects from the wall of a building and is composed of rigid or non-rigid materials.
<b>BAKERY/ CONFECTIONARY:</b>	An establishment where bread and/or baked goods are produced and may be sold along with other related products.
<b>BANKING AND FINANCIAL SERVICES:</b>	A facility engaged in retail banking, mortgage lending and financial services to individuals and businesses.
<b>BANNER:</b>	A sign composed of lightweight, flexible material on which letters, symbols or pictures are painted or printed.

TERM	DEFINITION
<b>BAR:</b>	An establishment or room at which drinks, especially alcoholic drinks, and sometimes food are served. Bars must comply with all relevant State laws regulating the sale and consumption of alcohol.
<b>BED &amp; BREAKFAST (B&amp;B):</b>	An owner-occupied or manager-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests.
<b>BENCH SIGN:</b>	Any sign affixed to or printed on a functional bench.
<b>BILLBOARD:</b>	An off-premises sign directing attention to a business, activity, commodity, service, entertainment, or communication, none of which may be conducted, sold, or offered on the premises where the billboard is located.
<b>BLOCK:</b>	The distance measured along a street between intersecting streets from center line to center line; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.
<b>BUILD:</b>	To erect, convert, enlarge, reconstruct, or structurally alter a building.
<b>BUILDING FRONTAGE:</b>	The total length of a building on which a sign is allowed at its front facade.
<b>BUILDING HEIGHT:</b>	The vertical distance from the grade to the highest point of the parapet on a flat roof and the highest point of the pitch on a pitched roof.
<b>BUILDING SETBACK LINES:</b>	Lines on a final plat that delineate where on the lot no building may be erected. Building setbacks are defined in the City of Sunland Park Zoning Regulations.
<b>BUILDING, MAIN:</b>	The building occupied by the primary use.
<b>BUILDING:</b>	Any structure built for use of persons or animals.
<b>BUS GARAGE/TRANSIT FACILITIES:</b>	Facilities including but not limited to bus, taxi, and charter bus.
<b>CABINET SIGN:</b>	Also known as "can sign," any sign that is manufactured so as to be three (3) dimensional usually made of metal with plexiglass front and internally illuminated.

TERM	DEFINITION
<b>CAMINO REAL REGIONAL UTILITY AUTHORITY (CRRUA):</b>	The regional agency with the authority to adopt and administer Subdivision, Zoning, Planning, and Platting Rules and Regulations within the CRRUA Subdivision, Zoning, Planning, and Platting Areas (SZPPA) within Dona Ana County.
<b>CAMPGROUND/ RV PARK:</b>	A lot, tract, or parcel of land licensed and used or offered for use in whole or in part, for the parking of occupied RV, pop-up campers, tents or similar devices used for temporary portable housing and used solely for living and/or sleeping purposes and which does not allow use for more than thirty (30) consecutive days.
<b>CANNABIS CULTIVATION:</b>	A facility in which cannabis is grown, harvested, dried, cured, or trimmed.
<b>CANNABIS-INFUSED PRODUCT MANUFACTURING:</b>	A process in which a product is infused with cannabis that is intended for use or consumption other than by smoking, including but not limited to, edible products, ointments, and tinctures.
<b>CANNABIS RETAIL:</b>	A retail sales establishment licensed by the State to sell cannabis for recreational consumption. Retail establishments selling cannabis solely for consumption by users with a medical card issued by the State are considered general retail and are not regulated by this definition.
<b>CANOPY (OR MARQUEE):</b>	A permanent roof-like shelter extending from part or all of a building or independent of a building.
<b>CANOPY SIGN:</b>	A sign attached to or painted on a canopy.
<b>CARETAKER OR GUARD'S RESIDENCE:</b>	A mobile home or trailer occupied by a caretaker or guard. The residence is incidental to the primary use.
<b>CAR WASH:</b>	A structure containing equipment for washing cars or other vehicles.
<b>CASINO:</b>	A building or large room used for meetings, entertainment, dancing, etc., especially such a place equipped with gambling devices, gambling tables, etc.
<b>CATERING SERVICE:</b>	Establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

TERM	DEFINITION
<b>CEMETERY:</b>	A burial ground; a graveyard. Any cemetery site shall contain at least ten (10) acres and shall provide adequate landscaping, screening, and buffering.
<b>CENTER LINE:</b>	The line halfway between the street lines.
<b>CHANGEABLE COPY SIGN:</b>	Any sign that is constructed in such a manner as to allow the business owner to change the copy at will.
<b>CHRISTMAS TREE STANDS:</b>	Sales of Christmas trees
<b>CHURCH OR RELIGIOUS INSTITUTION:</b>	A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.
<b>CITY:</b>	The City of Sunland Park, New Mexico.
<b>CLEAR-SIGHT TRIANGLE:</b>	A triangular area of unobstructed vision at street intersections and at curb cut entrances and exits.
<b>CLINIC:</b>	An establishment occupied by one (1) or more members of the medical or dental, for the purpose of providing health services.
<b>CLUB:</b>	Any membership organization catering exclusively to members and their guests and whose facilities are limited to meeting, eating and/or recreational uses, and further, whose activities are not conducted for monetary gains; including, but not limited to, civic, fraternal, charitable, religious, social and patriotic organizations.
<b>CODES:</b>	Any other applicable city, state, or federal codes.
<b>COLLECTOR STREET:</b>	A street of relatively short length that serves as a connection between a major or secondary thoroughfare and several minor streets. The term includes the principal entrance streets of a residential development and streets for major circulation within such a development.
<b>CO-LOCATION:</b>	The physical attachment and/or placement of one (1) communication structure upon another communication structure and may include placing different or similar communication structures on the receiving structure.

TERM	DEFINITION
<b>COMMERCIAL TOWER:</b>	A freestanding vertical structure that may or may not have various attachments thereto, which is intended to radiate and/or receive radio frequency signals for the purpose of providing a commercial service to the public. Commercial tower uses include, but are not limited to, cellular communications, paging stations, TV stations, AM and FM radio stations, two-way radio base stations, communication mobile service, common carrier wireless services and communications used for intra-business and inter-business purposes.
<b>COMMISSION:</b>	The City Planning and Zoning Commission.
<b>COMMUNICATION STRUCTURES:</b>	Any structure, including antennas and satellite service devices, or any other device which is normally used for radio, television, microwave, or wireless communications. This shall include any device that is attached to a new or an existing tower or attached to a building facade or roof or other non-communication structure, and such attachment is made to the facade or roof vertically, horizontally and/or diagonally.
<b>COMMUNITY CENTER:</b>	A place where people can meet for social, educational, or recreational activities.
<b>COMMUNITY DEVELOPMENT DEPARTMENT:</b>	The Community Development Department of the City of Sunland Park.
<b>COMMUNITY GARDEN:</b>	Site for the propagation and cultivation of plants, including accessory structures such as green houses, shade structures and storage sheds that are no more than 8 feet in height and no more than 10 feet from a property line. The maximum size of a community garden is one contiguous acre.
<b>COMPETENT AUTHORITY:</b>	A city official appointed by the city council or its designated representative to enforce the terms of this chapter.
<b>COMPREHENSIVE PLAN:</b>	The Comprehensive Plan of the City of Sunland Park, New Mexico.

<b>TERM</b>	<b>DEFINITION</b>
<b>CONDITIONAL USE:</b>	An allowable land use subject to conditions described in this Title, but which shall not be undertaken until such use is reviewed and approved by the City Planning and Zoning Commission. Since it is an allowable use, the City Planning and Zoning Commission may not deny it outright; however, the Commission may require the applicant to enter into enforceable agreements or undertakings restricting such use in the interest of the public welfare and the value of the property in that area.
<b>CONDOMINIUM:</b>	A residential, professional, commercial, office, or industrial development in which each unit is owned individually, whether the unit includes the ground beneath, air space, walls, floors, or any combination thereof, and in which other areas and facilities within the development are owned and maintained jointly by a group, association, or corporate entity.
<b>CONSTRUCTION CONTRACTOR FACILITY AND YARD:</b>	A facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen, and tradesmen, and may include accessory offices related to such activities.
<b>CONSTRUCTION/RENOVATION SIGN:</b>	Any temporary sign erected on the premises where construction/renovation is taking place and indicating the names of the architects, engineers, landscape architects, financial institutions, contractors or similar artisans, and the owners, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
<b>CONTIGUOUS:</b>	Touching boundary or separated only by an alley or street.
<b>COPY:</b>	The verbal, visual or pictorial portion of any sign.
<b>CORPORATE:</b>	Pertaining to any organization incorporated pursuant to a law.

TERM	DEFINITION
<b>CORRECTION FACILITY:</b>	A publicly owned and operated facility for the incarceration or detention of persons under federal, state or local warrant, awaiting trial on federal, state or local felony or misdemeanor charges, convicted of federal, state or local charges, but not yet sentenced, or serving a federal, state or local sentence upon conviction. This definition includes prerelease facilities but does not include work release centers or juvenile community facilities.
<b>COURT:</b>	An open space that is more than half surrounded by a single building or buildings.
<b>CREMATORIUM:</b>	A place where a dead person's body is cremated.
<b>CRRUA SUBDIVISION, ZONING, PLANNING, AND PLATTING AREAS (SZPPA):</b>	The area encompassing the City of Sunland Park extraterritorial planning and platting jurisdiction.
<b>CUL-DE-SAC:</b>	A minor street with only one outlet and culminated by a turnaround at the dead end.
<b>DAY CARE CENTER:</b>	Commercial, State licensed facility that serves six or more children at a time.
<b>DEVELOPMENT IDENTIFICATION SIGN:</b>	A permanent sign installed or constructed at the entrance/exit to a residential or commercial development to identify the development name and logo only.
<b>DIRECT LIGHT:</b>	Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens of a fixture.
<b>DIRECTIONAL SIGN:</b>	Any sign erected for the convenience of the public, such as the directing traffic movement, parking or identifying restrooms, public telephones, walkways and/or other similar features or facilities, and bearing no advertising message (excluding those erected by the United States Department of Transportation and the New Mexico State Highway and Department of Transportation).
<b>DISABLING GLAZE:</b>	Lighting that impairs visibility and creates a potentially hazardous situation for either pedestrians or motorists.
<b>DISTRICT:</b>	Any section of the City of Sunland Park where regulations governing the use of buildings and premises, or the height and area of buildings and lot size are uniform.

TERM	DEFINITION
<b>DOMESTIC ANIMAL.</b>	Dog, cat, rabbit, bird, fowl, or similar small animal, no more than five, as regulated by the City of Sunland Park Animal Control Ordinance, City Code Section 5-2-1 through 5-2-25.
<b>DOUBLE FRONTAGE LOTS</b>	A double frontage lot is a lot that has frontage on two or more streets or public thoroughfares but is not a corner lot. Typically, vehicular access to a double frontage lot is restricted to one of the streets.
<b>DRAINAGE COURSE:</b>	A natural watercourse or indenture for the drainage of surface waters.
<b>DRIVE-THROUGH:</b>	Permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.
<b>DUPLEX</b>	One (1) building arranged, intended, or designed to be occupied by two (2) families living independently of each other and having separate cooking facilities in each dwelling unit.
<b>DWELLING:</b>	One or more rooms including kitchen designed as a <i>unit</i> for occupancy by one family for the purpose of cooking, living, and sleeping.
<b>EASEMENT:</b>	A grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons.
<b>EXPRESSWAY OR FREEWAY:</b>	A high capacity and high-speed major thoroughfare with partially or fully controlled access to abutting properties.
<b>FACIAL MOUNT:</b>	The physical attachment of a communication structure to a building or other non-communication structure, which does not substantially increase the height of the building or structure. This can include attaching the structure either vertically, horizontally, or diagonally along the structure's building facade, facades, walls, roofs, or other surfaces.
<b>FAIRGROUNDS:</b>	A permanent site for fairs, rodeo grounds and exhibitions, including both indoor and outdoor facilities.

TERM	DEFINITION
<b>FAMILY:</b>	An Individual, or persons related by blood or marriage, or a group of persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling. Limit to 5 persons.
<b>FAMILY DAY CARE HOME:</b>	A private dwelling required to be licensed by the State of New Mexico, which provides care, services, and supervision to no more than twelve (12) children for a period of less than 24 hours of any day. The licensee will reside in the home and be the primary educator.
<b>FARMERS MARKET:</b>	An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
<b>FINISHED GRADE:</b>	The average of the finished ground level at the center of all walls of a building, and minimum of six inches (6") to maximum of twelve inches (12") above grade.
<b>FIXTURE/ LUMINAIRE:</b>	A complete lighting unit including the lamps or bulbs together with the parts required to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.
<b>FLOOR AREA RATIO:</b>	The total gross square footage of a structure or building divided by the total square footage of the lot, parcel, or tract on which the structure is located or to be placed.
<b>FLOOR AREA:</b>	The total gross area of all floors of a building.
<b>FOOD TRUCK:</b>	Preparing and serving food and beverage, outdoors, from enclosed vehicle with a commercial kitchen. Shall meet all state and local licensing and permitting requirements, and if serving alcohol, must have the required liquor license.
<b>FREESTANDING SIGN:</b>	Any sign attached to, or supported from the ground, and not attached to a building.
<b>FRONTAGE:</b>	The distance along a street line from one intersecting street to another or from one intersecting street to the end of a dead-end street. "Lot frontage" is the width of a lot measured along a street.

TERM	DEFINITION
<b>FULL CUTOFF:</b>	No light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture where light is emitted.
<b>FULLY SHIELDED:</b>	Light rays emitted by a fixture, whether directly from the lamp or from the fixture, are restricted to regions below an angle 15 degrees beneath the horizontal plane running through the point on the fixture where light is emitted. When a fixture is fully shielded, no significant intensity of light shall be emitted from the fixture horizontally, or above the horizontal plane. Architectural structure may accomplish a fully shielded condition.
<b>GARAGE/ YARD SALE SIGN:</b>	See definition of PRIVATE SALE or EVENT SIGN.
<b>GAS STATION (SERVICE STATION):</b>	An establishment engaged in the retail sale of vehicle fuels and including battery charging. Incidental uses include a car wash; sale of convenience items, food, beverage, and auto related goods; minor auto service or repairs; and tire repair. This does not include vehicle repair, vehicle sales or rental, liquor sales or outdoor storage. All activities must be conducted within a completely enclosed building.
<b>GATE ENTRANCE SIGN:</b>	Any sign installed or constructed over the street entrance to the premises in specific zoning districts as described herein.
<b>GENERAL AGRICULTURAL:</b>	Any growing or maintaining of crops and livestock, for-profit or non-profit.
<b>GLARE:</b>	Brightness of a light source that causes eye discomfort.
<b>GOLF COURSE/ COUNTRY CLUB:</b>	A course on which golf is played, along with clubhouse and other customary amenities that are incidental to the primary use. Screening and buffering is required within fifty feet (50') of the property line, abutting residential district.
<b>GOVERNING BODY:</b>	The Governing Body of the City of Sunland Park consisting of the Mayor and City Council.
<b>GOVERNMENT SIGN:</b>	Any sign erected by any city, county, state or federal agency or its designee, setting forth information pursuant to law.

TERM	DEFINITION
<b>GRANDFATHERED FIXTURE:</b>	Fixtures not conforming to this chapter that were in place at the time this chapter went into full force and effect.
<b>GREENHOUSE:</b>	A building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of plants. A greenhouse may not be used for the commercial cultivation of cannabis unless it is permitted for commercial cannabis cultivation or accessory to a permitted commercial cannabis cultivation operation.
<b>GROCERY:</b>	Retail sales primarily of food products, household goods and similar items, with 50% of floor area or more than 25,000 square feet of floor area devoted to food items including, but not limited to, fresh produce, fresh meats, fresh dairy products, and prepacked foods.
<b>GROUND OR STRUCTURE MOUNTED COMMUNICATION APPURTENANCE:</b>	Minor, mountable communication device that receives programming through the transmission of signals. These devices are small and generally serve the building to which they are attached. These may include, but are not limited to, television antennas or satellite appurtenances.
<b>HEAVY MANUFACTURING:</b>	Manufacturing and industrial uses that regularly use hazardous chemicals or produce hazardous by-products or explosive hazards.
<b>HEAVY VEHICLE AND EQUIPMENT SALES, RENTAL, FUELING, AND REPAIR:</b>	Heavy vehicle and equipment sale, rental, fueling, repair including tire recapping and retreading.
<b>HEIGHT OF FIXTURE:</b>	Vertical distance from the ground directly below the centerline of the fixture to the lowest direct-light-emitting part of the fixture.
<b>HEIGHT:</b>	When referring to a tower or other structure, "height" means the distance measured from the lowest adjacent ground level of the parcel of land vertically to the highest point on the tower or other structure, including the base pad and any antenna and whether attached to the ground, the building, or other structure(s).

TERM	DEFINITION
<b>HISTORIC RESOURCES:</b>	Buildings or manufactured or natural features having significant architectural, historic, cultural, or archaeological value.
<b>HOME ARTISAN BUSINESS:</b>	Subcategory of Home Occupation. A home artisan business shall be considered artist's studios, dress making, engraving, furniture making, hobby crafts, jewelry making, sewing, tailor, writing studio and similar uses.
<b>HOME OCCUPATION:</b>	A business use of a residential property by the resident where the business is clearly incidental and secondary to use of the premises as a residence.
<b>HOME OFFICE:</b>	A space designated in a person's home for official business purposes. Subcategory of Home Occupation
<b>HOME PROFESSIONAL SERVICES:</b>	Legal, accounting, architectural or similar services provided from a person's home. Subcategory of Home Occupation.
<b>HOSPITAL:</b>	An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.
<b>HOTEL/MOTEL:</b>	Rooms, public swimming pool and other uses that are customary at hotels/motels and incidental to the primary use.
<b>HOUSE OR BUILDING SIGN OR NAMEPLATE:</b>	A sign limited to identifying the street name, building or property number, and/or the name of the owner or occupant of the building or property.
<b>ILLUMINATED SIGN:</b>	Any sign which is lighted internally, externally or by lights directed towards the sign by any light source.
<b>INDEPENDENT LIVING:</b>	A living arrangement that maximizes independence and self-determination, especially of disabled persons living in a community instead of in a medical facility.
<b>INDIRECT LIGHT:</b>	Light that has been reflected or has scattered off other surfaces.

TERM	DEFINITION
<b>INDUSTRIAL, HEAVY:</b>	Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This use typically creates greater than average impacts on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. However, this use does not include processes that input or create hazardous by-products, as defined by federal regulation, during manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas.
<b>INDUSTRIAL, LIGHT:</b>	Assembly, fabrication, or processing of goods and materials, primarily conducted within an enclosed building, which is designed, built, and maintained to prevent smoke, noise, glare, dust, odors, or other development impacts from being detected beyond the boundaries of the property. Assembly, fabrication, or processing may include compounding, processing, assembling, packaging, or testing of goods. This use does not include any use that meets the definition of "Industrial, Heavy."
<b>INFORMATION SIGN:</b>	Any sign whose purpose is to indicate a business, hours of operation or similar identification information.
<b>INSTITUTIONAL ASSISTED LIVING FACILITY:</b>	A residential facility licensed by the State of New Mexico that provides support services and assistance with daily living activities to six (6) or more adults.
<b>INSTITUTIONAL GROUP HOME:</b>	A dwelling for two (2) to five (5) residents unrelated to the caregiver, who are provided a planned program of care and support services with full-time supervision. The group home must meet all State of New Mexico licensing requirements.

TERM	DEFINITION
<b>INSTITUTIONAL RESIDENTIAL TREATMENT FACILITY:</b>	A group living facility for six (6) or more persons, with the primary purpose of integrated treatment, support, and rehabilitation providing three meals a day, with 24-hour supervision.
<b>INSTRUCTIONAL SERVICE/ STUDIO:</b>	An instructional service use shall be considered educational tutoring, music lessons and similar instructional services. A maximum of five (5) students may be at the dwelling at any one (1) time. No musical instruments may be amplified.
<b>IRREVOCABLE LETTER OF CREDIT:</b>	Financial guarantee issued by a federally insured institution made payable to the City of Sunland Park as the sole beneficiary in an amount equal to the full cost of the improvements which are required by this Title, said cost being estimated by the City of Sunland Park and said letter of credit being legally sufficient to secure that the said improvements will be constructed in accordance with this Title.
<b>JUNKYARD/ WRECKING:</b>	Storage, dismantling, and/or sale of wrecked vehicles, equipment, machinery, or goods, or the storage of scrap metal, paper, construction waste, industrial waste or other scrap, salvage, or junk materials.
<b>KENNEL:</b>	Any lot or premises on which six (6) or more dogs and/or six (6) or more cats over four (4) months of age are kept by the owner or occupant for commercial purposes, including, but not limited to, boarding, breeding, buying, selling, renting, exhibiting or training. Such uses shall be a minimum of fifty feet (50') from any residential zoning district boundary.
<b>LAMB/ BULB:</b>	Light-producing source installed in the socket portion of a fixture.
<b>LANDSCAPE ISLAND:</b>	Space reserved within a parking lot to contain landscaping.
<b>LARGE SCALE DEVELOPMENT:</b>	One which consists of not less than fifty (50) acres of land, all of which lies in a contiguous and integrated tract.
<b>LEGAL NOTICES:</b>	Any sign required by law or pursuant to a court order.

TERM	DEFINITION
<b>LIBRARY:</b>	A publicly operated facility housing a collection of books, magazines, multi-media, or other material for use by the public
<b>LIGHT POLLUTION:</b>	General sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
<b>LIGHT MANUFACTURING:</b>	Businesses where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building and generate no noticeable off-site of noise, smoke, particulate matter, odors, or vibration impacts.
<b>LIGHT VEHICLE SALES AND RENTAL:</b>	The sale or transfer of title, or rental of light vehicles. Excluding heavy machinery and farm equipment. Unenclosed areas shall be provided with a fence or wall constructed to a height adequate to conceal any vehicles, equipment or supplies located on the lot.
<b>LIGHT TRESPASS:</b>	Light emitted by a fixture that shines beyond the property on which the fixture is installed. Light levels shall not exceed a maximum of 0.05 lumens per square foot at the property line at vertical point five feet above grade. Light trespass measurements shall be made at the property line with the meter held normal to a line between any offending light source(s) and the light meter.
<b>LIQUOR RETAIL:</b>	Retail establishment licensed by the State of New Mexico that primarily sells packaged alcoholic beverages for off-premises consumption. Does not include a brewery or winery.
<b>LIVESTOCK, LARGE:</b>	Large domestic animals, including horses, cows, sheep, pigs, goats and similar animals. A minimum lot size of two acres is required for raising or keeping of large domestic animals.
<b>LIVESTOCK, SMALL:</b>	Small domestic animals, including rabbits, chickens, ducks, geese, and other similar animals.
<b>LOCAL STREET:</b>	A street adjacent to a major thoroughfare which provides access from the thoroughfare to abutting properties.
<b>LOT DEPTH:</b>	The average distance between the front and rear lot lines measured in the direction of the side lot lines.

<b>TERM</b>	<b>DEFINITION</b>
<b>LOT LINE, FRONT:</b>	The boundary of a lot bordering on a street. For the purpose of determining setback requirements on corner lots and double frontage lots, all sides bordering on a street shall be considered the front.
<b>LOT LINE, REAR:</b>	The lot boundary line which is opposite and most distant from and not coterminous with the front lot line.
<b>LOT LINE, SIDE:</b>	Any boundary line not a front lot line or a rear lot line.
<b>LOT WIDTH:</b>	The average distance between the side lot lines measured parallel to the front lot line.
<b>LOT, AREA:</b>	The aggregate lot area measured to property lines.
<b>LOT, CORNER:</b>	Any lot located at the intersection of, and having frontage on, two (2) or more streets.
<b>LOT, DOUBLE FRONTAGE</b>	A double frontage lot is a lot that has frontage on two or more streets or public thoroughfares but is not a corner lot. Typically, vehicular access to a double frontage lot is restricted to one of the streets.
<b>LOT (Subdivision):</b>	A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
<b>LOT (Zoning):</b>	Any parcel of land platted and placed on record in accordance with laws and ordinances described by plat or metes and bounds and having frontage on a public right-of-way or private street or alley.
<b>LUMEN:</b>	A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this chapter, the lumen output values shall be the initial lumen output ratings of a bulb. "Initial" refers to the manufacture's stated rating for a new bulb.
<b>LUMINOUS TUBE:</b>	A glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gases), usually of small diameter (10 – 15 millimeters), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A "neon" tube does not include common fluorescent tubes. Neon signs shall be treated as internally illuminated signs for the purposes of this chapter.

TERM	DEFINITION
<b>MAINTENANCE:</b>	The total upkeep of a sign; structurally and electrically, in terms of safety, and cosmetically, in terms of visual attractiveness.
<b>MAJOR TENANT:</b>	Any occupant of a multi-tenant commercial or industrial center that occupies a space greater than five thousand (5,000) square feet.
<b>MAJOR THOROUGHFARE:</b>	A street of considerable length that carries, or that planning evidence indicates will carry, a large volume of traffic, and is usually planned in conjunction with State or Federal agencies and is not to serve immediately abutting properties, as designated in the City of Sunland Park Comprehensive Plan, Thoroughfare Plan.
<b>MANUFACTURED HOME</b>	"Manufactured home" means a movable or portable housing structure for human occupancy that exceeds either a width of eight feet or a length of forty feet constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation.
<b>MARQUEE (OR CANOPY):</b>	See definition of CANOPY.
<b>MARQUEE SIGN:</b>	A sign attached to, mounted on, or painted on a marquee.
<b>MASTER PLAN, SUBDIVISION:</b>	A plan showing spatial layout of land use, circulation and proposed parcels, created for a planned development or for an area that will be subdivided in phases.
<b>MASTER SIGN PROGRAM:</b>	A program in which a multi-tenant commercial or industrial center, wishing to place a variety of signs to be located in the center is required to provide a master plan depicting an illustrative model design of the proposed sign to be installed.
<b>MINERAL RESOURCE EXTRACTION AND PROCESSING:</b>	The process of obtaining a mineral or aggregate material from the earth's surface, crust or from previously disposed or abandoned mining waste, including open-cut mining and surface operations, the disposal of refuse from underground and in situ mining, mineral or aggregate transportation and stockpiling, concentrating, milling, crushing, evaporation, leaching and other processing.
<b>MINING:</b>	Mineral resources extraction and processing

<b>TERM</b>	<b>DEFINITION</b>
<b>MINOR INDUSTRIAL OR COMMERCIAL STREET:</b>	A street of relatively short length that provides direct access to an industrial district and is designed to discourage its use by through traffic.
<b>MINOR TENANT:</b>	Any occupant of a multi-tenant commercial or industrial center that occupies a space less than five thousand (5,000) square feet.
<b>MINOR, OR LOCAL, RESIDENTIAL STREET:</b>	A street of relatively short length that provides direct access to a limited number of abutting residential properties and is designed to discourage its use by through traffic
<b>MIXED-USE:</b>	A land use pattern which provides for the integration of appropriate residential and non-residential uses, both vertically and horizontally.
<b>MOBILE FOOD TRUCK OR CART:</b>	Any wagon, truck, trailer, or other vehicle from which any person sells, offers for sale, or gives away food or beverages.
<b>MOBILE HOME:</b>	A movable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, or the standards of any municipal building code. Mobile Homes located in Sunland Park and outside of the City's Mobile Home Park District as of the date of adoption of this Title shall become legally nonconforming uses.
<b>MOBILE HOME LOT (MHL):</b>	A privately owned parcel of land within a mobile home subdivision, including required yards, parking area, attached and/or detached accessory buildings and open spaces, used or intended to be used for setting up one mobile home. MHLs are the subdivided parcels of mobile home subdivisions and can be sold, fee simple, to prospective owners.

<b>TERM</b>	<b>DEFINITION</b>
<b>MOBILE HOME PARK (TRAILER PARK):</b>	A parcel of land used for the continuous accommodation of twelve or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. "Mobile home park" does not include mobile home subdivisions or property zoned for manufactured home subdivisions. Allowable accessory uses include management office, community building, public swimming pool, playground, and any other uses, incidental to the primary use, for the use of mobile home park residents.
<b>MOBILE HOME SPACE (MHSP):</b>	A parcel of land within a mobile home park rented or intended to be rented to prospective renters by the owner. MHSPs include required yards, parking yards, parking areas, attached and/or detached accessory buildings, open spaces, and utilities.
<b>MOBILE OR MANUFACTURED HOME STAND:</b>	That portion of the lot intended for occupancy by the mobile or manufactured home proper, consisting of a rectangular plot of ground of dimensions to be determined by the size of the unit to be accommodated.
<b>MODEL COMPLEX SIGN:</b>	Any sign located on a complex site, limited in time until the complex ceases to be a model complex.
<b>MONUMENT SIGN:</b>	Any sign which is attached to either the ground or to a footing set flush with the ground.
<b>MORTUARY:</b>	A funeral home or morgue.
<b>MULTIFAMILY:</b>	Three (3) or more dwelling units attached with a common wall. Multi-family units may also have shared common amenities on the property which are accessory to the primary. This could include, community building, swimming pool, play area, and other customary amenities incidental to the primary.

TERM	DEFINITION
<b>MULTI-SECTIONAL MANUFACTURED HOME:</b>	A manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet and constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the building code in effect in the City of Sunland Park, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations.
<b>MULTI-TENANT:</b>	Any commercial or industrial building or structure that has the capacity of leasing or renting two (2) or more than one (1) tenant.
<b>MURAL:</b>	A picture or graphic illustration applied directly to a wall of a building or structure which does not advertise or promote a particular business, service, or product.
<b>MUSEUM OR ART GALLERY:</b>	A building or part thereof where works of art such as paintings, sculptures, pottery pieces, glass objects, and weaving articles are displayed for public viewing and may include the sales of art and/or art supplies.
<b>NATIONAL, STATE AND CORPORATE FLAGS:</b>	Any rectangular display constructed of lightweight material used to identify a nation, state, or corporation.
<b>NATURAL GRADE:</b>	Grade based on the original site contours, existing grade before placement of slab or manufactured home.
<b>NICOTINE RETAIL:</b>	Any establishment licensed to sell any tobacco product or electronic nicotine delivery system as defined in New Mexico Tobacco Products Act. This use does not include the sale of cannabis.
<b>NONCONFORMING SIGN:</b>	Any sign legally erected and permitted in compliance with codes at the time it was erected and permitted, but which does not conform to current codes or this chapter.

TERM	DEFINITION
<b>NONCONFORMING USES, LOTS, STRUCTURES:</b>	Any building, structure, or portion thereof, or use of any building or land which does not conform to this Title, and which lawfully existed on the effective date hereof.
<b>NUISANCE GLARE:</b>	Light that creates annoyance or aggravation but does not create a potentially hazardous situation.
<b>OFFICE:</b>	Establishment that provides space for executive, management, administrative, professional or medical services.
<b>OFF-PREMISES SIGN:</b>	Sign which advertises or directs attention to a business, product, service, or activity which is not available on the premises where the sign is located.
<b>ON-PREMISES SIGN:</b>	Sign which advertises or directs attention to a business, product, service, or activity which is available on the premises where the sign is located.
<b>ON-STREET PARKING:</b>	Areas within the right-of-way of a public street that is designated for parking. This parking is typically designed to be parallel or angled.
<b>OPACITY:</b>	An object or group of objects that causes an area to be of obscurity or impenetrability.
<b>OPEN HOUSE:</b>	The common real estate practice of showing "for sale" homes to the public during established hours.
<b>OPEN SPACE (WITHIN A LOT):</b>	Residential, Open space includes softscape, hardscape, driveways and other non-vertical structures that are permanent or semi-permanent. Nonresidential, Open space includes softscape and/or hardscape areas of a site. Structures, parking lots, and drives shall not be counted towards open space.
<b>OUTDOOR LIGHTING:</b>	The nighttime illumination of an outside area or object by any manufactured device located outdoors that produces light by any means.
<b>OVERNIGHT EMERGENCY SHELTER:</b>	Facility, the primary purpose of which is to provide a temporary shelter for 6 or more people experiencing homelessness in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.

TERM	DEFINITION
<b>PAINTING/ SPRAYING (COMMERCIAL)</b>	The process of using paint, as a protective coating, or as decorative coating on vehicles, machinery, or other components. All activities must be conducted within a completely enclosed building.
<b>PARKING LOT:</b>	An area provided for self-parking by employees, visitors, residents, and/or patrons of any public/institutional, commercial, industrial, or multi-family residential use.
<b>PARKING STRUCTURE:</b>	A structure for automobile storage/parking. The parking garage may serve uses such as residential developments, entire commercial districts, or a single use such as an office building.
<b>PARKS AND OPEN SPACE:</b>	any open piece of land that is undeveloped (has no buildings or other built structures) and is accessible to the public. Parks and open space can include: <ul style="list-style-type: none"> <li>• Green space (land that is partly or completely covered with grass, trees, shrubs, or other vegetation). Green space includes parks, and community gardens;</li> <li>• Schoolyards;</li> <li>• Playgrounds;</li> <li>• Public seating areas;</li> <li>• Public plazas;</li> <li>• and/or Vacant land.</li> </ul>
<b>PAWN SHOP</b>	A business which engages in the lending of money, usually in small sums, in exchange for personal property deposited that can be kept or sold if the borrower fails or refuses to repay the loan.
<b>PERSONAL SERVICE:</b>	Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel to include repair service (non-automotive) salon, barber, massage therapist, groomer, laundry, dry-cleaners, gym, health performance, yoga, etc.
<b>PLANNING and ZONING:</b>	The planning and zoning commission, the body that shall review land use applications and recommend action to the city council, which is the governing body of the city.
<b>PLANT NURSERY::</b>	Premises used for the propagation, rearing, and/or sale of plants and the storage and sale of products associated with horticultural and garden activities.

TERM	DEFINITION
<b>PANELIZED FENCE SYSTEM:</b>	A prefabricated fence, composing of panels that hang between posts compare to board-and-rail system.
<b>PENNANT:</b>	A display made of a lightweight material which tapers to a point, having no logo or advertising message printed on it.
<b>PERFORMANCE BOND:</b>	A surety bond or cash deposit made out to the City of Sunland Park in an amount equal to the full cost of the improvements which are required by this Title, said developer's cost estimate being reviewed and accepted by the City Engineer and said surety bond or cash deposit being legally sufficient to secure that the said improvements will be constructed in accordance with this Title.
<b>PERMITTED USE:</b>	Any use listed as a use by right, a use by temporary permit, a home occupation, or an accessory use in any given district, and/or other uses allowed in all districts unless restricted by special limitations, and/or any conditional use or by special review which has been approved according to the required procedure.
<b>PERSON:</b>	An individual, company, corporation, partnership, association, or any other entity.
<b>PERSONAL (PRIVATE) TOWER:</b>	A freestanding vertical structure that may or may not have various attachments thereto, which is intended to radiate and/or receive radio frequency signals for the purpose of radio communications without the intent of commercial service. Personal tower uses include, but are not limited to television signal reception, amateur radio stations, AM and FM radio signal reception and citizen band (CB) base stations.
<b>PET SERVICES (OTHER):</b>	A facility providing care and services for household pets, such as animal grooming, training, or day care but which is not listed separately.
<b>PLAT:</b>	Map, chart, survey, plan or replat certified by a licensed registered land surveyor which contains a description of the subdivided land with ties to permanent monuments.
<b>POINT-OF-SALE SIGN:</b>	Any sign which is located or attached directly to the product to be sold.

TERM	DEFINITION
<b>POLE SIGN:</b>	Any sign whose primary means of support is one (1) or more poles set into a concrete footing, located at or below ground level.
<b>POLITICAL SIGN:</b>	A sign pertaining to any national, state or local election.
<b>PORTABLE SIGN:</b>	A freestanding sign not permanently affixed, anchored or secured to the ground or the building, which may be rolled or moved about.
<b>PRINCIPAL STRUCTURE</b>	The primary building or structure on a property, essentially the main building that serves the primary use of the land, as opposed to any accessory structures that might be present on the same lot; it is considered the most important or significant structure in terms of size, function, or location on the property.
<b>PRIVATE DEED RESTRICTIONS OR COVENANTS:</b>	Private deed restrictions or covenants, conditions and restrictions (CCRs) imposed on land by private landowners by deed in writing and recorded with Dona Ana County. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced by the parties to the agreement.
<b>PRIVATE SALE OR EVENT SIGN:</b>	A temporary sign advertising private sales of personal property at garage, yard or estate sales and the like, private fundraising events, such as nonprofit carwash, or food/ clothing drive, etc.
<b>PROHIBITED SIGN:</b>	Any sign not expressly permitted within this chapter, or any sign which is specifically prohibited in this chapter.
<b>PROMOTIONAL DISPLAY (COMMERCIAL):</b>	Special advertising for grand openings, anniversaries, special or seasonal events, and which is for a limited time, in addition to the legal signage permitted.
<b>PROMOTIONAL DISPLAY (RESIDENTIAL):</b>	Special advertising using pennants, flags, streamers, banners, open house signs and other similar signs, the duration of an open house or similar showing.

TERM	DEFINITION
<b>PUBLIC INVOLVEMENT DISTRICTS (PIDs)</b>	<p>Public Improvement Districts (PIDs) are defined geographic areas established to fund specific types of improvements or maintenance through assessments levied on property owners within the district. PIDs are an effective financing tool for new developments and infrastructure enhancements, allowing costs to be allocated based on the benefits received by the property owners.</p> <p>Local municipalities can easily create PIDs, which are used to finance various projects. Examples of projects able to be financed through PIDs include, but are not limited to landscaping, sidewalk and road construction, security services, street lighting, and water facilities.</p>
<b>PUBLIC SAFETY SERVICES:</b>	Facilities that provide fire, police, or emergency services, together with storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.
<b>PYLON SIGN:</b>	Any sign which is supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structures. A pylon sign architecturally complements and is compatible with the design of the building/center for which the sign is publicizing.
<b>RACETRACK OR STADIUM:</b>	A non-educational or school related, large viewing arena or track for horse, vehicle racing or sporting events.
<b>READY, WILLING AND ABLE LETTER:</b>	A formal letter from CRRUA stating that CRRUA is ready, willing and able to provide water and sewer service.
<b>REAL ESTATE DIRECTIONAL SIGN:</b>	A sign which advertises or directs attention to real property or properties not available on the premises where the sign is located.
<b>REAL ESTATE SIGN:</b>	A sign intended to advertise the financing, development, sale, transfer, lease, exchange or rent of real property or properties.
<b>RECREATION FACILITY:</b>	These are all indoor. Facility to include: auditorium, amphitheater, bowling alley, dance hall, public assembly place, skating rink, theater, gym/ exercise, and similar activities.
<b>RECREATIONAL VEHICLE STORAGE AREA (RVSA):</b>	A parcel of land on which recreational vehicles are stored while not in use.

TERM	DEFINITION
<b>RECREATIONAL VEHICLE:</b>	Travel trailers, camping trailers, fifth-wheel trailers, and all other vehicles that are constructed to include a chassis, integral wheels, and a towing hitch, and are primarily designed or constructed to provide temporary, readily moveable living quarters for recreation, camping, or travel uses. Pickup campers, either mounted or non-mounted, or any structure designed to be mounted in the bed of a truck and provide living quarters for recreation, camping, or travel uses. Chassis mount, motor home, mini-motor home or other recreational structure or vehicles constructed integrally with a truck or motor van chassis and incapable of being separated therefrom and designed to be used for moveable living quarters for recreational, camping, or travel uses. Recreational vans or converted and chopped vans or other vehicles which are either initially constructed or converted to contain living quarters for recreational, camping, or travel uses.
<b>RECYCLING CENTERS:</b>	This business is limited to the inspection, weighing, purchasing and temporary storage of aluminum and scrap metal, cloth, glass, and paper products. Said materials are to be purchased for the purpose of transporting them to local and area processing centers.
<b>RELIGIOUS INSTITUTION OR CHURCH:</b>	A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.
<b>REPAIR (AUTOMOTIVE):</b>	To include auto repair and small engine repair. Repair may include engine overhaul, brake repair, glass replacement, repair of electrical accessories such as starters and alternators, frame alignment, and outdoor storage of vehicles awaiting repair, materials. Not to include heavy machinery, farm equipment, construction equipment.
<b>RESTAURANT:</b>	An establishment that serves food and beverages for consumption on site, either inside or outside, and which may also provide take-out service of food and non-alcoholic beverages. Sale of alcoholic drink is controlled by New Mexico State statutes regarding alcoholic drink sales.

TERM	DEFINITION
<b>RESTAURANT (DRIVE-IN):</b>	A restaurant that has no interior seating for customers and may include car hop service to parked vehicles.
<b>RE-SUBDIVISION:</b>	Adjustment of platted lot lines for the purpose of increasing or reducing the size of contiguous lots, but to not less than the city minimum size.
<b>RETAIL:</b>	Sale to the ultimate consumer for direct consumption or use and not for resale. General related sales of durable and non-durable goods.
<b>ROADWAY:</b>	That portion of the street available for vehicular traffic and where curbs are laid, the portion from back-to-back of curbs.
<b>ROOF SIGN:</b>	Any sign which is attached to the roof of a building or structure.
<b>SCHOOL, ELEMENTARY OR MIDDLE:</b>	A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten through grade eight.
<b>SCHOOL, HIGH:</b>	A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in grades nine through twelve, generally.
<b>SCHOOL, POST SECONDARY, UNIVERSITY:</b>	An institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's and/or associate degree.
<b>SCHOOL, TECHNICAL, VOCATIONAL:</b>	A post-secondary vocational school that trains students in a variety of skills, especially in the manual trades, health care, and computer technology.
<b>SELF-STORAGE:</b>	A system whereby individuals rent containers or units of space within a large warehouse to store possessions.

TERM	DEFINITION
<b>SERVICE STATION (GAS STATION):</b>	An establishment engaged in the retail sale of vehicle fuels and including battery charging. Incidental uses include a car wash; sale of convenience items, food, beverage, and auto related goods; minor auto service or repairs; and tire repair. This does not include vehicle repair, vehicle sales or rental, liquor sales or outdoor storage. All activities must be conducted within a completely enclosed building.
<b>SETBACKS:</b>	The required distance between every building or structure and any lot line on the lot on which it is located. Setbacks shall consist of an open space, unoccupied and unobstructed by any part of a building or structure, except as may be authorized by this title. Also, for purposes of this chapter, the distances required from the property line or from other buildings and/or structures or businesses and/or structures to each other.
<b>SHOPPING CENTER, LARGE:</b>	A group of at least three (3) commercial establishments within a building or buildings with a gross floor area of 30,000 or more square feet planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements. A site plan is required.
<b>SHOPPING CENTER, SMALL:</b>	A group of at least three (3) commercial establishments within a building or buildings with a gross floor area of less than 30,000 square feet planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.
<b>SIGN AREA:</b>	The total area that will contain the entire sign excluding architectural embellishments and supports on neither of which there is displayed any advertising material nor any lighting.
<b>SIGN:</b>	A device designed to inform or attract the attention of persons not on the premises on which the sign is located. Please refer to 10-4-11 Signs for details.

TERM	DEFINITION
<b>SINGLE-FAMILY DETACHED:</b>	Consisting of one dwelling unit that is occupied or intended to be occupied as the home or residence of one family.
<b>SITE PLAN:</b>	An accurate plan that includes all information required for that type of application, structure, or development.
<b>SMALL BREWER/WINERY/TAP ROOM</b>	An establishment where ale, beer, and/or similar beverages are brewed; wine is made; or craft alcohol is distilled; or a tap room or tasting room associated with a local brewery, winery, or distillery
<b>SOLID WASTE LANDFILL:</b>	The South Central Solid Waste Authority shall be responsible for the management of any solid waste landfill in the City.
<b>SPECIAL USE:</b>	Means those uses which require special consideration because of their unusual nature, scale, effect on surrounding property, or other similar reason.
<b>SPECIFIED ANATOMICAL AREAS:</b>	Means and includes the male genitals and female genitals.
<b>SPORTS COMPLEX:</b>	A facility for indoor and outdoor for baseball, basketball, track and field, weight lifting, swimming, volleyball, ice-hockey, tennis, racquetball, etc.
<b>SPORTS COURTS AND FIELDS:</b>	Area or space dedicated for outdoor sports, basketball, soccer field, baseball diamond, and fields.
<b>SPOTLIGHT/ FLOODLIGHT:</b>	Any light fixture that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
<b>STABLES:</b>	A building set apart and adapted for keeping horses. Such uses shall be a minimum of four hundred feet (400') from any residential zoning district boundary.
<b>STADIUM OR RACETRACK:</b>	A non-educational or school related, large viewing arena or track for horse, vehicle racing or sporting events.

TERM	DEFINITION
<b>STORAGE SHED:</b>	A structure or part of a structure designed for storing goods; business, personal, or household effects; and other items of personal property by or with permission of the owner of that personal property. Examples include gardening or tool sheds. Storage sheds are regulated based on square footage of structure.
<b>STREAMERS:</b>	A display made of light, flexible material, consisting of long, narrow, wavy strips having no logo or advertising message printed or painted on them.
<b>STREET WIDTH:</b>	The distance between the lot lines measured at right angles to the street center line.
<b>STREET:</b>	All properties dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.
<b>STRUCTURAL REQUIREMENTS:</b>	The standards which apply to those signs which are governed by the requirements in the applicable building code and other companion documents.
<b>SUBDIVIDE OR SUBDIVISION:</b>	A. For the purpose of approval by the City means: For the area of land within the corporate boundaries of the City, the division of land into two (2) or more parts by platting or by metes and bounds description into tracts for the purposes numbered below; 1. Sale for building purposes; 2. Laying out any part of the City; 3. Addition to the City; 4. Laying out suburban lots; or 5. Re-subdivision. B. For the area of land within the City extra territorial subdivision and platting jurisdiction, the rules and regulations of the Camino Real Regional Utility Authority Extraterritorial Zoning, Planning and Platting Areas apply.
<b>SUBDIVIDER:</b>	Any person, individual, firm, partnership, association, estate, corporation, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a "subdivision" as defined herein and includes any agent of the subdivider.

TERM	DEFINITION
<b>SUBDIVISION, MAJOR:</b>	Any subdivision that does not meet the requirements for the alternative summary procedure and is not classified as a minor subdivision.
<b>SUBDIVISION, MINOR:</b>	Any subdivision containing not more than ten (10) lots fronting an existing street, not involving any new street or any change in an existing street, not involving the extension of City facilities or the creation of any public improvements, and not adversely affecting in any way the remainder of the parcel or adjoining property. (Ord. 2019-2, 4-12-2019)
<b>SWIMMING POOL, OR OTHER AQUATIC VENUE, PUBLIC:</b>	Any artificially constructed structure that is expressly designated or used with the knowledge or consent of the owner or operator for swimming, water recreation, or bathing for the use of any segment of the public. Public swimming pools must comply with State regulations for public aquatic venues.
<b>TAP ROOM/ SMALL BREWER/ WINERY:</b>	An establishment where ale, beer, and/or similar beverages are brewed; wine is made; or craft alcohol is distilled; or a tap room or tasting room associated with a local brewery, winery, or distillery.
<b>TEMPERATURE/ TIME/ DATE SIGN:</b>	Any sign with the purpose of displaying the temperature, time, date and/or logo/name.
<b>TEMPORARY DWELLING UNIT:</b>	The temporary placement and occupancy of a mobile home, travel trailer, or recreational vehicle as a dwelling while building a permanent dwelling on the same site, or for hardships.
<b>TEMPORARY OUTDOOR LIGHTING:</b>	The specific illumination of an outside area or object by any manufactured device located outdoors that produces light by any means for a period of not more than seven days and that occurs only once within a 180-day time period.
<b>TEMPORARY SIGN:</b>	Any sign intended for a limited period of display.
<b>TEMPORARY USE:</b>	A temporary use is a use (business, sale, display, or event) which is conducted for a limited time. Temporary uses may be conducted in tents, temporary or permanent buildings, vehicles, trailers or outside. Other temporary uses not listed in this section may be listed under permitted uses for a specific zone

<b>TERM</b>	<b>DEFINITION</b>
<b>THEATER:</b>	Any building to which the public is invited and pays consideration for the purpose of viewing motion pictures, theatrical performances, or other entertainment excluding adult entertainment.
<b>TOTAL STREET FRONTAGE:</b>	The total length of a property fronting on any side of a public street. Each portion of the premises abutting a separate street shall be considered as a separate street frontage.
<b>TOWER:</b>	Any structure, vertical in inclination, which is designed and constructed and normally used for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. This may include television and radio transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and other free-standing towers, either for private or commercial purposes. The term includes the structure and any support thereto.
<b>TOWNHOUSE:</b>	One (1) of a group of attached dwelling units divided from each other by common walls and each having a separate entrance leading directly to the outdoors at ground level.
<b>TRADEMARK/ LABEL/ NAME:</b>	Identification applied or attached to each permitted sign to designate the manufacturer and installer.
<b>TRANSIT FACILITIES/ BUS GARAGE:</b>	Facilities including but not limited to bus, taxi, and charter bus.
<b>UNLAWFUL SIGN:</b>	Any sign ever erected which does not have a valid permit, or after erection, did not comply with all the applicable provisions of the permit under which it was constructed and erected, or did not comply with all provisions of codes, or which did not meet the necessary requirements to be considered nonconforming.
<b>UNSAFE SIGN:</b>	Any sign identified by the competent authority, or his/her designee as being improperly constructed and installed, erected, or secured, thereby subject to falling and creating a safety hazard, with supported findings.

TERM	DEFINITION
<b>UTILITIES:</b>	Minor structures and appurtenances associated with public or private utility companies to provide services to uses developed.
<b>UTILITY, MAJOR:</b>	Means central office buildings of telephone utilities; transmission lines, power plants and substations of electrical utilities; and pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.
<b>UTILITY, MINOR:</b>	Means utility facilities that are necessary to support legally established uses and involve only minor structures such as switching boxes, electrical distribution lines and underground water and sewer lines.
<b>VARIANCE:</b>	A relaxation of the terms of this Title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Title would result in unnecessary and undue hardship. As used in this Title, a variance may be authorized only for area, height, dimension, distance, setback, off-street parking, and off-street loading requirements or as elsewhere specifically authorized by this Title. Financial gain or loss shall not be the determining factor in deciding a variance. The allowable use of land may never be changed by a variance.
<b>VEHICLE SIGN:</b>	A sign painted on or attached to either a vehicle, or a trailer designed to be pulled behind a motorized vehicle, which relates to a business, activity, use, service, or product for a legally authorized business.
<b>VEHICLE:</b>	Any truck, trailer, pushcart, cart, wagon, conveyance, or structure not permanently fixed to a permanent foundation, and which may be moved under its own power, towed by a motor vehicle, or carried upon or in a motor vehicle or trailer. This definition includes those vehicles known as "catering trucks". Includes any motor vehicle such as automobile, automobile truck, automobile wagon, motorcycle, recreational vehicle, trailer or other self-propelled vehicle or movable device designed for running on land but not on rails.

<b>TERM</b>	<b>DEFINITION</b>
<b>VENDING CART:</b>	A vehicle without motive power that has functional wheels and at least one axle and is used for the sale of goods, including but not limited to food, beverages, raw produce, flowers, arts, and crafts.
<b>VERTICAL STRUCTURE:</b>	Any built object that is either independent of or attached to any building that is perpendicular in its direction to the nearest adjacent ground. May include such structures as spires, belfries, flag poles, steeples, and other similar structures, but does not include antennas, towers, communication structures, and satellite service devices.
<b>VETERINARY HOSPITAL:</b>	Facility used by a licensed veterinarian for the medical treatment of animals.
<b>VIEW CORRIDORS:</b>	An area identified either in the city's master plan or by a federal or state agency as the location of a particular designated scenic or cultural resource or trail system and as an area from which a WCI can be seen.
<b>WALL SIGN:</b>	Any sign parallel and attached to a wall, painted, or affixed to a separate surface which is then mounted securely to the building, painted or produced directly on the building, or composed of separate letters, numbers, logos or symbols attached to the surface of the building, or erected and confined within the limits of an exterior wall of a building or structure, which supported by such wall, and displays one (1) sign surface.
<b>WAREHOUSE:</b>	Building primarily used for holding or storing goods and merchandise for transportation to another location or for distribution to retailers. Warehousing does not include sales to the general public or self-storage.
<b>WASTE TRANSFER STATION:</b>	The South Central Solid Waste Authority shall be responsible for the management of any solid waste landfill in the City.
<b>WHOLESALE SALES AND DISTRIBUTION:</b>	Uses engaged in the wholesale sales, bulk storage, and distribution of goods.
<b>WINDOW SIGN:</b>	Any sign that is applied or attached to the exterior or interior of a window or a window frame.

TERM	DEFINITION
<b>WINERY/ SMALL BREWER/ TAP ROOM:</b>	An establishment where ale, beer, and/or similar beverages are brewed; wine is made; or craft alcohol is distilled; or a tap room or tasting room associated with a local brewery, winery, or distillery
<b>WIRELESS COMMUNICATION INFRASTRUCTURE (WCI):</b>	A WCI includes all equipment, buildings, and structures with which a wireless communications service carrier broadcasts and receives the radio frequency waves and all locations of said equipment or any part thereof, including, but not limited to, commercial towers, communication structures, and towers.
<b>WRECKING OR JUNKYARD:</b>	Storage, dismantling, and/or sale of wrecked vehicles, equipment, machinery, or goods, or the storage of scrap metal, paper, construction waste, industrial waste or other scrap, salvage, or junk materials.
<b>YEAR-ROUND LANDSCAPING:</b>	Coniferous landscape material that does not lose its foliage. Foliage exists all year long.

## CHAPTER 3. SUBDIVISION PROVISIONS

This chapter outlines the framework for developing and regulating subdivisions within the jurisdiction. It ensures orderly development, adherence to design and safety standards, and proper administration and enforcement of subdivision-related activities.

### 10-3-1 SUBDIVISION REGULATIONS

#### 10-3-1.1 Platting Requirement:

Every person who desires to subdivide land shall furnish a plat of the proposed subdivision prepared by a registered, licensed surveyor of New Mexico in accordance with the laws of the State and this Title; provided,

#### 10-3-1.2 Suitability of Land:

- A. Land subject to natural hazards such as flooding or adverse earth formation shall be considered unsuitable for any occupancy that may impair the health, safety, or welfare of the occupants of the subdivision. Such land shall be identified, and no preliminary plat shall be approved until the hazards have been mitigated or will be mitigated by the subdivision as evidenced by improvement plans acceptable to the City Engineer. Where such hazardous conditions are adjacent to lands proposed for subdivision, the potentially hazardous conditions must be appropriately mitigated per this Title.
- B. Any land identified as an area of special flood hazard or a risk premium zone by the Federal Emergency Management Agency (FEMA) shall be considered unsuitable for occupancy unless the requirements of Title 12, the City of Sunland Park Flood Control Ordinance are met. (Ord. 2019-2, 4-12-2019)

#### 10-3-1.3 Large Scale Development Standards:

The standards and requirements of the City subdivision ordinances may, by the granting of variances, be modified by the Governing Body in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which, in the judgment of the Governing Body, provides adequate public spaces and improvements for the circulation, recreation, light, air, and all City service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan. (Ord. 2019-2, 4-12-2019)

#### 10-3-1.4 Relationship to Private Agreements and Covenants:

- A. These subdivision regulations apply to all development within the municipal limits of the City of Sunland Park, regardless of whether they impose a greater or lesser restriction on the development of land than a private agreement or restriction. These regulations have no impact on the applicability or enforceability of any private agreement or restriction between the parties to that agreement or restriction.

- B. The City has no obligation to conform the terms or applicability of these subdivision regulations to any private agreement or restriction. The City has no obligation to enforce any private covenant or agreement unless it is a party to the covenant or agreement; if the City is a party to the covenant or agreement, enforcement is at the discretion of the City. (Ord. 2019-2, 4-12-2019)

### 10-3-1.5 Repeals:

The City of Sunland Park Ordinance No. 1984-09, 6-5-1984; amd. Ord. 1993-12, 12-28,1993; Ord. 1984-10, 7-17-1984; amd. Ord 2005-02, 4-5-2005; Ord. 2006-11, 11-7-2007; amd Ord. 2006-11m; 11-7-006; 2000 Code are hereby replaced and repealed. The adoption of the ordinance codified in this title, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Ordinance No. Ord. 1984-09, 6-5-1984 if the violation is also a violation of the provisions of this Title. (Ord. 2019-2, 4-12-2019)

## 10-3-2 ADMINISTRATION AND ENFORCEMENT

### 10-3-2.1 General:

All proposed subdivisions, re-subdivisions, replats or vacations of all or part of an existing subdivision shall comply with the standards and requirements of this Title. (Ord. 2019-2, 4-12-2019)

### 10-3-2.2 Approval Necessary for Utility Service:

Until a final plat has been approved by the Governing Body, any official of the City or public utility company who shall serve or connect the land within the subdivision with any public utility such as water, sewer, electric or gas is guilty of a misdemeanor. (Ord. 2019-2, 4-12-2019)

### 10-3-2.3 Standards for Approval:

The Governing Body shall approve a final plat if:

- A. It conforms to the City of Sunland Park Comprehensive Plan and other adopted plans and ordinances related to the development of land in the City of Sunland Park.
- B. It complies with the standards and requirements of this Title.
- C. It complies with the requirements of CRRUA, private utilities, NMDOT and other public agencies that serve the property or regulate the development of land within the City (for example FEMA).
- D. Infrastructure improvements are complete and approved or financial guarantees as required by Section 11-3-4.D.2 are filed with the City of Sunland Park, if applicable. (Ord. 2019-2, 4-12-2019)

#### 10-3-2.4 Procedures:

##### A. Preapplication Meeting:

Before submitting an application for subdivision, the subdivider shall first schedule a meeting with the Community Development Department for review and advice concerning the correct subdivision process and the relation of the Comprehensive Plan and other adopted plans of the City to the proposed subdivision. Prior to the preapplication meeting, the subdivider shall submit a location map, sketch plan showing in general the proposed layout of the subdivision, and a written description of the proposal. A phased subdivision or large-scale development requires at least one preapplication meeting.

1. *Location map:* The location map shall consist of data added to an existing base map such as a United States Coast and Geodetic Survey or City of Sunland Park base map, covering an area of at least one mile radius from the tract proposed for development.

The location map shall show the following information:

- a. Name(s) of the owner(s) of the land to be subdivided.
- b. Existing streets and roads, principal utility lines and storm drain ways on adjoining properties to service the area.
- c. North point, scale and date.
- d. Approximate total acreage within proposed subdivision.
- e. Title of proposed subdivision; names and addresses of property owner, subdivider, land planner, engineer and land surveyor.

2. *Sketch plan:* The sketch plan shall show the proposed layout in simple sketch form on the base map used for the location map or a current survey.

The sketch plan shall show the following information:

- a. General proposed layout of blocks, lots and other features.
- b. Proposed layout of streets.
- c. Proposed locations of public spaces, residential and nonresidential areas and approximate acres of each.
- d. Existing easements.
- e. One hundred (100)-year floodplain from FEMA approved maps or superseding report and general concept of modification of the floodplain, if proposed.
- f. Identification of any major thoroughfare as shown in the Sunland Park Comprehensive Plan that abuts or is located within the proposed subdivision

3. *Additional information may include the following if available:*

- a. Description of how subdivider intends to meet the park dedication requirement.
- b. Information on existing and proposed covenants.
- c. Description of physical characteristics of the land, including topography, surface drainage and proposed grading.
- d. Preliminary drainage or other engineering studies.
- e. Purpose of the subdivision if other than creating lots for development.

B. Master Plan Requirements for RCPUD and Subdivisions

Every application for a Residential Commercial Planned Unit Development (RCPUD) or any Major or Minor Subdivision within the City of Sunland Park must include a comprehensive Master Plan that addresses the following elements.

Preliminary plats shall be considered Master Plans and must fulfill all requirements outlined in this document.

All Master Plan requirements must be addressed before preliminary plat approval.

1. *Traffic Impact Analysis (TIA) and Average Daily Traffic (ADT) Projections*

The Master Plan must provide detailed analysis of anticipated traffic impacts, including:

- a. Trip generation estimates
- b. Directional flow assessments during peak periods
- c. Identification of potential congestion points
- d. Current methodologies and data to ensure accuracy

2. *Right-of-Way (ROW) Acquisition Forecast:* The Master Plan must include a forecast of ROW requirements for future infrastructure improvements, accounting for:

- a. Potential roadway expansions
- b. Intersection improvements
- c. Transportation facilities needed to accommodate increased traffic

3. *Proactive Commercial Development Planning:* The initial Master Plan must incorporate:

- a. Full-scope TIA and ROW forecasts based on Commercial Zoning C2 standards
- b. Anticipation of potential rezoning from residential to Commercial Zoning C2
- c. Infrastructure and transportation planning aligned with commercial activity demands
- d. Provisions for seamless transitions should rezoning occur

4. *Land Use Buffers and Transitions:* Appropriate buffers must separate different land uses within the development to ensure compatibility and minimize adverse impacts.

a. The following buffer requirements apply:

- Apartments and multi-family dwellings must be separated from single-family residential areas by a minimum buffer zone of 30 feet.
- Commercial developments must be separated from any residential use by a buffer zone of at least 50 feet.
- Duplexes must be separated from single-family residential areas by a buffer zone of at least 20 feet.

b. *Buffer zones may include:*

- Pedestrian trails or greenways
- Landscaped areas with mature vegetation
- Parks or recreational facilities
- Water features or retention areas, when appropriately designed as amenities

c. *All buffer areas must:*

- Be clearly depicted on the Master Plan.
- Include conceptual landscaping plans with proposed vegetation types and densities.
- Incorporate noise mitigation measures where necessary.
- Provide visual screening using a combination of berms, walls, fences, and/or vegetation.

The width and design of buffer zones may be adjusted based on site-specific conditions but must maintain the intended separation and screening functions.

5. *Traffic Control Requirements:* The Master Plan must include comprehensive traffic control measures for both the construction phase and post-development periods.

a. Detailed plans must include:

- Temporary and permanent traffic signals
- Signage
- Pavement markings
- Speed control devices
- Pedestrian safety features

b. The traffic control plan should:

- Address phased implementation strategies aligned with development timelines
- Demonstrate compliance with the Manual on Uniform Traffic Control Devices (MUTCD) and City of Sunland Park standards

c. Special attention must be given to:

- School zones
- Residential areas
- High-pedestrian activity locations to ensure public safety throughout all development stages

6. *Adaptive Planning Strategies.* The Master Plan should incorporate:

- a. Strategies addressing emerging transportation trends
- b. Accommodation for vehicle automation advancements
- c. Alternative mobility options
- d. Sustainable infrastructure measures
- e. Resilient design responsive to future community needs

7. *Enforcement*

- a. Incomplete Master Plans may result in approval delays or denial
- b. The City of Sunland Park Community Development Department and Engineer will review all submissions
- c. Plans must demonstrate consistency with these standards
- d. Plans must align with the City's long-term transportation and land use objectives

### C. Alternative Summary Procedure:

#### 1. *Approval Authority and Conditions*

The Alternative Summary Subdivision will be administratively approved by the Community Development Department Director or their designee.

Upon recommendation by the City Engineer that the plat complies with this Title, the Community Development Department is hereby authorized to approve and sign certain subdivision plats as follows:

- a. Subdivisions of not more than two (2) parcels of land; or
- b. Re-subdivision, where the combination or recombination of portions of previously plated lots does not increase the total number of lots by more than two (2), provided that no streets or other public areas created through the plat that are intended to be dedicated for public maintenance; or
- c. Subdivisions of two (2) or more parcels of land in areas zoned for industrial use, provided that no streets or other public areas are created through the plat, which is intended to be dedicated for public maintenance.

#### 2. *Lot Splits Prohibited*

Lot splits that do not meet the standards established in the zoning district in which the proposed lot split development shall not be permitted.

#### 3. *Serial Summary Platting Prohibited.*

Serial summary platting will not be permitted. Resubdivision of tracts that have been subdivided by summary subdivision shall not subdivide summary platting for a minimum of three years from the filing date of the original summary subdivision.

#### 4. *Plat Requirements*

Plats of survey with a metes and bounds description with a minimum scale of one- inch equals fifty feet (1" = 50') and date certified by a registered land surveyor in the state with accompanying land description will be a suitable means of description for this subchapter.

#### 5. *Public Hearings*

Public hearings will not be required as the Alternative Summary Subdivision will be administratively approved and not presented to the Planning and Zoning Commission.

#### 6. *Posting Requirements*

Posting requirements will be limited to two signs on the property requested to be subdivided. The information will include a description of the proposed subdivision and contact information for the Community Development Department.

*7. Filing Requirements*

The final plat is not in full force and effect until it has been duly recorded in the office of the Dona Ana County Clerk and copies filed with the Community Development Department. Approval of the final plat shall become null and void if the plat is not recorded within six (6) months after the approval date unless the Governing Body grants an extension. The subdivider is responsible for submitting the final plat for recording. After filing the original plat drawing and the required number of copies with the Dona Ana County Clerk, the subdivider shall submit to the Community Development Department one copy of the final plat as recorded and stamped by the Dona Ana County Clerk and Auto-CAD design files with engineers certification submitted to City "As-Built" and Surveyor's Plat. No building permit shall be issued until the copy of the recorded final plat has been placed on file with the City.

*8. Fees*

The sub-divider shall pay a fee of one hundred dollars (\$100.00) upon application for approval by the City Clerk-Treasure of a plat falling under provisions of Section 11-3-2 of this Chapter. (Ord. 1984-09, 6-5-1984)

*9. Utility connections.*

All lots in commercial (C) and residential (R) zones shall be provided with connections to the local water and sewer utility provider and storm drainage system by plans approved by the Planning and Zoning Commission.

**D. Minor Subdivision:**

An application for subdivision or plat amendment shall be reviewed by Minor Subdivision procedures if the proposed subdivision or plat amendment meets the definition of a Minor Subdivision. The Minor Subdivision review process includes the following procedures:

*1. Final Plat:*

i. Plat Submittal:

1. Following review of the preapplication sketch, the application shall be filed on a form available from the Community Development Department together with the required fee. The application shall be accompanied by the required number of copies of a plat meeting the requirements for the final plat as described in this Title. The plat shall be submitted to the Community Development Department in advance of the time and date established as the deadline for the regular meeting of the Planning and Zoning Commission.

2. Before accepting the submittal as complete, the Community Development Department will review the application. Within five (5) business days, the Department will accept the application if it is determined to be complete or return the application to the subdivider if the application is incomplete. The submittal will not be accepted for a public hearing until it is complete.

b. Public Hearing And Notice Requirements:

- (1) Required notice, whether posted or mailed, shall state the date, time and place of the hearing, reasonably identify the tract of land that is the subject of the submittal, and give a brief description of the action requested or proposed. Notices shall indicate how the public can get additional information or review the submittal at the Community Development Department.
- (2) Notification of Property Owners and Tenants:
  - i. The applicant, at their expense, shall notify all property owners and tenants within at least three hundred feet (300') of the proposed plat (measured from property line to property line, including streets, alleys, channels, canals, public rights-of-way, and railroad rights-of-way) by certified mail of the intent to subdivide the subject property.
  - ii. Notification shall be sent to the physical property address and, if different, the owner's mailing address. The addresses used must be those recorded with the Doña Ana County Assessor.
  - iii. The applicant must make a good faith effort to notify a minimum of fifteen (15) property owners within the 300-foot radius. If fewer than fifteen owners exist within the notification area, it shall be expanded until this minimum is reached.
  - iv. The notice shall clearly state the date, time, and place of the public hearing at which the proposed subdivision will be considered.
  - v. The City will provide the applicant with the Public Hearing Notice Letter and the mailing list of all owners of record with Doña Ana County at least twenty-one (21) days prior to the public hearing.
  - vi. The notices must be in letter format, with information provided in both English and Spanish. The notice must include the case number, a legal description of the property, the nature of the request, contact details for further information, and the date, time, and location of the public hearing.
  - vii. Notices must be sent via certified mail at least fifteen (15) days before the public hearing. The applicant must submit a copy of

the original mailing receipts to the Community Development Department. Failure to provide the receipts at least ten (10) days before the hearing will result in a postponement of the case.

- (3) **Advertisement Of Public Hearing:** The city shall post notice of the date, time, and place of the public hearing to be held before the Planning and Zoning Commission or Governing Body on the proposed subdivision at least 15 days prior to the date of the hearing in locations where public meetings are typically posted. The location of the proposed subdivision and other pertinent information shall be included.
- (4) **Posted Sign:** The City will post at least one notice on each public right-of-way abutting the property that is the subject of the application at a point that is visible from the right-of-way. The sign will be posted for at least fifteen (15) consecutive days prior to the hearing. The sign will indicate the case number reference, legal description of the property, the type of request, contact for additional information about the application, and the date, time, and place of the Planning and Zoning Commission or Governing Body public hearing.

2. *Planning And Zoning Commission Public Hearing:*

After staff has reviewed the application and determined it to be complete, the final plat will be submitted to the Planning and Zoning Commission for public hearing and recommendation to the Governing Body. Final submission of a plat under the terms of this Title shall be deemed to occur on the date that the application is accepted as complete. The Planning and Zoning Commission shall review all materials required to be submitted, consider the comments of the public received at the public hearing or submitted in writing, as well as the comments of city staff and other governmental agencies. The Planning and Zoning Commission shall then make a recommendation to the Governing Body to approve the application, disapprove the application, or approve the application subject to certain conditions. The Planning and Zoning Commission shall set forth the reasons for its decision in writing. If the Planning and Zoning Commission lacks a quorum, the final plat will be forwarded to the Governing Body without a recommendation unless an extension is requested by the applicant.

3. *Extension:*

The applicant may agree to an extension of time for the Planning and Zoning Commission to hold the required public hearing, in which case the time within which the Governing Body is required to act on the final plat is extended.

**Provide For Improvements:** The subdivider shall provide for the required public improvements as part of its final plat submittal according to the method required under Chapter 6 of this Title, and as provided in Chapter 6 of this Title.

**4. *Governing Body Approval Required:***

The Governing Body shall act to approve or disapprove the application for final plat approval within thirty-five (35) days from the date of the submission of a complete application for final plat unless the applicant agrees to an extension.

- a. The Governing Body shall consider the recommendation of the Planning and Zoning Commission and shall review all the materials and written comments submitted to the Commission, as well as the comments made at the public hearing held before the Commission. The Governing Body may also consider other materials or public comments received at the meeting when the recommendation is considered.
- b. The applicant may agree to an extension of time for the Governing Body to act upon the application for final plat approval, in which case the time within which the Governing Body is required to act on the application is extended to the next regularly scheduled Governing Body meeting.
- c. If the final plat is approved by the Governing Body, such approval shall be recorded on the cover sheet of the original drawing of the final plat and on three (3) copies and shall be dated and verified by the signature of the Mayor or designated representative of the Governing Body.
- d. If the final plat is disapproved, the Governing Body shall provide the reasons for disapproval in writing. The reasons for disapproval will be attached to two (2) copies of the final plat. One copy shall be returned to the subdivider, and one copy shall be retained in the files of the Community Development Department.
- e. If the Governing Body fails to approve or disapprove the application for final plat approval within thirty-five (35) days from the date of the final submission of the plat, other than from any extension of time agreed to by the applicant before the Planning and Zoning Commission or before the Governing Body, then the plat is deemed to be approved, and upon demand, the Governing Body shall issue a certificate approving the plat which the mayor shall sign and to which the city clerk shall attest.

**5. *Filing With County:***

The final plat is not in full force and effect until it has been duly recorded in the office of the Dona Ana County Clerk and copies filed with the Community Development Department. Approval of the final plat shall become null and void if the plat is not recorded within six (6) months after the date of approval unless an extension of time is granted by the Governing Body. The subdivider is responsible for submitting the final plat for recording. After filing the original plat drawing and the required number of copies with the Dona Ana County Clerk, the subdivider shall submit to the Community Development Department one copy of the final plat as recorded and stamped by the Dona Ana County Clerk. No

building permit shall be issued until the copy of the recorded final plat has been placed on file with the City.

**E. Major Subdivision:**

An application for subdivision or plat amendment that does not meet the requirements for the alternative summary procedure, or the definition of a minor subdivision shall be reviewed by major subdivision procedure. The Major Subdivision Procedure includes the following steps:

**1. *Preliminary Plat:***

- a. *Plat Submittal:* Following review of the preapplication meeting, if applicable, the application shall be filed on a form available from the Community Development Department together with the required fee. The application shall be accompanied by the required number of copies of a plat meeting the requirements for final plat as described in this Title. After staff has reviewed the application and determined it to be complete, the preliminary plat will be submitted to the Planning and Zoning Commission for its recommendation of approval.
- b. Notification of Property Owners and Tenants:
  - i. The applicant, at their expense, shall notify all property owners and tenants within at least three hundred feet (300') of the proposed plat (measured from property line to property line, including streets, alleys, channels, canals, public rights-of-way, and railroad rights-of-way) by certified mail of the intent to subdivide the subject property.
  - ii. Notification shall be sent to the physical property address and, if different, the owner's mailing address. The addresses used must be those recorded with the Doña Ana County Assessor.
  - iii. The applicant must make a good faith effort to notify a minimum of fifteen (15) property owners within the 300-foot radius. If fewer than fifteen owners exist within the notification area, it shall be expanded until this minimum is reached.
  - iv. The notice shall clearly state the date, time, and place of the public hearing at which the proposed subdivision will be considered.
  - v. The City will provide the applicant with the Public Hearing Notice Letter and the mailing list of all owners of record with Doña Ana County at least twenty-one (21) days prior to the public hearing.
  - vi. The notices must be in letter format, with information provided in both English and Spanish. The notice must include the case number, a legal description of the property, the nature of the request, contact details for further information, and the date, time, and location of the public hearing.

- vii. Notices must be sent via certified mail at least fifteen (15) days before the public hearing. The applicant must submit a copy of the original mailing receipts to the Community Development Department. Failure to provide the receipts at least ten (10) days before the hearing will result in a postponement of the case.
- c. *Advertisement of Public Hearing:* The city shall post notice of the date, time, and place of the public hearing to be held before the Planning and Zoning Commission or Governing Body on the proposed subdivision at least 15 days prior to the date of the hearing in locations where public meetings are typically posted. The location of the proposed subdivision and other pertinent information shall be included.
- d. *Posted Sign:* The City will post at least one notice on each public right-of-way abutting the property that is the subject of the application at a point that is visible from the right-of-way. The sign will be posted for at least fifteen (15) consecutive days prior to the hearing. The sign will indicate the case number reference, legal description of the property, the type of request, contact for additional information about the application, and the date, time and place of the Planning and Zoning Commission or Governing Body public hearing.
- e. *Hearing On Preliminary Plat:* A hearing upon such proposal for subdivision as stated in the preliminary plat shall be had before the Planning and Zoning Commission not later than its second regular meeting following filing. The Planning and Zoning Commission shall review all materials required to be submitted, consider the comments of the public received at the public hearing or submitted in writing, as well as the comments of city staff and other governmental agencies. The Planning and Zoning Commission shall approve the application, disapprove the application, or approve the application subject to certain conditions. The Planning and Zoning Commission shall set forth the reasons for its recommendation in writing.
  - (1) The applicant may agree to an extension of time for the Planning and Zoning Commission to hold the required public hearing, or to review and make its recommendation to the Governing Body, in which case the time within which the Governing Body is required to act on the final plat is extended.
  - (2) If the Planning and Zoning Commission fails to approve or disapprove the preliminary plat on the date of the first scheduled public hearing, unless an extension is agreed to by the applicant, then the application shall be deemed approved and upon demand the Planning and Zoning Commission shall issue a certificate approving the preliminary plat. One copy of the preliminary plat shall be returned to the subdivider with the date and reason for approval or disapproval and any changes or additions that may be required.

- f. Notice thereof shall be given by the Community Development Department on behalf of the Planning and Zoning Commission by mailing a notice to the person or persons who filed the preliminary plat to the address or number set forth in the filed papers.
- g. Approval And Form Of Preliminary Plat:
  - (1) If upon the conclusion of such hearing the Planning and Zoning Commission shall find that such preliminary plat satisfied the requirements of this Title, the chairperson of the Planning and Zoning Commission shall sign and date approval thereof in substantially the following language:

*"The proposed plan of subdivision as shown in the preliminary plat herein is approved and the Planning and Zoning Commission now is ready to receive the final plat of said subdivision for consideration."*
  - (2) One print of said preliminary plat so endorsed shall be returned to the subdivider by personal delivery or mail, another print so endorsed shall be retained by the Planning and Zoning Commission and one print with said findings shall be placed in the files of the Community Development Department. A subdivider may submit to the Planning and Zoning Commission an amended preliminary plat for the purpose of complying with any order of the Planning and Zoning Commission. In such event, twelve (12) prints thereof shall be filed with the Community Development Department for resubmission to the required agencies and the Planning and Zoning Commission.
- h. *Provide For Improvements:* The subdivider shall provide for the required public improvements according to the method required under this Title and the plat shall be submitted to the Governing Body for final approval, all as provided in this Title.
- i. *Effective Period Of Preliminary Plat Approval:* The approval of the preliminary plat shall be effective for a period of one year, at the end of which time the recommendation for final plat approval of all or a portion of the preliminary plat must have been obtained from the Planning and Zoning Commission, or the applicant must have applied for and been granted an extension by the Planning and Zoning Commission. An extension of one year will automatically be granted upon approval of improvement plans within the initial one-year period. Any preliminary plat not receiving a recommendation for final plat approval of all or a portion of the preliminary plat or obtaining an extension within this time period shall be null and void, and the subdivider shall be required to resubmit a new plat for preliminary plat approval subject to any new zoning and subdivision regulations.

## 2. *Final Plat:*

Following the approval of the preliminary plat, the applicant shall file an application for final plat approval on a form available from the Community Development Department together with the required fee. The application shall be accompanied by the required number of copies of a plat meeting the requirements for final plat as described in this Title and the completed agreement providing for public improvements.

### a. *Submission For Review By Planning And Zoning Commission:*

- (1) The final plat may, in the discretion of the subdivider, constitute only such portion of the tract covered in the preliminary plat as the subdivider proposes to presently record and develop.
- (2) If a final plat of the entire subdivision or of such portion as the subdivider proposes to presently record and develop, is not submitted within the effective period of preliminary plat approval, shall become null and void unless the applicant requests and is granted an extension.
- (3) Where a portion of a plat has been approved as a final plat and has been developed, and within six (6) months after completion of such development, an additional final plat or improvement plans have not been submitted for additional approval or the subdivider has not requested an extension, the provisions of this subsection providing that it shall become null, and void will apply.
- (4) Four (4) prints of the final plat shall be filed with the Community Development Departments at least fifteen (15) days before the next regular meeting of the Planning and Zoning Commission.

b. *Advertisement Of Public Hearing:* The city shall post notice of the date, time, and place of the public hearing to be held before the Planning and Zoning Commission on the proposed subdivision at least fifteen (15) days prior to the date of the hearing in locations where public meetings are typically posted. The location of the proposed subdivision and other pertinent information shall be included.

c. *Posted Sign:* The City will post at least one notice on each public right-of-way abutting the property that is the subject of the application at a point that is visible from the right-of-way. The sign will be posted for at least fifteen (15) consecutive days prior to the hearing. The sign will indicate the case number reference, legal description of the property, the type of request, contact for additional information about the application, and the date, time and place of the Planning and Zoning Commission public hearing.

- d. *Planning And Zoning Commission Review:* When the Planning and Zoning Commission has determined that the plat conforms to the previously approved preliminary plat, including any condition which may have been required by the Planning and Zoning Commission in approving said preliminary plat, and that said final plat meets all requirements of this Title, the following shall be printed or stamped upon the original plat and prints thereof and signed by the chairman of the Planning and Zoning Commission:

“This final plat of subdivision is recommended to the Governing Body for approval, subject to certifications by the Community Development Department that all arrangements for public improvements required by the land subdivision regulations have been made in accordance with the requirements of Section [11-6-2](#) of the City Code.

Dated:

CITY OF SUNLAND PARK PLANNING AND ZONING COMMISSION

By Chairperson

By City Clerk”

- e. The Planning and Zoning Commission shall then transmit the endorsed final plat and three (3) prints thereof to the office of the Community Development Department for immediate reference to the Governing Body, with a letter of transmittal in duplicate calling attention to any variations or modifications of the requirements of this Title recommended by the Planning and Zoning Commission under this Title and setting forth its reasons for recommending the same. One print of said final plat so endorsed shall remain on file in the office of the Community Development Department.

3. *Submission To Governing Body; Certificate Of The Community Development Department:*

Upon receipt of a final plat and prints thereof so endorsed by the Planning and Zoning Commission, the Community Development Department shall refer the final plat with said letter of transmittal to the Governing Body at its next regular meeting. Thereupon said plat shall remain pending on the agenda of the Governing Body until the Community Development Department has certified thereon that:

- a. The public improvements required by this Title have been constructed in a satisfactory manner in accordance with the minimum standards established by the City and as approved by the City Engineer; or

- b. Financial Guarantees, Acceptable Form Of Guarantee: In lieu of such prior construction, the subdivider has filed with the Community Development Department either of the following methods of posting security on the condition that public improvements will be completed within one year after approval of the final plat.
- (1) A duly executed performance bond with a financially qualified surety in an amount equal to one hundred percent (100%) of the cost of the total public improvements yet to be constructed on all of the property and providing for the installation of such improvements and utilities within a period not to exceed one year. The form of the bond must have prior approval by the City Attorney.
  - (2) An irrevocable letter of credit meeting the following requirements with prior approval of the City Attorney:
    - (A) The letter of credit must be from an institution that is federally insured.
    - (B) The letter of credit shall list as sole beneficiary the City of Sunland Park and shall not expire before fifteen (15) months from the date of plat recording.
    - (C) The letter of credit shall be conditioned on installation or construction of all improvements meeting the standards of this Title as approved by the City Engineer.
    - (D) The Governing Body may extend the period of time for completion for an additional period of time not to exceed twelve (12) months if the subdivider has not completed the required improvements or completed such improvements in compliance with this Title. Any extension of time granted for construction of improvements shall be accompanied by a revised Letter of Credit reflecting the time extension.

#### 4. *Governing Body Approval Required:*

The Governing Body shall act to approve or disapprove the application for final plat approval within thirty-five (35) days from the date of the submission of a complete application for final plat unless the applicant agrees to an extension.

- a. The Governing Body shall consider the recommendation of the Planning and Zoning Commission and shall review all the materials and written comments submitted to the commission, as well as the comments made at the public hearing held before the commission. The Governing Body may also consider other materials or public comments received at the meeting when the recommendation is considered.

- b. The applicant may agree an extension of time for the Governing Body to act upon the application for final plat approval, in which case the time within which the Governing Body is required to act on the application is extended to the next regularly scheduled Governing Body meeting.
- c. If the final plat is approved by the Governing Body, such approval shall be recorded on the cover sheet of the original drawing of the final plat and on three (3) copies and shall be dated and verified by the signature of the Mayor or designated representative of the Governing Body.
- d. If the final plat is disapproved, the Governing Body shall provide the reasons for disapproval in writing. The reasons for disapproval will be attached to two (2) copies of the final plat. One copy shall be returned to the subdivider, and one copy shall be retained in the files of the Community Development Department.
- e. If the Governing Body fails to approve or disapprove the application for final plat approval within thirty-five (35) days from the date of the final submission of the plat, other than from any extension of time agreed to by the applicant before the Planning and Zoning Commission or before the Governing Body, then the plat is deemed to be approved, and upon demand, the Governing Body shall issue a certificate approving the plat which the mayor shall sign and to which the city clerk shall attest.

5. Filing With County:

The final plat is not in full force and effect until it has been duly recorded in the office of the Dona Ana County Clerk and copies filed with the Community Development Department. Approval of the final plat shall become null and void if the plat is not recorded within six (6) months after the date of approval unless an extension of time is granted by the Governing Body. The subdivider is responsible for submitting the final plat for recording. After filing the original plat drawing and the required number of copies with the Dona Ana County Clerk, the subdivider shall submit to the Community Development Department one copy of the final plat as recorded and stamped by the Dona Ana County Clerk. No building permit shall be issued until the copy of the recorded final plat has been placed on file with the City. (Ord. 2019-2, 4-12-2019)

Figure 1. Minor Subdivision Process

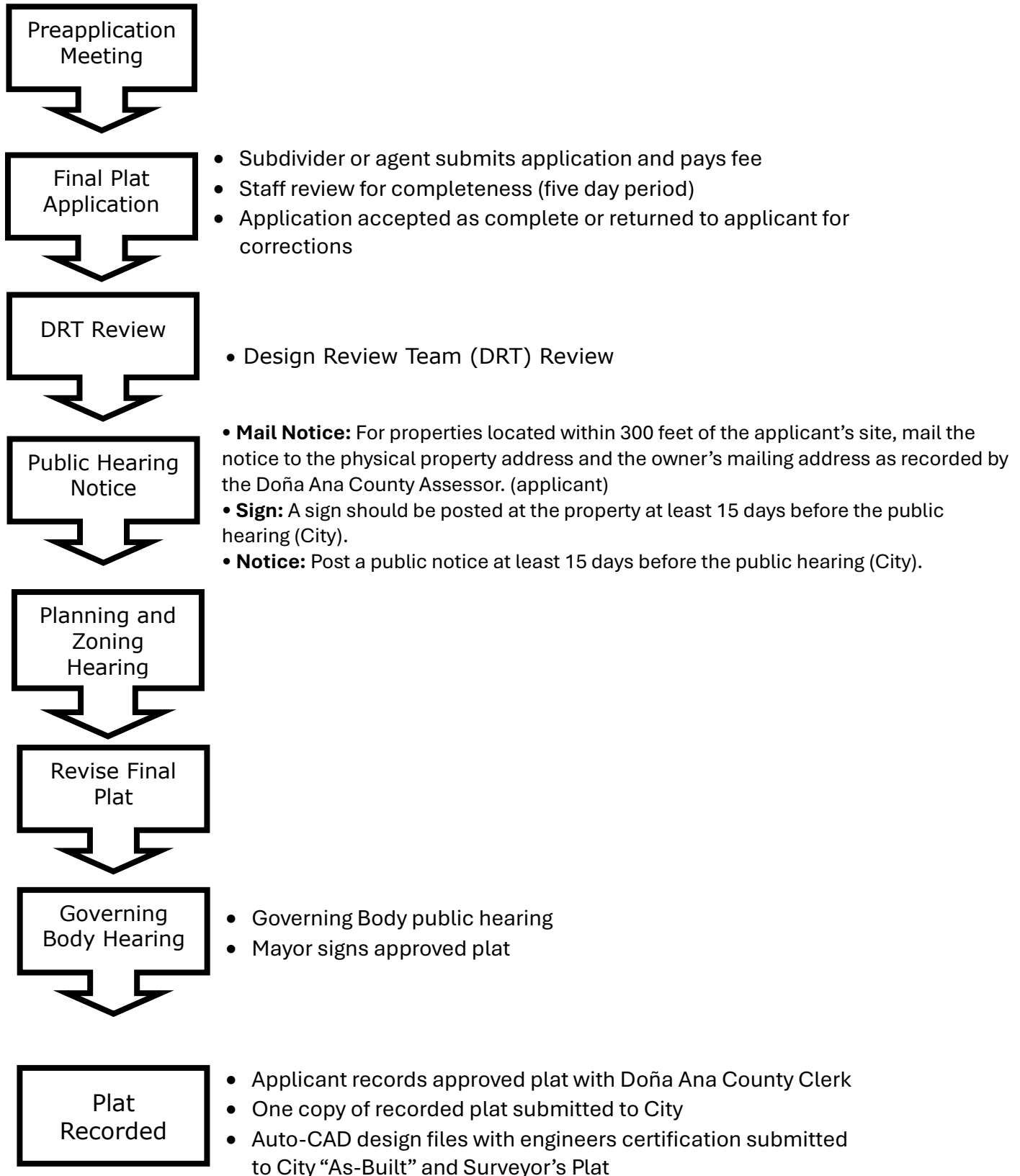
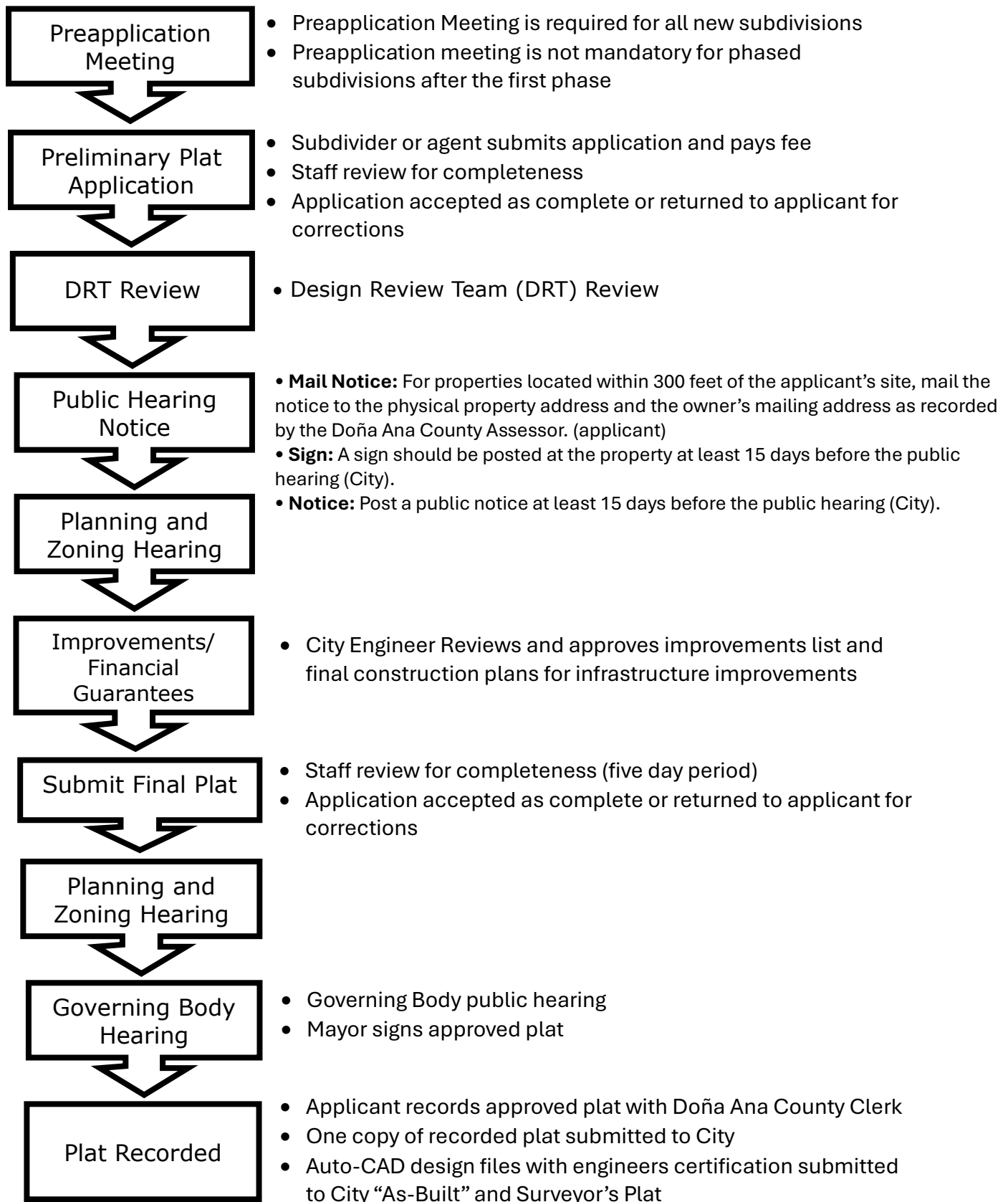


Figure 2. Major Subdivision Process



10-3-2.5 FEES:

Since the Municipal administrative staff will be involved in plan review, plat review, advertising, notification, attendance, property investigations and other activities involving or incidental to processing of subdivisions, a fee intended to partially defray those costs will be charged in accordance with the following schedule: (Ord. 1984-09, 6-5- 1984)

A. Preliminary Plan:

1. Upon submission of a preliminary plat, the engineer for the sub-divider shall submit a list of all public improvements to be constructed (excludes sanitary sewer and water) in or adjacent to or serving the proposed subdivision by the sub-divider.
2. The sub-divider shall pay the City, upon submission of the preliminary plat, a fee in an amount equal to four percent (4%) of the estimated cost of construction of such public improvements (excludes sanitary sewer and water).
  - a. Estimate shall be provided by a qualified and licensed New Mexico Engineer.
  - b. Estimate shall employ the NMDOT Average Unit Bid (AUB) prices, or a City approved equal.
  - c. Estimate shall include a 15% contingency and applicable gross receipts tax. The 15% shall be applied to the estimate after the applicable gross receipts tax calculation.
  - d. Estimate shall include an annual escalation cost commensurate with the consumer price index (CPI).
  - e. Estimate may be amended where market conditions significantly increase or decrease in cost, for material, labor, or equipment.
3. An additional fee in an amount equal to three percent (3%) of the approved estimated cost of construction of such public improvements (excludes sanitary sewer and water) shall be paid prior to beginning any construction on the public improvements.
4. The approved four percent (4%) fee shall be used by the City to defray its costs related to the subdivision review and approval process.
5. An additional review fee shall be charged if and when a sub-divider makes major design changes or layout changed in his plans that must be reviewed again, or if more than two (2) reviews are necessary due to carelessness or neglect of the sub-divider or his agents.

6. The approved three percent (3%) fee shall be used by the City to defray costs of inspections of construction of the public improvements as they are constructed. (Ord. 1984-09, 7-17-1984)

- B. Alternate Summary Procedure: The sub-divider shall pay a fee of one hundred dollars (\$100.00) upon application for approval by the City Clerk-Treasure of a plat falling under provisions of Section 11-3-2 of this Chapter. (Ord. 1984-09, 6-5-1984)

**Note:** Developers, sub-dividers, and permit applicants must consult the City's Development Fee Schedule for additional permits or administrative fees, including the Preliminary Plan, Public Improvement, and Additional Review fees.

#### 10-3-2.6 Penalty:

Whoever being the owner, or agent of the owner, of any land located in the City or within three (3) miles of the City, transfers, sells, or agrees to sell or negotiates to sell such land by reference to any exhibition of or by other use of a plat or subdivision of such land before such plat has been approved as herein provided for in this Title and recorded in the office of the Dona Ana County Clerk, shall be deemed guilty of a misdemeanor. Upon conviction, he shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot so transferred or sold, or agreed, or negotiated to be sold. The City, through its attorney or other official designated by the Governing Body, may enjoin such transfer or sale or agreement by action for injunction or may recover the penalty by civil action. (Ord. 2019-2, 4-12-2019)

### 10-3-3 DESIGN STANDARDS

#### 10-3-3.1 General:

- A. The design standards contained in these regulations, and elsewhere, are intended to implement the Sunland Park Comprehensive Plan. Construction standards and specifications which apply to the actual construction of a facility or utility are found in the New Mexico Standard Specifications for Public Works Construction, NMAPWA, most current edition<sup>1</sup>. The City, at its discretion, may assign the New Mexico Department of Transportation Standard Specifications for Highway and Bridge Construction's latest addition. Traffic standards which apply to these regulations are found in the latest edition of the Institute of Traffic Engineers "Transportation and Traffic Engineering Handbook<sup>2</sup>."
- B. All improvements must meet current Federal ADA Regulations. (Ord. 2019-2, 4-12-2019)

- C. The New Mexico Department of Transportation “State Access Management Manual” provides the administrative procedures and engineering methods employed by both the State and City.

### 10-3-3.2 Streets And Alleys:

#### A. Minimum Requirements for Streets and Alleys:

1. Conformity to Thoroughfare Plan: The location and width of all streets shall conform to the latest Comprehensive Plan and to the provisions herein.
2. Street Right-Of-Way Widths: The minimum street right-of-way width shall be shown on the Thoroughfare Plan Map or, if not shown on such plan, narrower ROW shall be allowed through the platting process upon review by Fire and Planning staff. A PUD should not be required.
3. New streets: Streets projected to carry less than 500 vehicles per day (vpd) are limited to a maximum unimpeded street length of 1200 feet. New streets projected to carry more than 500 vpd will be limited to a maximum unimpeded street length of 900 feet. However, a maximum length of 700 feet is applied to new streets which are projected to carry more than 1000 vpd and have one or more of the following additional characteristics:
  - intersect an arterial street
  - function as neighborhood entrance streets
  - are likely cut-through streets
  - have widths of 40 feet.

Single-family residential lots are prohibited from fronting onto collector streets.

4. Traffic Calming Alternatives: Some proposed land developments are located on difficult terrain or on sites with shapes that make it difficult to adhere to the maximum unimpeded street lengths required by the criteria described above. Consequently, the land developer may petition in writing a design variance to achieve the desired operating speeds by incorporating traffic calming features into longer streets. Traffic calming features allowed by this code are traffic circles, median islands, speed humps, and T-intersections. In addition, for streets with less than 500 vpd, one-lane slow points are allowed as traffic calming features.

B. Additional Width of Existing or Planned Streets:

Subdivisions that adjoin existing or planned streets shall dedicate the right-of-way as necessary to meet the minimum street width requirements set forth in this Section as follows:

1. Both Sides of Street: The entire additional right of way shall be provided where the subdivision is on both sides of the street.
2. One Side of Street; Land Dedication: When the subdivision is located on only one side of an existing or planned major street, as shown on the Thoroughfare Plan, the subdivider shall dedicate right-of-way and build improvements for half the street as long as there are two (2) travel lanes and required improvements on the side that is constructed.

C. Restriction Of Access:

When a subdivision or portion thereof adjoins a major thoroughfare, no single-family residential lot shall have direct access thereto. Said lots shall be provided with frontage on a marginal access street or street other than a thoroughfare with adequate depth for screen planting of the portion of any such lot contiguous with said major thoroughfares.

D. Street Grades:

Grades on a major thoroughfare shall not exceed five percent (5%). Grades on other streets shall not exceed 1 in 12 (8.33%) to comply with ADA. Minimum grades on all streets shall be 0.30 percent.

E. Street Curves:

1. *Horizontal Curves*: Where a deflection angle of more than ten degrees ( $10^{\circ}$ ) in the alignment of a street occurs, a curve of reasonably long radius shall be introduced, as follows: on streets sixty feet (60') or more in width, the center line radius of curvature shall be not less than three hundred feet (300'); on other streets, not less than one hundred feet (100').
2. *Vertical Curves*: Design standards for changes in grade shall be determined by the more stringent of the following standards:
  - a. All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for major thoroughfares and one-half ( $\frac{1}{2}$ ) this minimum length for other streets.
  - b. The minimum length of a vertical curve in a street shall be determined by the larger of two (2) values, one being fifteen (15) times the algebraic difference in the rates of grade for major thoroughfares and one-half ( $\frac{1}{2}$ )

this minimum length for other streets as set out in subsection E.2.a. above, the other being three (3) times the design speed of the street in question. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals fifty feet (1" = 50') horizontal, and one inch equals five feet (1" = 5') vertical, shall be required of the subdivider.

F. Intersections:

Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than seventy-five degrees (75°). Four (4) way intersections shall be discouraged in residential areas. Alternatives that meet AASHTO geometric design guidance will be considered.

G. Street Jogs:

Street jogs with center line offsets of less than one hundred seventy-five feet (175') from centerline to centerline for intersections of local streets or three hundred feet (300') for major thoroughfares shall not be allowed, whether between two (2) proposed streets or between an existing and a proposed street unless a Traffic Impact Analysis recommends a greater distance to preserve safe and efficient traffic operations.

H. Dead-End Streets:

1. No dead-end streets shall be permitted except in cases where such streets are designed to connect with future streets on abutting land, in which case a temporary turnaround easement shall be provided.
2. Where it is necessary to provide for street access to adjoining property not yet subdivided, proposed streets shall be extended by dedication to the boundary of such unsubdivided property. Such temporary dead-end streets shall be no more than five hundred feet (500') measured from the centerline of the intersecting street and provided with a temporary turnaround with the same dimensions as required for a cul-de-sac.
3. A dead end street that is intended to provide access to adjoining property not yet subdivided and extends along a side yard less than one hundred fifty feet (150') in length with no direct access shall not require a turnaround easement.

I. Cul-de-Sacs:

1. Minor residential streets that end in a cul-de-sac shall be no more than five hundred feet (500') measured from the centerline of the intersecting street to the center of the turnaround.

2. No more than thirty-five (35) dwelling units may be served by a cul-de-sac unless otherwise specifically approved by the City.
3. Circular turnarounds with no center island must have a minimum radius of forty-five feet (45') of right-of-way and a radius of forty feet (40') of paved area measured to the curb.
4. Circular turnarounds with an approved center island must have a minimum radius of fifty-two feet (52') of right-of-way and a radius for the paved area of forty-seven feet (47') measured to the curb, including a maximum center island radius of seventeen feet (17').

J. Private Streets and Reserve Strips:

Every subdivided lot shall be served from a publicly dedicated street. There shall be no reserve strip controlling access to streets, except where the control of such strip is placed with the City under conditions approved by the Governing Body.

K. Street Names:

A proposed street which is in alignment with and joins an existing and named street shall bear the name of the existing street. In no case shall the proposed name of a street duplicate the name of an existing street within the area covered by this Title. The use of a suffix "street," "avenue," "boulevard," "drive," "place," "court" or similar description shall not be a distinction sufficient to constitute compliance with this Title. In general, northwest trending right of way shall be called "street," while northeast trending ones shall be called "trail." Dead-end rights of way shall be called "court."

L. Alleys:

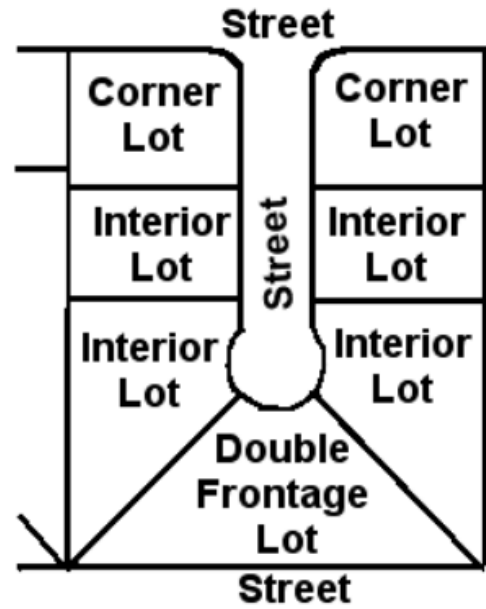
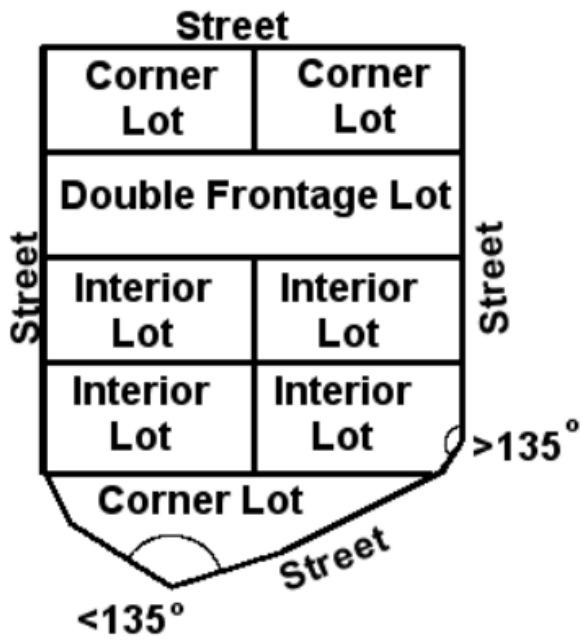
1. To be used for commercial or industrial uses.
2. Alleys may be required by the Planning and Zoning Commission in apartment or multifamily subdivisions.
3. Dead-end alleys shall not be allowed; "L" shaped alleys shall be beveled twenty-five feet (25') at the inside of the "L." (Ord. 2019-2, 4-12-2019).
4. A dedication of a 10-foot (10') pedestrian right-of-way (ROW) is required for children near any nearby school.

### 10-3-3.3 Size Of Blocks:

- A. Block length shall not be less than three hundred feet (300'), nor more than one thousand two hundred feet (1,200') measured along the greatest dimension of the enclosed block.
- B. In blocks over eight hundred feet (800') in length, the Planning and Zoning Commission may require at the time of preliminary plat approval one or more public crosswalks or right-of-way not less than ten feet (10') in width to extend entirely across the street and/or traffic calming measures at locations deemed necessary at intervals not closer than four hundred feet (400'). A pedestrian right-of-way \*through a block\* to increase ease of access through the development.
- C. Block width shall be sufficient to allow two (2) tiers of lots of a minimum depth of one hundred feet (100') for each tier. (Ord. 2019-2, 4-12-2019)

### 10-3-3.4 Arrangement of Lots:

- A. Side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- B. Each lot must front upon a public street not less than fifty feet (50') in width unless otherwise approved in a planned unit development (PUD).
- C. Lot dimensions shall conform to the requirements of the City of Sunland Park Zoning Ordinance; provided, that the depth of a lot shall not exceed three (3) times the width, unless otherwise approved by the City Engineer.
- D. Corner lots for residential use shall have extra width to permit appropriate building setback from both streets.
- E. Lots with double frontage shall be avoided except where necessary when single-family residential development abuts arterial streets. (Ord. 2019-2, 4-12-2019)



Types of Lots

### 10-3-3.5 Public Use and Service Areas:

Due design consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas. Specific consideration shall be given to corners, islands or other special locations designed for school bus loading purposes. (Ord. 2019-2, 4-12-2019)

### 10-3-3.6 Open Space Recreational Areas and Parks:

#### A. Land Dedication:

The City of Sunland Park shall require adequate provision for public park land that is suitable for playgrounds or other public recreation within or accessible to each subdivision. The guiding standards for suitability, facility type, and size of parks are found in the City of Sunland Park Comprehensive Plan.

1. *Land Dedication for Parks:* The subdivider shall dedicate to the City by recording of the final plat with Dona Ana County land suitable for a public park or recreational facilities for the future residents of the subdivision. Steep slopes or land within the flood plain shall not be accepted as park land unless expressly approved by the Governing Body. Park land equal to one acre per one hundred (1/100) dwelling units for single family and duplex lots and one acre per two hundred (1/200) units for multifamily development will be provided by the subdivider within the subdivision or at another location approved by the Governing Body as part of the final plat.
2. *Land Dedication for Open Space:* Where proposed adequate open space for recreation is shown on the Comprehensive Plan and is located in whole or in part in the proposed subdivision, as a condition of preliminary plat approval, the subdivider shall dedicate such land or part thereof to the City in the final plat without charge for recreational purposes. Land within the City that is so dedicated and is suitable for a public park or recreational facility will count towards the subdivider's park dedication requirement.
3. *Fee In Lieu Of Land:* As an alternative for subdivisions other than large scale development, the subdivider may pay a fee per the City of Sunland Park Development Fee Schedule to be held in trust by the City to provide parks or recreational facilities for the benefit of the future residents of the proposed subdivision and for no other purpose. In lieu of such fee, approved improvements by the subdivider to existing or proposed recreational areas serving residents of the proposed subdivision may be approved by the Governing Body. In the event a reasonable compromise is not agreed to by the Governing Body and the subdivider, the Governing Body shall require as a condition of final approval that such land be

reserved and not developed for a period of five (5) years from the date of final approval by the Governing Body so that within that time, the City, the County or other public agency may acquire said land for park purposes in the manner provided by law. If not then so acquired, or a petition for condemnation filed whichever is later, the restriction shall expire. (Ord. 2019-2, 4-12-2019)

**B. Multi-purpose Recreational Flood Control Facilities:**

As part of any large-scale development, the Developer shall consult with the City in the early master planning stages to determine if the land dedication for parks can be multi-purpose in nature and serve as regional flood control facility. Flood control facilities such as open channels and large detention basins shall be considered for open spaces and recreational park use, reducing the long-term maintenance, illegal dumping activities, and increased public use which in turn reduces illegal activity.

**10-3-3.7 Easements for Utilities:**

- A. Except where alleys are provided for this purpose, utility easements not less than ten feet (10') in width shall be provided along front or side lot lines where necessary for use in erecting, constructing and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, gas mains, water mains, electrical lines and other public utilities reasonably required for an urban structure. Utility companies are to be contacted by the subdivider to determine the easements needed.
- B. Whenever practical, per the utility, all utilities shall be placed underground.
- C. No building shall be erected on said easement.
- D. All final plats should be accompanied with evidence that water, sewer, gas, electric, and other applicable utilities concur, and that easements indicated on the plat are suitable for servicing the area. (Ord. 2019-2, 4-12-2019)

**10-3-3.8 Drainage Courses:**

- A. Routing Of Storm Water: Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the facilities to route the storm water through the subdivision to its natural outlet, including necessary easements and provision for lining and checking the rain way, if open, for the installation, or provision for the installation, of storm sewer conduit.
- B. Report By Civil Engineer; Required Conditions: A report by a civil engineer, registered in New Mexico, must accompany the preliminary plat of a subdivision giving the quantity, velocity and depth of flow in all drainage courses at points of entering and leaving the subdivision and at key points within the subdivision for flows anticipated, after development of the area.

The Developer shall comply with the New Mexico Department of Transportation Drainage Design Manual criteria, latest edition ([Drainage Design Bureau | NMDOT](#)). A Drainage Submittal shall be prepared in the format presented in the 2025 DRAINAGE SUBMITTAL POLICY, which provides for a logical and comprehensive treatment of the topics relevant to the review and analysis of a complete Drainage Submittal. The effect of such flows at these points on hydraulic structures, streets, street intersections, and private structures should be presented in the report. Any open channel must be structurally lined with adequate checks to prevent excessive velocities. The design requirements for storm sewer, flood control easements and channels, and for hydraulic structures will be provided by the Governing Body, which must approve plans and specifications for these structures. Right-of-way easements for all open channels shall be dedicated to the City. (Ord. 2019-2, 4-12-2019)

## 10-3-4 PLATTING REQUIREMENTS

### 10-3-4.1 Preliminary Plat:

#### A. Submission For Review:

1. *Filing Copies; Payment Of Fees:* Following review of a location map and sketch plan, said location map or sketch plan being optional with the subdivider, any subdivider proposing to subdivide the land described in said location map or portion thereof shall file in the office of the Community Development Department, a written application on prescribed forms together with six (6) printed copies and a pdf version of a preliminary plat and all supporting materials and pay the required processing fees for said subdivision. Said preliminary plat shall be submitted at least thirty (30) calendar days prior to the regularly scheduled meeting of the Planning and Zoning Commission. The Community Development Department shall deliver one print to the Mayor or designee, one for engineering review, one to each utility affected and shall retain the remaining prints on file for transmittal to the Planning and Zoning Commission.
2. *Subdividing In Phases:* If the subdivider of a proposed subdivision owns, is in control of, or has option to purchase land adjacent, contiguous or in the area of the land proposed to be subdivided and the subdivider contemplates development or subdivision of such other land in the future, along with the preliminary plat, the subdivider shall submit a proposed master plan for subdivision showing the entire tract of land under his ownership or control. The master plan shall show the spatial layout of land use, circulation and proposed parcels, including the layout of each individual proposed subdivision unit if the subdivider contemplates subdivision in phases.

**B. Preliminary Plat Requirements:**

The preliminary plat shall show at least the following:

1. *Title and Heading:* The title under which the proposed subdivision is to be recorded and the name of the land planner, engineer, the registered land surveyor and the subdivider and owner of the tract, with the address to which any notice is to be sent.
2. *Surveyor's Certification and Seal:* Certification and seal by a land surveyor, in accordance with the laws of the State of New Mexico, certifying the accuracy of the survey and plat, that preparation of the plat was supervised by said surveyor, and that all easements of record are shown.
3. *Location map:* Location map showing the location of the site in relation to well-known landmarks, adjacent streets, contiguous property owners, and municipal boundaries.
4. *Benchmark Locations and Monuments:* Proposed benchmark locations, proposed location and method of tie to permanent survey monuments and proposed location and type of subdivision control monuments, descriptions of all monuments found or set, and certification that all monuments are in place.
5. The legal description of the areas being platted.
6. The layout, numbers and approximate dimensions of proposed lot.
7. The zoning classification and proposed use for the area being platted.
8. Proposed names for all streets in the area being platted.
9. The location of all existing property lines, municipal boundaries, section lines, streets, buildings, watercourses, and other existing features within the area to be subdivided and similar information (except buildings and property lines) regarding land immediately adjacent thereto.
10. The proposed location and width of all proposed streets, alleys, front setback lines, utility easements, and areas to be reserved for public use, including land proposed to be dedicated for public parks and recreational use.
11. Existing utilities, drainage courses and culverts, within the tract or on streets immediately abutting thereto; the location and size of the nearest water mains and sewer lines.
12. Contours, referring to the United States Coast and Geodetic Survey Datum with intervals of one foot (1') in all areas.
13. The north point, scale one-inch equals fifty feet (1" = 50') and date.
14. The acreage of the land to be subdivided.
15. Statement that the subdivision on the plat is with the free consent and in accordance with the desire of the undersigned owner and proprietor of the

land, acknowledged by the owner and proprietor or his authorized agent in the manner required for the acknowledgment of deeds. If the plat is filed by a corporation, the acknowledgment shall be made by its president and secretary.

16. Other supporting information:

- a. Drainage report as required by section 10-3-3.8 of this title.
- b. A Drainage Submittal shall be prepared in the format presented in the 2025 DRAINAGE SUBMITTAL POLICY, which provides for a logical and comprehensive treatment of the topics relevant to the review and analysis of a complete Drainage Submittal.
- c. Geotechnical report, if required. Subsurface conditions on the tract, if required by the City Engineer, including such information as the location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water; soil percolation and any other subsurface conditions.
- d. Ready, willing, and able letter from CRRUA indicating acceptance of water and wastewater infrastructure and ability to serve the property.
- e. Proof of approval of the proposed infrastructure by CRRUA and private utilities.
- f. Proof of acceptance by GISD of any land proposed to be dedicated for schools.
- g. Proof of approval of agreement with El Paso Electric Company for the design and installation of streetlights.
- h. Cross sections and construction details of proposed streets.
- i. Proof that subdivider has met all requirements of the New Mexico Department of Transportation for traffic impact analysis and access as required by 18.31.6.16 NMAC.
- j. Draft of existing and proposed protective covenants.
- k. Proposed phasing and schedule of development. If the subdivider proposes to submit the final plat in phases, then a phasing plan must be approved in conjunction with preliminary plat approval. If the application includes a master plan, a proposed schedule of development must be submitted for all properties covered by the master plan.

17. *Public Improvements List:* Public improvements list of all required infrastructure improvements, including how and when the subdivider proposes to provide and install all required sewer or other disposal of sanitary wastes, pavement, sidewalks, drainage structures and water supply system.

18. Such other information and material as may be applicable or required by ordinance or rules and regulations pertaining to utilities within the Municipality. (Ord. 2019-2, 4-12-2019)

10-3-4.2 Final Plat:

A. Preparation By Registered Licensed Surveyor, Minimum Public Improvements:

1. Receipt by the subdivider of the print of the preliminary plat approved by the Planning and Zoning Commission as aforesaid shall constitute authority for the subdivider to proceed with further plans and specifications for installation of public improvements in accordance with the minimum standards established by this Title and the preparation of a final plat.
2. The final plat must be prepared, stamped and signed by a registered, licensed surveyor of New Mexico.

B. Contents Of Final Plat:

1. The final plat shall be in conformity with the requirements of the Community Development Department and shall be an accurate drawing designating specifically the land so laid out, and particularly describing the portions thereof intended to be dedicated for public use. Said final plat shall be drawn in black ink to a scale of not more than one-inch equals one hundred feet (1" = 100') from an accurate survey. It shall contain one or more sheets of dimensions not exceeding twenty-four inches by thirty-six inches (24" x 36"). If more than two (2) sheets are submitted, an index sheet of the same dimensions shall be attached showing the entire subdivision on one sheet and the component areas on the remaining sheets.
2. Final plat shall be substantially the same as the preliminary plat with changes requested and approved by the City Engineer. Minor changes are allowed as defined by the City Engineer.
3. Said final plat of the subdivision and accompanying documents shall show:
  - a. Boundary lines with accurate distances and angles.
  - b. Correct legal description which shall refer to permanent monuments, number of each lot in progression, and dimensions of same.
  - c. Lines of all proposed streets and alleys with their width and names.
  - d. Accurate outline of any portions of the land to be dedicated for public parks or recreational use and all other property intended to be dedicated for public use or for the use of the owners of lots fronting or adjacent to the land, together with dimensions of same.
  - e. Line of departure of one street from another.
  - f. Names with widths of adjoining streets and alleys abutting the subdivision.

- g. All lots designated by numbers or letters and streets, avenues and other grounds designated by names, letters or numbers, and designating building numbers (street addresses).
- h. Building setback lines shown by narrow dashed lines.
- i. Location of all easements provided for public use, services or utilities.
- j. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use.
- k. Radii, arcs, or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- l. Location of all survey monuments and their descriptions.
- m. Name of the subdivision and the scale of the plat, north arrow, the names of owners, subdividers, and date.
- n. Certificate of registered land surveyor, attesting to the accuracy of the survey and the correct location of all monuments shown.
- o. Certificate of licensed engineer attesting to the adequacy of, and in compliance with, engineering provisions and requirements.
- p. Acknowledgment: Every plat shall contain a statement that the land being surveyed, and the streets, alleys, easements, drain ways and other public ways appearing on the plat are with the free consent and in accordance with the desire of the undersigned owner and proprietor of the land and are dedicated to the public use and shall be acknowledged.
- q. Certification: A certification by the owner or owners and spouse, if any, or a duly authorized attorney that there are no delinquent taxes, suits, actions at law, easements, restrictive covenants or rights of way affecting the property except those stated on the plat.
- r. Affidavit: The plat shall also contain an affidavit by the City that the proposed subdivision lies within the municipal boundary of the City.
- s. Proof of final approval of utilities as indicated by separately signed approval blocks with the names of each utility company involved typed under the signature along with the date of each signature. Signatures shall be obtained from CRRUA, and providers of telephone, electric, gas, cable and internet service, and other utilities as applicable. (Ord. 2019-2, 4-12-2019)

#### 10-3-4.3 Resubdivision By Description:

##### a. Certificate Of Survey:

Every person who desires to subdivide land shall furnish a plat of the proposed subdivision, prepared by a registered, licensed surveyor of New

Mexico; except that the resubdivision of platted tracts that are less than one acre and which are contiguous with each other, for the purpose of increasing or reducing the size of such contiguous tracts, but not less than the minimum standard size required by the City, shall not require the furnishing of a plat of the proposed resubdivision; provided, that a certificate of survey setting forth the legal description of tracts resulting from such resubdivision shall be filed with the Planning and Zoning Commission, the Community Development Department and County Assessor of Dona Ana County, and such filing shall be considered as a rededication of said described lots in all respects.

b. Description Of Lots:

The plat shall refer to permanent monuments and shall accurately describe each lot, number each lot in progression, give its dimensions and the dimensions of all land dedicated for public use or for the use of the owners of lots fronting or adjacent to the land. Description of the lots by number and plat designation are valid in conveyances and for the purpose of taxation. (Ord. 2019-2, 4-12-2019)

## 10-3-5 IMPROVEMENTS

### 10-3-5.1 Authorization to Construct Public Improvements:

A. Signed Copy Of Preliminary Plat:

Receipt of the signed copy of the preliminary plat is authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements that will be required as long as the subdivision conforms to the minimum standards required by this chapter. Where the subdivider is requesting a modification to the standards of this Title, receipt of the signed copy of the preliminary plat is authorization for the subdivider to proceed with the preparation of plans and specifications.

B. Plans And Information Required:

Prior to the construction of any improvements, the subdivider shall furnish the Community Development Department all plans, information and data necessary for the construction of said improvements, both on-site and off-site.

C. Approval Of Plans:

The plans shall be examined by the City Engineer and will be approved if in accordance with the following requirements in this Chapter. Following the approval, construction can be started. The subdivider may prepare and secure approval of the preliminary plat and then install improvements only in

the portion of the area covered by the preliminary plat or offsite improvements that will serve the proposed project. (Ord. 2019-2, 4-12-2019)

#### 10-3-5.2 Completion of Improvements:

Plans for improvements shall be prepared by a qualified engineer registered in accordance with the laws of New Mexico. The improvements listed below shall be installed pursuant to the method decided upon under subsection 11-3-4D(3) of this Title, and with the provision that no residence or other building shall be constructed until the street, curb and gutter, sidewalk, water and sewer improvements, underground utilities, or storm drain provisions as may be required have been installed for the entire block in which the residence or other building shall be located. (Ord. 2019-2, 4-12-2019)

#### 10-3-5.3 Improvements Standards:

Standards for design, construction, specifications and inspection of street improvements, curbs and gutters, sewers, sidewalks and drainage facilities shall be prepared by the City Engineer, or in the case of state roadways, the New Mexico Department of Transportation. Similar standards for streetlights; electrical, gas and water distribution facilities; fire hydrants, sewage disposal; garbage disposal; and sanitation facilities shall be prepared by the City Engineer in conformance with applicable State requirements and the requirements of CRRUA and private utilities. In the absence of City improvements standards, the standards of the utility or other service provider shall apply. (Ord. 2019-2, 4-12-2019)

#### 10-3-5.4 Improvements Requirements:

The improvements to be installed shall include the following:

##### A. Permanent Markers:

All subdivision boundary corners, and the intersections of street center lines shall be marked with a permanent monument. A permanent monument shall be deemed to be concrete with a minimum dimension of four inches (4"), extending three feet (3') below the surface of the ground, or steel pipe firmly imbedded in concrete which extends at least three feet (3') below the surface of the ground. Should conditions prohibit the placing of monuments on line, offset marking will be permitted; provided, however, the offset courses and distances are shown on the plat. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the USC and GS datum and accurately noted on the subdivision plat.

B. Street Improvements:

All streets shall be graded, and the roadway improved by paving under the supervision of the City Engineer and subject to his approval. Curbing, gutter, and sidewalks shall be installed in a similar manner. No paving is to be installed unless all utility lines have been placed and stubbed out under the areas to be paved. Roadway surfacing shall include standard curb and twenty-two-inch (22") gutter on both sides of the street not closer than thirty-six feet (36') from the face of curb to face of curb with the area between the curbs surfaced with concrete or asphalt meeting the specifications of the City Engineer.

C. Major Streets:

Major streets shall be at a width determined by study of the City Engineer, recommendation of the Planning and Zoning Commission, and approval of the Governing Body.

D. Sidewalks:

Sidewalks shall have a minimum width of five feet (5') and shall be constructed under the supervision of, and subject to the approval of, the City Engineer in accordance with specifications of the City Engineer. Sidewalks shall be located with back abutting the street right-of-way line. All sidewalks must meet ADA Standards for Accessible Design.

E. Water Lines:

The subdivider shall make necessary arrangements with CRRUA to serve each lot and provide evidence from CRRUA that water service is available, and proposed infrastructure meets CRRUA standards. Water lines shall be installed to at least the back side of proposed sidewalks before any paving is installed.

F. Sanitary Sewers:

The subdivider of land within the City limits shall make necessary arrangements with CRRUA to serve each lot and provide evidence from CRRUA that sanitary sewer service is available, and proposed infrastructure meets CRRUA standards.

G. Drainage:

Adequate provision shall be made for drainage of storm water subject to the approval of the City Engineer. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low spot. No lot shall be platted to obstruct natural water flow. Storm water drainage shall not be permitted to combine with sanitary sewer. Drainage channels must be lined and provided with required checks or be installed in concrete

storm sewer conduit in accordance with the requirements of the City Engineer. Please see section 10-3-3.8 of this title.

H. Alleys:

Alleys shall be graded to their maximum usable width to a grade sloped to drain. Valley gutters, at least eighteen inches (18") wide shall border the paving on both sides.

I. Street Signs:

A four (4) way metal street sign shall be installed at each street intersection by the City and billed to the subdivider. The letters shall be at least four inches (4") high. The signs shall be plain with white letters and the style, color, and material must be approved in advance by the City. Signs on State roadways shall meet the standards of the State Highway Commission.

J. Streetlights:

Streetlights shall be designed in accordance with El Paso Electric Company's Line Extension Policy and Construction Charges. Street lighting systems are normally installed, owned and maintained by the El Paso Electric Company and billed to the City monthly. The subdivider is responsible for coordinating the power source, design of the distribution system and light pole locations, and construction of the distribution system with the City and El Paso Electric Company. Aluminum poles and LED lighting are required for streetlights on major streets and street lights that will be maintained by the City of Sunland Park. (Ord. 2019-2, 4-12-2019)

## 10-3-6 VARIANCES

### 10-3-6.1 Modification Of Requirements, Hardship:

#### A. Conditions For Allowing Variance:

Where in the case of a particular proposed subdivision it can be shown that strict compliance with the requirements of this Title would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition, or that these requirements would result in inhibiting the achievement of the objectives of this Title, the Planning and Zoning Commission may recommend to the Governing Body to vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this Title or any utility regulations or other requirements of the City or interfere with carrying out the Comprehensive Plan.

#### B. Application For Variance:

Application for any variance shall be submitted in writing by the subdivider at the time the preliminary plat is filed and shall state fully the grounds for the application and the facts relied upon by the subdivider. The Planning and Zoning Commission shall give its written recommendation thereon at the time of its approval or disapproval of said preliminary plat.

#### C. Limitations On Allowing Variance:

In no case shall any variation or modification be contrary to the mandatory requirements of State law, nor be more than a minimum easing of the requirements. In no case shall it have the effect of reducing the traffic capacity of any street below that shown on the Comprehensive Plan or be in conflict with the Zoning Ordinance.

#### D. Planning and Zoning Commission Recommendations To Governing Body:

In granting variances and modifications, the Planning and Zoning Commission may recommend such conditions as will, in its judgment, secure substantially the objective of the requirements so varied or modified. In all cases the decision of the Governing Body shall be final.

#### E. Authorization to Construct Public Improvements:

In the event that the subdivider has requested a modification of requirements, approval of the preliminary plat is confirmation of approval of requested modifications and is authorization for the subdivider to proceed with the preparation of plans and specifications for required improvements. (Ord. 2019-2, 4-12-2019)

## 10-3-7 PUBLIC IMPROVEMENT DISTRICTS

### 10-3-7.1 General Policies:

#### A. General Use:

PIDs should be utilized primarily in connection with the financing of infrastructure for development of residential projects, master planned communities or substantial commercial development and redevelopment. PIDs may also be utilized to provide an enhanced level of public infrastructure amenities and/or municipal services. In order to avoid inefficient use of the limited resources of the City, unless otherwise agreed by the Council, PIDs will not be approved to finance projects estimated at less than three million dollars (\$3,000,000.00). The City's approval of a PID shall be based on an applicant's demonstration, to the satisfaction of the City, that the PID will provide benefit to the end-users of the PID-financed infrastructure or to the City which would not otherwise be available, which benefit may include, without limitation, additional amenities, services, increased quality of development or pricing benefits. Public improvements financed by a PID shall conform to applicable City policies for development. Except as expressly agreed by the City based upon its determination that City-owned utilities will not be adversely affected, "stand alone" utilities which compete directly or indirectly with City services shall not be financed through PIDs. Real property dedications and conveyances required by existing City policies for development, growth management and conservation shall remain in effect notwithstanding the establishment of a PID. The Council may agree to participate in various projects depending on project type, location and cost when such factors have a clear benefit to the public. Public infrastructure proposed for the PID shall be concurred to by the Council and must be of the types specified in §5-11-2(P) of the Act (NMSA 1978 Chapter 5, Article 11), namely:

1. Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;
2. Drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use and discharge;
3. Water systems for domestic, commercial, office, hotel or motel, industrial, irrigation, municipal or fire protection purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;
4. Highways, streets, roadways, bridges, crossing structures and parking facilities including all areas for vehicular use for travel, ingress, egress and parking;
5. Trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for travel, ingress, egress and parking;

6. Pedestrian malls, parks, recreational facilities and open space areas for the use of members of the public for entertainment, assembly and recreation;
7. Landscaping, including earthworks, structure, lakes and other water features, plants, trees and related water delivery systems;
8. Public buildings, public safety facilities and fire protection and police facilities;
9. Electrical generation, transmission and distribution facilities;
10. Natural gas distribution facilities;
11. Lighting systems;
12. Cable or other telecommunications lines and related equipment;
13. Traffic control systems and devices, including signals, controls, markings and signage.
14. School sites and facilities with the consent of the governing board of the public school district for which the site or facility is to be acquired, constructed or renovated;
15. Library and other public educational or cultural facilities;
16. Equipment, vehicles, furnishings, and other personally related to the items listed in this subsection; and
17. Inspection, construction management and program management costs.

**B. Cost And Expenses:**

Unless otherwise agreed by the City, all costs and expenses incurred by the City in connection with (i) its review of a PID application; and (ii) the formation of a PID shall be paid by the applicant through advance payments as provided in this chapter. Costs and expenses incurred by the City in connection with the application and formation of a PID shall not be a liability of the City. Costs and expenses shall include the costs of services rendered by City staff and services rendered by outside consultants and other service providers who may be retained by the City including, but not limited to, bond counsel, financial advisers, engineers, appraisers, tax consultants and attorneys, at the rates and charges normally charged by those consultants. All costs and expenses incurred by the applicant shall be promptly paid by the applicant.

**C. Reimbursement:**

If authorized by the PID, all or part of such advanced payments may be reimbursed to the applicant from a PID tax levy, PID assessments, PID revenues or PID bond proceeds, provided that such reimbursement shall be in conformity with federal law, state law and these guidelines.

**D. Construction or Financing of Improvements:**

Except as otherwise agreed by the City, PIDs will facilitate the construction or financing of improvements on such terms with such persons as the PID board of directors determines to be appropriate, in accordance with §5-11-10(D) of the Act.

**E. Cost Of Administration And Operation:**

Unless otherwise agreed by the City, all costs of administration and operation of the PID and the operation and maintenance of public infrastructure in the PID which has not been dedicated to and accepted by the City (or other appropriate public agency), shall be the responsibility of the PID, the applicant, applicable homeowners' associations, or any combination of the foregoing, as may be acceptable to the City and the PID.

**F. PID Boards of Directors - Delegated Authority:**

PIDs will initially be governed by a five (5)-member board of directors appointed by the Council in accordance with §5-11-9(A) of the Act which shall be composed of two (2) full-time employees of the City, two (2) persons selected by the applicant with the approval of the Council, and a fifth member selected by the other four (4) members. Three (3) of the appointed directors shall serve an initial term to expire following a regular local election and not to exceed six (6) years. Two (2) of the appointed directors shall serve an initial term to expire following a regular local election and not to exceed four (4) years. The appointment of the initial board of directors and their respective terms of office shall be set forth in the Formation Resolution. The Council may, in accordance with the Act, delegate certain responsibilities of governance of PIDs to public officials employed by the City. Day-to-day responsibilities of PIDs may be performed by outside personnel pursuant to a PID Development Agreement entered into pursuant to section 5-11-10(A)(2) of the Act or City staff. In order to avoid confusion with other development, agreements entered into by the parties with respect to real property within the City, a development agreement entered into regarding the administration of a PID may be denominated as a "PID Development Agreement". Each PID Development Agreement shall implement this Chapter. Upon execution by the City and the applicant, the PID Development Agreement shall supersede this Chapter in the event of a conflict. After the formation of a PID, at the end of the appointed directors' terms, the Council shall resume governance of the PID as its board either directly or through the Council's designees, or, at the Council's option, shall hold an election of new directors in accordance with the Act.

**G. Self-Supporting - No Impact On City:**

Unless otherwise agreed to by the City, PIDs shall be self-supporting with regard to financing, operations and maintenance, and City funds will not be used for PID purposes. Notwithstanding anything contained in this Chapter, neither the City's property, its full faith and credit nor its taxing power shall be pledged to the payment of any PID obligation or indebtedness. The amount and structure of debt of a PID shall not have any direct negative material impact on any debt ratings maintained by the City.

**H. PID Development Agreement - Feasibility Reports:**

The amount, timing and form of financing to be used by a PID shall be determined by the PID board based upon a project feasibility report and established by agreement of the City, the PID and the applicant through a PID Development Agreement pursuant to Section 5-11-10(A)(2) of the Act. (Ord. 2020-1, 3-17-2020)

**10-3-7.2 Pre-Application Meeting with PID Review Staff:**

**A. PID Pre-application with City Staff:**

The City hereby establishes and appoints a PID review staff (the "PID Review Staff"), which shall be composed of the City Manager, Economic Development Director, Finance Director and City Attorney, or successors in function to those City officials. Potential applicants for a PID are required to meet with the PID Review Staff for a pre-application meeting in order for the PID Review Staff to accomplish the following preliminary tasks:

1. Make an initial determination whether the proposed PID is consistent with the City's growth policies, land use and development policies, zoning and other applicable regulation;
2. Make an initial determination whether the PID applicant's ownership interest, delegation of ownership rights or other legal control of the real property proposed to be included in the PID to have standing to submit a PID application;
3. Establish a proposed schedule for application review, including (i) the applicant's submittal of a PID application, (ii) PID Review Staff review of the application for completeness, and (iii) Council meeting for consideration of and action on the application; and
4. Identify any related City approvals or requirements that will be required to permit the PID, if approved by the Council, to construct the proposed improvements.

**B. Role of PID Review Staff:**

The determinations by PID Review Staff shall be of an advisory nature, for the purposes of assisting applicants in submitting completed applications with detail and information required to enable meaningful consideration by the

Council. Determinations and recommendations of the PID Review Staff shall be considered by but not be binding on the Council.

C. Invitation To Apply For PID:

If the PID Review Staff concludes that an application is consistent with City policies and regulations, including this Chapter, then an invitation to submit an application will be extended to the applicant. If the PID Review Staff determines that the proposed PID is not consistent with City policies and regulations and does not extend an invitation to submit an application, the applicant may appeal that determination to the Council, which will determine whether or not an invitation to apply for a PID will be extended. (Ord. 2020-1, 3-17-2020)

10-3-7.3 Application Contents:

After the applicant has met with the PID Review Staff and received an invitation to submit an application, the applicant may submit a PID application to the City. Each application shall, at a minimum, contain the following:

A. Legal Description - Qualified Electors' Consent:

A description of the proposed PID, including a legal description of its boundaries, the identity and addresses of all persons or entities with any interest in the property (and descriptions of the nature of such interests), the names and addresses of any qualified electors, as defined in §3-I-2(K) of the Act, who are located within the proposed PID boundaries, and an explanation as to how the PID boundaries were chosen. A current title report on the property shall be submitted as evidence of the names of persons or entities with any interest in the land. The applicant shall also submit a list of qualified electors located within proposed PID boundaries provided by the county board of elections or provide evidence satisfactory to the City that no qualified electors are located within the proposed PID boundaries. The application shall include evidence satisfactory to the City of the irrevocable consent of the property owners and approval of the qualified electors (as applicable) required by the Act for the creation of the PID.

B. General Plan:

A detailed description of the types of public infrastructure to be financed by the PID, including the estimated construction or acquisition costs of the public infrastructure, information regarding the future ownership of public infrastructure improvements, projection of working capital needs (including adequate funds for repair and replacement of infrastructure), the annual operation and maintenance costs of the public infrastructure, and the governmental approvals that will be required for both the public and private improvements to be constructed and operated. The description shall contain

adequate information to establish financial parameters for the operation and financing of the PID as set forth in Section [11-8-5](#) of this chapter.

**C. Preliminary Financing Plan and Schedule:**

1. An estimated project schedule for commencement and completion of construction of:
  - a. The public infrastructure; and
  - b. The private development, which shall include a financing plan for the public infrastructure, including both capital and operating/maintenance costs for all undedicated improvements undertaken by the PID.
2. The financing plan shall include projections for a period covering:
  - a. The expected term of existence of the PID;
  - b. Thirty (30) years following the creation of a PID property tax or special levy; or
  - c. The last bond payment date of any bonds expected to be issued by the PID, whichever shall be the longest.
3. The financing plan shall include:
  - a. The estimated cost of improvements;
  - b. Projected costs of maintenance after construction; and
  - c. A preliminary description of the improvements to be owned and maintained by the City (or another public agency) and the PID.

**D. Feasibility Study:**

A financial feasibility study prepared by an independent professional with appropriate expertise for the entire project (or such phases of the project that are expected to be constructed during the term of the development), covering both the public infrastructure and the private development. The feasibility study should include the information required under Section 5-11-16 of the Act.

**E. Appraisal:**

To the extent necessary to support a request for debt financing (i.e., to satisfy the requirements of the Act for the issuance of special levy bonds), the applicant shall provide a current appraisal (the "MAI appraisal") of the fair market value of the property within the proposed PID, including:

1. The improvements to be financed by the PID; and
2. Other improvements being constructed by the applicant during the PID construction period, the completion of which is guaranteed by the applicant. The MAI appraisal shall be prepared by a person who is designated as a Member Appraisal Institute ("MAI") and a certified

general real estate appraiser (such person hereafter referred to as a "MAI appraiser"). The form and substance of the MAI appraisal shall be acceptable to the City, in its discretion.

F. Market Demand Study:

A market demand study for private development in the PID shall be prepared or reviewed and concurred in by an independent consultant acceptable to the City. Such study shall include estimates of the revenue to be generated by the development and estimated market absorption of the development.

G. Applicant Financial Information:

A description of the applicant's professional experience and evidence demonstrating its financial capacity to undertake the development associated with the public infrastructure and private development. Such information may be accompanied by audited, reviewed or at a minimum, compiled financial statements for the most recent three (3) years and a description of past projects and disclosure of any material litigation.

H. Draft Disclosures:

An initial draft form of disclosure to prospective PID landowners to be filed and recorded with the county clerk pursuant to the Act at the time of each sale of real property within the PID, stating that the applicant intends to file an application for formation of a public improvement district, describing the purpose of the proposed public improvement district, providing a description of what a public improvement district is, and providing the rate, method of apportionment and manner of collection of a special levy, if one is proposed, in sufficient detail to enable each owner or resident within the district to estimate the maximum amount of the proposed levy, together with any other assessment, charge, or other financial obligation that is anticipated to be imposed on real property within the PID, which shall be subject to City review and approval.

I. Operating Plan:

A draft operating plan for the PID describing the operation and maintenance of the infrastructure and all other services in the PID, the estimated costs of the same, and whether operation and maintenance is proposed to be provided by the PID or the City.

J. Draft PID Development Agreement:

A proposed form of PID Development Agreement.

K. Draft Formation Resolution:

A proposed form of resolution of the Council effecting the formation of the PID, approving the PID Development Agreement, and reflecting related matters.

L. Compliance Certificate:

A certificate that the PID will comply with the City's current zoning requirements.

M. Other Information:

Such other information as the City may reasonably require after its initial review of the application, including preliminary legal opinions, further information regarding the relationship of the plan to City's development objectives, additional proof of financial capability, business references, and term sheets for financing and financial commitment letters. The City shall endeavor to provide as complete as practicable a list of additional information items needed within fifteen (15) days following the application conference; provided that the failure to provide such list shall not prejudice the City's rights to request any desired information at any time. (Ord. 2020-1, 3-17-2020)

10-3-7.4 Application and Approval Process:

A. Application Submission:

Ten print copies and one digital pdf copy (on CD or flash drive) of the application for the formation of a PID (including all attachments and exhibits) and an application fee of thirty thousand dollars (\$30,000.00) (the "application fee") shall be submitted to the City Manager.

B. Application Fees:

The application fee shall be utilized by the City for initial application review and project feasibility analysis, including the payment of the City's financial and legal advisors, at their customary rates, to assist in the evaluation of the feasibility of the proposed PID project. Ten thousand dollars (\$10,000.00) of the application fee shall be nonrefundable. The balance of the application fee shall be used by the City in connection with its review of the application. If the applicant withdraws its application prior to the City's completion of its application review, the City shall remit the unused portion (if any), of the application fee (but not the nonrefundable \$10,000.00 portion) to the applicant. Upon the applicant's request, the City will provide an accounting of expenditures of funds advanced. Any unused portion of advances shall be refunded to the applicant at such time as the City determines that all costs and expenses have been paid. If at any time the anticipated costs of review and/or remaining third-party expenses exceed the amount of the remaining application fee on hand with the City, the City may require the applicant to deposit additional funds and may suspend its review pending receipt of such additional funds. The City and its legal consultants shall use reasonable efforts to determine whether any features of a PID proposed in an application

appear not to be feasible, and to advise the applicant early in the review process, for the purpose of avoiding unnecessary additional costs of review.

C. Post-Application Conference:

After the application and the application fee have been submitted, the City Manager, or designee thereof, will arrange a conference with the PID Review Staff for the purpose of reviewing the application and determining whether the application is complete. If, following the application conference or any other time during the application process, PID Review Staff requests additional information, the applicant shall provide any and all supplemental information requested, in accordance with the provisions of Section [11-8-3](#) K.

D. PID Review Staff Report:

After analysis of an application is completed, PID Review Staff, under the direction of the City Manager, or designee thereof, will prepare a report including recommendations relating to the PID and an analysis of the impact of the formation of the PID and its effects on the City. The report may provide a recommended disposition of the application and any additional requirements that are recommended in connection with the applicant and/or the PID. If all costs billed to or incurred by the City have been paid by the applicant by a date at least fourteen (14) days prior to the date of the meeting of the Council at which the appropriate resolution(s) approving the application is to be introduced, and if the application otherwise meets the qualifications provided herein and in the Act, the application, along with any report and recommendations by PID Review Staff, will be forwarded to the Council for consideration.

E. PID Development Agreement:

If the Council approves an application for formation of a PID, the applicant and the staff of the City shall coordinate a schedule of events for the formation of the PID and shall negotiate an appropriate PID Development Agreement which, if approved by the Council, shall incorporate the recommendations of the PID Review Staff relating to such PID, and any other restrictions, provisions and agreements required by the City.

F. Preliminary Approval:

As an alternative to seeking final approval of its application, an applicant may request preliminary, nonbinding approval of its application by the Council ("preliminary approval").

1. A request for preliminary approval will be considered following payment of the initial application fee and information such as the following:
  - a. A description of the proposed PID boundaries, together with a preliminary description (to the best knowledge of the applicant) of the

ownership of property within the PID boundaries and whether any qualified electors are located within the PID boundaries.

- b. A description of the improvements to be constructed by the applicant.
- c. The estimated construction costs of the improvements and anticipated completion time.
- d. A description, by category, of improvements and related costs to be financed by the PID.
- e. The estimated issuance amount of PID.
- f. The total annual special levy amount (i.e., estimated aggregate annual debt service on bonds); and
- g. To the extent applicable, the maximum annual PID property tax, the allocation method and maximum special levy per dwelling unit (single-family residences) or per acre (multifamily and commercial), and the methods by which the levy will be apportioned.

A request for preliminary approval need not include all of the elements of a completed application described in subsection 3.

- 2. The PID Review Staff report will advise the Council whether preliminary approval is recommended, not recommended, or that no recommendation is made.
- 3. Additional Fees: An applicant that has received preliminary approval may be required to make such additional advances as the City staff determines are necessary to pay the costs of reviewing the applicant's request for final approval of the formation of the PID, as described in subsection 11-8-4 B. An applicant may be required to submit a full additional initial application fee under subsection 11-8-4 A. (including another non-refundable portion thereof as described in 4 B.) if, in City staff's determination, the application for final approval of a PID departs substantially from the parameters set forth in the application for preliminary approval.
- 4. Preliminary Approval Not Binding: Preliminary approval, if granted by the council under this subsection 11-8-4 F., shall not bind the Council to approve or take any other action with respect to the submission of a completed final application for formation of the PID; the Council may in its sole discretion disapprove a final application notwithstanding that it has previously granted preliminary approval for the same or a similar project.

**G. Notice Of Public Hearing:**

Pursuant to §5-11-4 of the Act, no PID application shall be acted on without a duly noticed public hearing. The notice of public hearing shall be mailed by registered or certified United States mail, postage prepaid, to all owners of real property in the proposed district at least thirty (30) days prior to the

date of the hearing. In addition, notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the City. The last publication shall be at least three (3) days before the date of the hearing. The notice shall comply with requirements of subsections B and C of §5-11-4 of the Act.

H. Approval Of Formation And PID Financing:

The Council may include in its approval of the PID formation the issuance of one or more series of PID bonds, subject to the terms and conditions of the formation resolution, the PID General Plan and the PID Development Agreement. The Council's approval of PID formation and issuance of bonds shall be conditioned on the requirement that the PID shall utilize bond counsel, underwriters and/or other consultants selected by or otherwise acceptable to the Council, and that each issue of PID bonds shall be subject to the review and approval of the Council prior to issuance.

I. Extension Of Application Review Period Beyond 90 Days:

In the event that the City for any reason does not take formal action on the PID application within the 90 day review period described in §5-11-3(A) of the Act, the developer may withdraw and resubmit its application with no penalty. No additional fee shall be due in connection with such resubmission as long as there are no material changes to the form and substance of the application. (Ord. 2020-1, 3-17-2020)

10-3-7.5 PID Operations and Debt Financing:

A. PID Administration Expense Fee:

In addition to the amounts set forth in Section [11-8-4 B.](#), within ten (10) days following formation of a PID the applicant shall deposit with the PID a nonrefundable administrative expense fee in the amount of five thousand dollars (\$5,000.00). The administrative expense fee shall be applied by the PID to the costs and expenses incurred in connection with the formation, review of any feasibility study, election costs, administration, operation and maintenance of the PID or its public improvements. From time to time, upon depletion of the administrative expense fee, the PID may request, and the developer landowner shall promptly deposit with the PID, additional amounts deemed by the City to be necessary for the purposes contemplated in this section. Nothing in this subsection precludes the reimbursement of such expenses from PID taxes, levies, charges or bond proceeds, as permitted by the Act.

**B. Administration, Operation And Maintenance Charge:**

In order to provide for the PID to be self-supporting of its administrative, operation and maintenance expenses, and to finance services in addition to those provided by the City, the City may condition its approval of a PID, on the PID's imposition of up to three dollars (\$3.00) per one thousand dollars (\$1,000.00) of assessed value ad valorem tax, not as tax or charge of the City, but in accordance with the provisions of section 5-11-23 of the Act, as amended, upon the PID taxable property which is not City-owned infrastructure otherwise maintained by the City or otherwise exempt from taxation; provided, however, that to the extent permitted by law the PID shall be entitled to charge such rates, fees, and charges to property owners as are necessary to address any shortfall in the expense required to operate and maintain the PID improvements, and that such rates, fees and charges shall be established in the development agreement for the PID.

**C. General Obligation Bonds:**

No general obligation bonds shall be issued by a PID, notwithstanding that general obligation bonds may be authorized under the Act.

**D. Special Levy Bonds:**

Special levy bonds may be issued by the PID if contemplated in the General Plan and Feasibility Study. Special levy bonds shall be secured by a first lien (coequal to the lien for general taxes and prior special assessments) on the property benefited in the manner contemplated by section 5-11-20(G) of the Act.

1. Applicants for special levy bonds shall describe in each project feasibility report, the following:
  - a. The current direct and overlapping tax and assessment burden and special levy on real property to comprise the PID and the full cash value and assessed valuation of that property as shown on the most recent assessment roll;
  - b. The projected amount and timing of the PID special levy bonds to be issued;
  - c. The projected market absorption of development on the PID;
  - d. The projected special levy burden to be placed on the assessed parcels and the anticipated methodology of assessment;
  - e. An estimate of the applicant's construction cost associated with the public improvements in excess of the estimated PID-funded costs of the project; and
  - f. The necessity of the applicant and the PID entering into a contribution agreement, which may require a letter of credit or other third-party guarantee of the bonds by the applicant.

2. The value to lien ratio, after the issuance of the bonds and construction of the improvements to be financed by the PID, will be at least three to one (3:1) based on an MAI appraisal.
3. As provided in the Act, at the time the PID is formed, the maximum allowable rate of special levy for residential property shall not cause the total tax and assessment obligation for such property, including projected ad valorem taxes, special levies and special assessments, to exceed 1.95 percent of the anticipated market value of residential property as determined by a then current MAI appraisal. The 1.95 percent shall include all known and authorized, but unissued debt and any other anticipated fees or assessments which may be imposed by the City or special district on a property within the PID, i.e., special assessment districts, including the proposed maximum special levy, except service charges for utilities and refuse.

E. Revenue Bonds:

1. Revenue bonds may be issued by the PID if contemplated in the General Plan and Feasibility Study. Revenue Bonds shall be payable from a PID revenue source.
2. An applicant for revenue bonds shall describe in each project feasibility report, the following:
  - a. The current fee structure for comparable services or otherwise incurred by persons who would be responsible for paying the proposed rates, fees, and charges;
  - b. The revenue source from which bonds will be payable. The City reserves the right to require the applicant to produce such independently prepared feasibility studies or reports as it deems necessary to confirm the amount and availability of revenues;
  - c. The projected market absorption of development within the PID;
  - d. The projected amount and timing of PID revenue bonds to be issued;
  - e. The financial impact of the proposed rates, fees, and charges on prospective residents or other users of such rates, fees and charges;
  - f. An estimate of the applicant's construction cost associated with the public improvements in excess of the estimated PID-funded costs of the project; and
  - g. The necessity of the applicant and the PID to enter into an as appropriate contribution agreement, which may require a letter of credit or other third-party guarantee of the bonds by the applicant.

F. Suitability:

The City intends that the PID only have the power to sell the proposed bonds to suitable investors. If the proposed bond issue is not rated (either on its

own merits or by the use of appropriate credit enhancement) in one of the three highest investment grade ratings issued by the Standards & Poor's Corporation, Moody's Investors Services, Inc., Fitch Investors Services, Inc. or any other nationally recognized bond-rating agency service, then the bonds must have minimum denominations of one hundred thousand dollars (\$100,000.00) and be available for purchase and restricted with respect to sale to "Qualified Institutional Buyers" (as such term is defined in Rule 144A of the Securities and Exchange Commission) or to "accredited investors" (as such term is defined in Rule 501 of Regulation D of the Rules Governing the Limited Offering and Sale Securities without Registration under the Securities Act of 1933). It is the intention of the City to have investor suitability achieved through the rating requirements set forth in the preceding sentence or the establishment of large minimum denominations (e.g., not less than one hundred thousand dollars (\$100,000.00)) and, if the City or the PID determines it is appropriate, covenants limiting secondary market sales of PID bonds through registered broker-dealers. Notwithstanding the restrictions pertaining to public sales and private placements of bonds set forth in this section, the restrictions may be modified or relaxed, subject to the requirements of the Act, if other financing structures or features are presented which, in the sole discretion of the Council, provide other means to address investor suitability concerns.

**G. Contribution:**

At the time the PID is formed financial projections must demonstrate that the landowners shall provide over the life of the project at least twenty-five cents (\$0.25) in infrastructure or community improvement (which may include, for example, dry utilities and other improvements for the benefit of the property owners within the PID, irrespective of whether such improvements are publicly or privately owned) for each one dollar (\$1.00) of debt to be issued by a PID to finance public infrastructure purposes, except as otherwise determined by the City in its discretion. The City, in its discretion, may condition approval of PID formation on additional financing requirements, including, without limitation, the deposit of cash, or letter of credit (or similar credit facility) as security for completion of the infrastructure development. If agreed to by the City or PID board, as applicable, in the discretion of the City or PID board, infrastructure and community improvement constructed or acquired by the applicant prior to, contemporaneously with or subsequent to the formation of the PID may be included in calculating the applicants compliance with this subsection; provided, that no improvements which have not already been constructed or acquired shall be included in that calculation unless the completion of the improvements is guaranteed or secured by an appropriate completion bond, cash deposit or other security acceptable to the City or PID board, as applicable.

#### H. Debt Service Reserve Funds:

If allowed by law (including any applicable federal laws relating to the tax-exempt status of the bonds), bond issues may include a debt service reserve fund in an amount acceptable to the PID board.

#### I. Environment Site Assessments:

Unless otherwise provided to the City pursuant to the other requirements prior to PID financing and acquisition by the PID or City, the PID and City will require an independent environmental report or assessment of any real property which will be dedicated to or otherwise owned, leased or operated by the City or the PID and a proposed form or indemnity agreement with respect to all environmental law liability.

#### J. Refinancing And Refunding Bonds:

Refinancing and refunding of bonds issued on behalf of a PID will be considered utilizing the same criteria set forth in this section and shall be subject to the review and approval of the Council or its designee. Refinancing and refunding will be expected to either:

1. Generate interest rate or net present value savings;
2. Restructure payment of principal;
3. Reimburse the applicant for actual costs expended for public improvements contemplated to be part of the proposed project; or
4. Eliminate burdensome covenants.

#### K. Cost Of Change:

Applicants shall be responsible for all additional costs and expenses incurred in any special levy or property tax modifications resulting from changes to the development not anticipated in the application. (Ord. 2020-1, 3-17-2020)

### 10-3-7.6 Miscellaneous:

#### A. Discretion And Waiver:

1. Based upon the recommendations of PID Review Staff and/or financing legal consultants retained by the City, the Council may approve PID applications which do not meet the foregoing criteria, if the Council, in its discretion, determines:
  - a. That the particular features of the proposed PID, likelihood that the PID's projects and purposes will be successfully completed and mechanisms protecting against default on bonds, warrant that the foregoing criteria need not be applied, and
  - b. The application otherwise complies with the requirements of the Act.

2. In making that determination, the Council may consider an opinion of a financial advisor, an underwriter, or other qualified professional with a reputation satisfactory to the Council that the particular features of the PID, the proposed projects and the bonds proposed to be issued can be successfully marketed and that the plan of finance is feasible.

B. Timeframe To Commence PID Development Activities:

The City will require any PID within its boundary make an annual report to Council on the status of development. The report shall include the estimated construction periods for any and all infrastructure expected to be constructed within the boundaries of the PID. Annual reports shall be made at the first Council meeting of each calendar year (or as otherwise scheduled by the Council). If construction has not begun prior to the presentation of the fifth annual report, then Council may review the parameters established by the PID formation resolution.

C. Purchaser Disclosure Marketing Materials:

Each purchaser of real property located in the PID shall execute an acknowledgement of the PID disclosure form. The applicant shall also supply the City with a copy of the receipt. (Applicants are required to describe in their promotional material the financial and other relative impacts on the development being induced in a PID. Copies of the disclosure form must be placed on file with the City.)

D. Indemnity:

The applicant (or such other third party acceptable to the City and the PID), shall indemnify the City and the PID and their agents and employees and shall hold the City and the PID and their agents, officers, advisors, counsel and employees harmless for, from and against any and all liabilities, claims, costs and expenses, including attorneys' fees, incurred in any challenge or proceeding to the formation, operation, administration of the PID, the offer and sale of PID bonds, the levying by the PID of any tax, assessment, special levy or charge and the operation and maintenance of public infrastructure financed or owned by the PID.

E. Financial Advisor:

Prior to a PID Board establishing any special levy, issuing any bonds or other indebtedness, or entering into any binding agreements related thereto, the PID may engage a financial advisor to review any such proposals and advise the PID as to the implications thereof. The costs of such financial advisor may be paid by the developer or from proceeds of PID bonds.

F. Amendment:

Except to the extent approved by the qualified electors in the PID (if any) as required by law and approved by the holders of bonds issued by the PID and

then outstanding (if any), all amendments to this chapter shall have a prospective effect only and shall not in any way effect or otherwise modify the approval of preexisting PID. (Ord. 2020-1, 3-17-2020)

## CHAPTER 4. ZONING PROVISIONS

This chapter sets forth the jurisdiction's comprehensive land use and development framework. It establishes the rules, procedures, and standards for zoning administration, delineates the various zoning districts, and specifies development and land use regulations to promote orderly growth, protect public health and safety, and enhance the community's quality of life.

### 10-4-1 ZONING ADMINISTRATION

#### 10-4-1.1 Governing Body

The Governing Body, being duly elected, shall:

- A. Receive recommendations from the Planning and Zoning Staff, and the Planning and Zoning Commission on all cases required to be heard by them, including final plats for minor and major subdivisions, annexations, requests for amendments to this Title, and zoning decisions requiring Governing Body approval.
- B. Hear and make determinations in the manner prescribed by the procedures established by this Title and other City Ordinances and the City Code.
- C. Receive and hear all written requests for appeals of Planning and Zoning Commission decisions concerning and related to the administration and enforcement of this Title.
- D. Instruct the City administration, from time to time, to make and initiate studies, draft reports, create strategic, and/or master plans concerning issues arising from this Ordinance and from any and all other planning and zoning practices.

#### 10-4-1.2 Planning & Zoning Commission

The Planning and Zoning Commission shall:

- A. Receive, hear, and make determinations on all applications to come before them in the manner prescribed by the procedures established herein and make recommendations or report determinations to the Governing Body.
- B. May request the administration, from time to time, to make or initiate studies and draft reports concerning issues arising from this Ordinance and from other Planning and Zoning practices.
- C. Receive and hear all written requests for appeals of Administrative Official decisions concerning and related to the administration and enforcement of this Title.

### 10-4-1.3 Administrative Official

#### Appointment:

An administrative official designated by the Governing Body shall enforce this Title. S(h)e may be assisted by such other persons as the Governing Body appoints to enforce this Title.

#### Duties:

##### *A. Notice of Violation to Responsible Person*

If the administrative official shall find that any of the provisions of this Title are being violated, S(h)e shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

##### *B. Remedial Action*

S(h)e shall order discontinuance of illegal use of land, buildings, or structure; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Title to ensure compliance with or to prevent violation of its provisions.

##### *C. Administrative Actions*

Accomplish all administrative actions, including the giving of notice, scheduling of hearings, preparation of reports, and receiving and processing applications and appeals. Interpret this Title to the public, City Departments, and other branches of government, and subject to general and specific policies established by the Governing Body. Determine which requests will be decided through an administrative process or reviewed and decided through a public hearing process.

##### *D. Preliminary Discussions*

Undertake preliminary discussions with, and provide advice to, applicants requesting assistance.

##### *E. Maintain Records*

The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

##### *F. Recommendations*

Make recommendations on changes and improvements in Ordinance regulations and procedures.

##### *G. Receive, review, and make determinations*

Receive, review, and make determinations, with the consensus and signature of the City Manager, on all applications for decisions that do not require a public hearing in the manner prescribed by the procedures established herein.

#### 10-4-1.4 City Manager

##### Duties:

Review, and make determinations, with the consensus and signature of Administrative Official, on all applications for decisions that do not require a public hearing.

#### 10-4-1.5 Process For Review And Decision

##### General Requirements:

###### *A. Pre-Application Meeting*

Prospective applicant first confers with Community Development Department staff, who shall review the proposed request, determine the appropriate process, and issue prescribed application forms and checklists including any reports or submittal requirements as determined by staff.

###### *B. Development Review Team (DRT) Review*

The DRT reviews the pre-application for appropriateness and feasibility.

###### *C. Application*

The owner of the property that is the subject of the request or the owner's representative or agent submits the application with the required number of copies, to the Community Development Department (CD).

The application shall include:

1. All submittal requirements identified in the application checklist
2. Any additional submittals requested by CD staff
3. All relevant submittal requirements under this Title

###### *D. Non-Refundable Filing Fee*

A non-refundable filing Fee shall be submitted with the application.

###### *E. Application Review*

Community Development and Public Works staff and the City Engineer review the application for completeness.

###### *F. Administrative official*

The administrative official deems the application complete and accepts it for the appropriate process.

###### *G. Site Plan*

Any application or process for which Community Development Department staff determine that a site plan is required shall include the following:

1. A site plan, drawn to scale, showing the layout of proposed uses and structures and ensure that a development proposal complies with local, state, and federal regulations.

2. The required number of copies and fee.
3. A description of the site plan and how it complies with the relevant requirements of this Title and criteria for decision.

The site plan shall be reviewed for compliance with the following criteria:

1. All required information is on the plan.
2. Compliance with applicable zoning standards and requirements of other agencies.
3. Public facilities are adequate to serve the site.
4. The layout is compatible with the topography and natural features of the site.
5. Landscaping and screening are appropriate.
6. The structures and their locations are compatible with the area.

*H. Public Hearing & Notice Requirements for Applications Requiring Public Hearing:*

1. Public Hearing Notice

Notice of the public hearing shall be posted at least fifteen (15) days prior to the date of the hearing at locations where public notices are typically posted.

2. Mailed Notice

Notice of the public hearing shall be sent to all property owners within 200 feet (200') excluding roads and public right-of-way of the boundary of the property that is the subject of the application. The applicant is responsible for the mailed notice. CD staff will provide a list of property owners to be notified within a reasonable time for the applicant to mail the notice. Applicant must return certified mail receipts to Community Development Department as proof of compliance.

3. Notice of Hearing

Required notice, whether posted or mailed, are the responsibility of the applicant and shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal and give a brief description of the action requested or proposed. Notices shall indicate how the public can get additional information or review the application at the Community Development Department.

4. Sign Describing Proposed Project

A sign or signs describing the proposed project will be posted by the Community Development Department. Signs will be posted at least 15 days in advance of the public hearing at the proposed permit site in a location or locations visible from the public right of way.

Process Illustration: Zoning

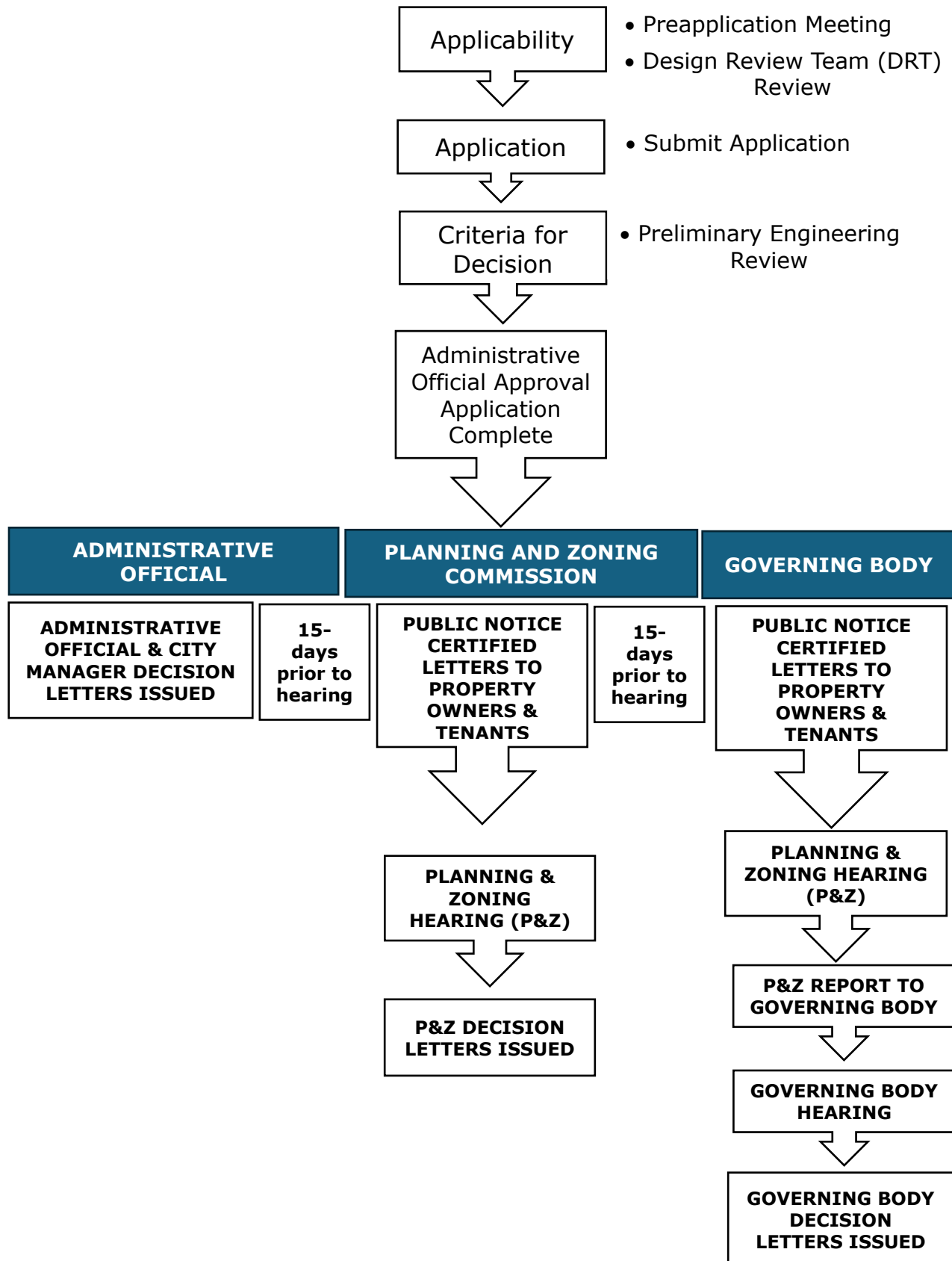


Table 4-1.5. Review Application for completeness, Authority of decision, and Appeals committee summary

	Application Review	Public Hearing	Administrative official and City Manager	Planning Commission	Governing Body
Building Permit	Administrative Official	N/A	Decision	Appeal	-
Minor Site Plan Amendment	Administrative Official	N/A	Decision	Appeal	-
Variance	Administrative Official	N/A	Decision	Appeal	-
Temporary Use Permit	Administrative Official	N/A	Decision	Appeal	-
Sign Permit	Administrative Official	N/A	Decision	Appeal	-
Site Plan	Administrative Official	Required	-	Decision	Appeal
Conditional Use Permit	Administrative Official	Required	-	Decision	Appeal
Special Use Permit	Administrative Official	Required	-	Decision	Appeal
Overlay Zone	Administrative Official	Required	-	Recommendation	Decision
Special Use District	Administrative Official	Required	-	Recommendation	Decision
Zoning Text Amendment	Administrative Official	Required	-	Recommendation	Decision
Zoning Map Amendment	Administrative Official	Required	-	Recommendation	Decision
Major Site Plan Amendment	Administrative Official	Required	-	Recommendation	Decision
Annexation	Administrative Official	Required	-	Recommendation	Decision
Wireless Communication Facility Permit	Administrative Official	Required	-	Decision	Appeal
Mining Permit	Administrative Official	Required	-	Decision	Appeal

## 10-4-2 ZONING DISTRICT MAP

### 10-4-2.1 Official Zoning Map

#### Map Adopted by Reference

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory material thereon, is hereby adopted by reference and declared to be a part of this Title.

#### Map Certification

The Official Zoning Map shall be identified by the signature of the Mayor attested to by the City Clerk-Treasurer and bear the Seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1 of Ordinance Number 1985-03 of the City of Sunland Park, said Ordinance dated the 16th day of April, 1985", together with the date of the adoption of this Title.

#### Amendment of Map

If, in accordance with the provisions of this Title and New Mexico Statutes Annotated section 3-21-1 et seq., changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "On (date), by official action of the City Council, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change)", which entry shall be signed by the Mayor and attested by the City Clerk-Treasurer. No amendment to this Title which involves material portrayed on the Official Zoning Map shall become effective until after change and entry has been made on said Map. The process and decision for approval of a map amendment shall comply with Chapter 3 of this Title.

#### Unauthorized Changes A Violation

No changes of any nature shall be made in the Official Zoning Map or material shown thereon except in conformity with the procedure set forth in this Title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Title and punishable.

#### Map on File in Clerk-Treasurer's Office

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the office of the City Clerk-Treasurer and shall be the final authority as to the current zoning status of land, and structures in the City or in the City's extra-territorial zoning jurisdiction at such time as zoning is approved for this extraterritorial area pursuant to New Mexico Statutes Annotated section 3-21-3.

### 10-4-2.2 Replacement Of Official Zoning Map

#### Procedure

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other clerical, typographical non-substantive errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested to by the City Clerk-Treasurer and bear the Seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of Map being replaced) as part of Ordinance No. of the City of Sunland Park".

#### Preservation of Original Map

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior Map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

### 10-4-2.3 Zone District Boundaries Established

#### Division into Districts

In order to conduct the provisions of this Title, the City and territory in its extra-territorial zoning jurisdiction at such time as zoning is approved for this extra-territorial area pursuant to New Mexico Statutes Annotated section 3-21-1 et seq., is hereby divided into zone districts, as named and described in the following sections. The regulations prescribed in this Title shall apply within the corporate limits of the City and to the territory in its extra-territorial zoning jurisdiction at such time as zoning is approved for this extra-territorial area pursuant to New Mexico Statutes Annotated section 3-21-3.

#### Boundaries Shown on Map

The boundaries of said zone districts are hereby established as shown on the Official Zoning Map.

#### Uncertainty of Boundary Lines

Where due to the scale, lack of detail or illegibility of the Official Zoning Map, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of a zone district boundary line shall, upon a written request, be determined by the Administrative Official.

### Frontage on Public Right of Way

Abutting zone districts along frontage on a public right of way shall automatically extend to the center line upon vacation from public use of said right of way.

### 10-4-2.4 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to, or extensions of features indicated in subsections A through E of this Section shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through F above, the Administrative Official shall interpret the district boundaries.
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Title and where such lot was created as part of a properly approved and filed subdivision, the Administrative Official may permit, as a special exception, the extension of the regulations for either portion of the lot into the remaining portion of the lot. If such lot was not created as a part of a properly approved and filed subdivision, the more restrictive regulations for either portion of the lot shall apply into the remaining portion of the lot and the Administrative Official may permit, as a special exception, the extension of the less restrictive regulations to the entire lot only after such lot is approved and filed pursuant to the subdivision regulations.

### 10-4-2.5 Application Of District Regulations

#### Minimum Regulations

The regulations set by this Title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

#### Compliance with District Regulations

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all regulations herein specified for the district in which it is located. All new construction, additions or structural improvements of residential and non-residential structures shall require a City-issued building permit.

#### Compliance With Conditions And Limitations

1. No building or other structure shall hereafter be erected or altered:
2. To exceed the height or bulk;
3. To accommodate or house a greater number of families;
4. To occupy a greater percentage of lot area;
5. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required; or in any other manner contrary to the provisions of this Title.

#### Yards, Open Spaces and Parking

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building, for the purpose of complying with this Title, shall be included as part of a yard, open space, or off-street parking, or loading space similarly required for any other building.

#### Yard or Lot Dimensions

No yard or lot existing at the time of passage of this Title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements established by this Title.

#### Zoning of Annexed Land

At such time as territory may hereafter be annexed to the City, it shall continue to be zoned and subject to such land use restrictions as prior to such annexation unless the areas zoning is amended in compliance with section 10-3-8. Provided, however, if such territory is not subject to zoning or land use restrictions, the City Council shall, as a condition of such annexation, zone such territory.

## 10-4-3 RESIDENTIAL DISTRICTS

### 10-4-3.1 Rural Estate District (RE):

#### Purpose

The intent of this District is to provide for agricultural activities and low-density residential uses that are conducive to a rural atmosphere and character.

Table 4-17. RE District

<b>RE Rural Estate District Dimensional Standards Summary</b>		
<b>Site Standards</b>		Single Family (Detached)
<b>A</b>	Lot size, minimum	1 acre
<b>B</b>	Lot width, minimum	50'
<b>Setback Standards</b>		
<b>C</b>	Front, minimum General	20'
<b>D</b>	Front, minimum Garages and Carports	N/A
<b>E</b>	Side, minimum General	5'
<b>F</b>	Side, minimum Corner Lot	10'
<b>G</b>	Rear, minimum	15'
<b>Building Height</b>		
<b>H</b>	Building height, maximum	35'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

### 10-4-3.2 Single-Family Residential District (R-1):

#### Purpose

"Single-Family Residential District, is intended to provide for standard low-density residential developments in areas where adequate public facilities and services exist for such development and such development is appropriate given the surrounding land uses and neighborhood."

#### District Specific Standards

Boat, camper, trailer, or vehicle without current registration must be stored in a rear yard and may not be parked in the front yard or street for more than a twenty-four (24) hour period.

Table 4-3.2. R-1 District

<b>R-1 Residential District Dimensional Standards Summary</b>		
<b>Site Standards</b>		Single Family (Detached)
<b>A</b>	Lot size, minimum	6,000 SF
<b>B</b>	Lot width, minimum	60'
<b>Setback Standards</b>		
<b>C</b>	Front, minimum General	20'
<b>D</b>	Front, minimum Garages and Carports	20'
<b>E</b>	Side, minimum General	5'
<b>F</b>	Side, minimum Corner Lot	10'
<b>G</b>	Rear, minimum	15'
<b>Building Height</b>		
<b>H</b>	Building height, maximum	35'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

### 10-4-3.3 Single-Family District (R-2):

#### Purpose

The intent of this District is to allow for increased densities of housing that respond to the needs of all economic segments of the community. Only on-site constructed, single-family dwelling units and those uses which maintain a predominantly residential nature of the District are allowed.

#### District Specific Standards

Boat, camper, trailer, or vehicle without current registration must be stored in a rear yard and may not be parked in the front yard or street for more than a twenty-four (24) hour period.

Table 4-3.3. R-2 District

<b>R-2 Residential District Dimensional Standards Summary</b>		
<b>Site Standards</b>		Single Family (Detached)
<b>A</b>	Lot size, minimum	5,000 SF
<b>B</b>	Lot width, minimum	60'
<b>Setback Standards</b>		
<b>C</b>	Front, minimum General	15'
<b>D</b>	Front, minimum Garages and Carports	20'
<b>E</b>	Side, minimum General	5'
<b>F</b>	Side, minimum Corner Lot	10'
<b>G</b>	Rear, minimum	15'
<b>Building Height</b>		
<b>H</b>	Building height, maximum	35'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

### 10-4-3.4 Townhouse District (TC):

#### Purpose

The intent of this District is to provide for sites for attached townhouses and single-family detached homes on smaller lots.

#### District Specific Standards

There shall be provided on site, a minimum of seven hundred fifty (750) square feet of usable open space per dwelling unit.

Table 4-3.4. TC District

<b>TC Townhouse &amp; Condo District Dimensional Standards Summary</b>			
<b>Site Standards</b>		Single Family (Detached)	Townhouse
<b>A</b>	Lot size, minimum	4,000 SF	3,000 SF
<b>B</b>	Lot width, minimum	40'	24'
<b>Setback Standards</b>			
<b>C</b>	Front, minimum General	15'	15'
<b>D</b>	Front, minimum Garages and Carports	20'	20'
<b>E</b>	Side, minimum General	5'	5'
<b>E-1</b>	Side, Interior	N/A	0'
<b>F</b>	Side, minimum Corner Lot	10'	10'
<b>G</b>	Rear, minimum	15'	15'
<b>Building Height</b>			
<b>H</b>	Building height, maximum	35'	35'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

### 10-4-3.5 Mixed Residential (MR):

#### Purpose

The intent of this District is to provide for the development of single-family and manufactured homes on individually owned lots that accommodate modern manufactured housing while maintaining required setbacks and on-site parking.

Table 4-3.5. MR District

<b>MR Mixed Residential District Dimensional Standards Summary</b>			
<b>Site Standards</b>		Single Family (Detached)	Manufactured Home
<b>A</b>	Lot size, minimum	7,000 SF	7,000 SF
<b>B</b>	Lot width, minimum	60'	60'
<b>B-1</b>	Lot depth, minimum	115'	115'
<b>Setback Standards</b>			
<b>C</b>	Front, minimum General	15'	15'
<b>D</b>	Front, minimum Garages and Carports	20'	20'
<b>E</b>	Side, minimum General	5'	5'
<b>F</b>	Side, minimum Corner Lot	10'	10'
<b>G</b>	Rear, minimum	15'	15'
<b>Building Height</b>			
<b>H</b>	Building height, maximum	35'	35'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

### 10-4-3.6 Multi-Family (MF):

#### Purpose

The intent of this District is to allow higher density residential uses.

#### District Specific Standards

##### Multi-Family Dwelling Standards

1. Minimum Dwelling Unit Size: five hundred (500) square feet.
2. Floor Area Ratio: The maximum floor area ratio to lot size shall be 0.60.
3. A maximum of fifty (50) principal dwelling units shall be allowed per lot.
4. The minimum building separation for multi-family development is ten (10) feet.
5. The maximum height of multi-family development shall be four (4) stories.
6. The minimum open space shall be fifteen (15) percent of the total site.

Table 4-3.6. MF District

<b>MF Multi-Family Residential District Dimensional Standards Summary</b>				
<b>Site Standards</b>		Single Family (Detached)	Duplex	Multi-family Apartments (3+ units)
<b>A</b>	Lot size, minimum	4,000 SF	6,000 SF	10,000 SF
<b>B</b>	Lot width, minimum	60'	60'	N/A
<b>Setback Standards</b>				
<b>C</b>	Front, minimum General	15'	15'	15'
<b>D</b>	Front, minimum Garages and Carports	20'	20'	N/A
<b>E</b>	Side, minimum General	5'	5'	5'
<b>F</b>	Side, minimum Corner Lot	10'	10'	10'
<b>G</b>	Rear, minimum	15'	15'	15'
<b>Building Height</b>				
<b>H</b>	Building height, maximum	45'	45'	45'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

#### 10-4-3.7 R-1/TC/MF District

##### Purpose

The intent of this District is to allow flexibility in determining the development type for large undeveloped tracts, shown as future residential in the comprehensive plan.

##### District Specific Standards

Prior to subdividing or developing the land, a developer must declare in writing the intent to develop according to the standards of the R-1, TC or MF district.

The establishment of this zone shall conform to the map amendment process detailed in Chapter 3.

Development will follow the use, dimensional and other regulations of the selected district. A detailed site plan is required for tracts that will be developed with more than one development type.

#### 10-4-3.8 RCPUD Residential/ Commercial Planned Unit Development

##### Purpose

The purpose of this zone is to provide for residential and commercial uses in a planned, mixed use development in an area no less than 2 acres.

The establishment of this zone shall conform to the map amendment process detailed in Chapter 3.

A site plan is required. The site plan shall show the proposed distribution of uses, proposed building locations, traffic circulation and parking, landscaping, walls and fences, and sign locations. The site plan shall set development standards for the development.

##### District Specific Standards

1. The requested average number of units shall not exceed four (4) per gross acre and must be consistent with the master plan land use designation. The city council may allow density averaging to maximize the amount of open space provided. An increase in density to no more than eight (8) units per gross acre may be approved if the development includes significant (minimum of 1 acre per 20 residential units) passive or active open space.
2. Industrial uses are not allowed under this designation.

##### Development Standards

Development standards, including but not limited to building height, minimum lot size, and setbacks for the respective residential or commercial zones, unless modified by the city council.

1. Those uses allowed in the RE zone are permitted by right if the property owner does not wish to proceed with the application for an RCPUD permit.

2. Lot size and dimension shall be included in the site plan and shall be compatible with surrounding established neighborhoods and able to accommodate the setback, open space, and all other relevant requirements of the district.
3. Setbacks for Single-Family Residential Projects:
  - a. Front setback:
    - Front setbacks of dwelling units shall be staggered to create visual interest and enhance streetscape aesthetics.
    - Minimum front setback: 6 feet from property line to primary structure
    - Maximum front setback: 15 feet from property line to primary structure
    - A minimum of three different front setback measurements shall be utilized for every five contiguous lots within the development.
    - Corner lots shall maintain required front setbacks along both street frontages.
  - b. Minimum distance between structures that are separated by a side lot line and do not share a common wall:
    - Fifteen feet (15') for single-story structures
    - Fifteen feet (15') two (2) story structures
  - c. Minimum setback from a rear lot line:
    - Twenty feet (20') for a house
    - Ten feet (10') for an enclosed patio
    - Ten feet (10') for an open patio cover or balcony
    - Five feet (5') for an accessory structure
  - d. Two (2) story residences with windows facing the adjacent property shall have a minimum:
    - Ten-foot (10') side yard setback (second story only)
    - Twenty-foot (20') rear yard setback from the adjacent property line
4. Setbacks for Multi-family Residential Development Projects:
  - a. Minimum landscaped setback of twenty feet (20') with an average landscaped setback of twenty-four feet (24') from any primary or secondary arterial street and twenty feet (20') from any collector, minor or cul-de-sac street.
  - b. Minimum rear setback: as determined by the RCPUD Permit.
  - c. In the case of RCPUD subdivisions involving townhouse developments, the setbacks shall be measured from the exterior property lines surrounding

the project.

5. Height Requirements: The following regulations shall apply to the RCPUD zone unless modified by the city council or planning and zoning commission:
  - a. The maximum height of a single-family residence may be increased above twenty-five feet (25'), to a maximum of thirty-five feet (35') if the side yard setback is at least fifteen feet (15').
  - b. The maximum height for a multi-family residential structure shall be thirty-five feet (35').
  - c. For single-family and multi-family residential structures, no more than three (3) stories shall be permitted.
  - d. The maximum height of accessory structures shall be fifteen feet (15'), with the exception that the maximum height of a patio cover shall be twelve feet (12').

Table 4-3.8. RC PUD

<b>RC PUD District Dimensional Standards Summary</b>						
<b>Site Standards</b>		Single Family (Detached)	Townhouse	Duplex	Multi-family Apartments (3+ units)	Commercial
<b>A</b>	Lot size, minimum	N/A	N/A	N/A	N/A	N/A
<b>B</b>	Lot width, minimum	N/A	N/A	N/A	N/A	N/A
<b>Setback Standards</b>						
<b>C</b>	Front, minimum General	20'	20'	20'	20'	0'
<b>D</b>	Front, minimum Garages and Carports					
<b>E</b>	Side, minimum General	10'	5'	5'	5'	5'
<b>E-1</b>	Side, Interior	N/A	5'	N/A	N/A	N/A
<b>F</b>	Side, minimum Corner Lot	10'	10'	10'	10'	10'
<b>G</b>	Rear, minimum	20'	20'	20'	20'	20'
<b>Building Height</b>						
<b>H</b>	Building height, maximum	25'	25'	35'	35'	35'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

### 10-4-3.9 MHP Mobile/Manufactured Home Park District

#### Purpose

A parcel of land used for the continuous accommodation of twelve or more occupied mobile or manufactured homes and does not include mobile home subdivisions or manufactured home subdivisions.

The establishment of this zone shall conform to the map amendment process detailed in Section 10-4-12.

Allowable accessory uses include management office, community building, public swimming pool, playground, and any other uses, incidental to the primary use, for the use of mobile home park residents.

#### District Specific Standards

1. A mobile home park (MHP) must have an approved site plan that meets the following standards. Any new mobile home park or mobile home park expansion requires an approved site plan.
2. Minimum Site Area - 5 acres
3. Minimum common open space of ten (10) percent of the gross site area. Open space must be for active or passive recreational use and accessible to all park tenants.
4. All mobile home parks shall have a perimeter wall at least five feet (5') in height. Walls must meet the City standard for perimeter walls (Section [10-4-10](#)).
5. Streets and Access Standards:
  - a. All MHPs shall have vehicular access from an arterial or collector street.
  - b. Each mobile home shall have direct access to an internal private street system. Direct access to public streets from an individual mobile home shall be prohibited.
  - c. Street layout shall be designed for protection of natural features and to follow topography to the greatest extent possible and to encourage the orientation of mobile homes in such a manner as to permit the use of solar energy systems.
  - d. All streets within a mobile home park shall be surfaced with asphalt or concrete to a minimum width of twenty-seven feet (27').
  - e. No street within a mobile home park shall dead end, except for cul-de-sac streets, which shall have a minimum turning radius of fifty feet (50') at the termination point.
  - f. There shall be a network of pedestrian walks connecting mobile home spaces with MHP facilities.
  - g. Private driveways shall be designed to increase ease of access, increase privacy, and provide safety. Driveways shall comply with the relevant requirements of section [10-4-9.6](#).

- h. All spaces and streets shall be designed to ensure proper drainage. A drainage plan shall be approved by the City Engineer.
  - i. Street lighting shall be provided to illuminate all private and public access ways and walkways for the safe movement of vehicles and pedestrians at night and shall conform to the street light improvement requirements of the City's subdivision ordinance ([10-3-5](#)).
- 6. No more than one mobile home shall be allowed per leased space.
- 7. Placement Permit Required: Prior to placement of a dwelling unit, a permit shall be acquired from the City Building Inspector.
- 8. The mobile home shall be stabilized and anchored when installed in accordance with the Manufactured Housing Act of New Mexico.
- 9. Certificate of Occupancy Required: After placement of the mobile home and inspection by the City Building Inspector, approving the placement, a mobile home shall not be occupied until an occupancy permit has been granted by the City Building Inspector.
- 10. Skirting: The mobile home is completely skirted with solid and aesthetically compatible material of the same type, color, and texture as the outer siding of the mobile home.
- 11. Deck or Porch: A solid deck or porch area, which need not be covered or enclosed, is constructed at the main entrance which is at least equal in size to five percent (5%) of the heated area of the mobile home.
- 12. Noncompliance; Removal of Mobile Home: Failure to comply with all requirements of this Article shall require removal of the mobile home within a twenty (20) day period.
- 13. Refuse:
  - a. The management of a mobile home park shall provide adequate refuse collection facilities.
  - b. These collection facilities shall be constructed and maintained in accordance with all City health regulations, shall be properly screened, and shall be designed to bar animals from access to refuse.
  - c. Refuse shall be removed from collection sites at least once a week.
- 14. Storage on leased space:
  - a. Accessory uses and structures which are clearly incidental and subordinate to permitted or permissible uses and structures are allowed.
- 15. Storage:
  - a. MHPs shall have a storage yard for recreational vehicles. Such storage yards shall have a minimum of sixty (60) square feet of storage area per mobile home space in the development and shall be located so as not to detract from surrounding properties. All recreational vehicles shall be parked in the storage yard or stored off-site.

- b. Each mobile home space shall have a personal storage unit. Such storage unit shall be at least six feet (6') high with a storage capacity of at least three hundred (300) cubic feet. Each storage unit shall be anchored permanently to the ground.

16. Landscaping. All common areas must be landscaped in accordance with the requirements of this Title.

Table 4-3.9. MHP District

<b>MHP Mobile Home Park District Dimensional Standards Summary</b>			
<b>Site Standards</b>		Singlewide	Doublewide
<b>A</b>	Lot size, minimum	4,000 SF	5,000 SF
<b>B</b>	Lot width, minimum	40'	56'
<b>Setback Standards</b>			
<b>C</b>	Front, minimum General	10'	10'
<b>D</b>	Front, minimum Garages and Carports		
<b>E</b>	Side, minimum General	5'	5'
<b>F</b>	Side, minimum Corner Lot	10'	10'
<b>G</b>	Rear, minimum	15'	15'
<b>Building Height</b>			
<b>H</b>	Building height, maximum	35'	35'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#"><u>10-4-5.3</u></a>
Dimensional & Measurement Standards	<a href="#"><u>10-4-8</u></a>
Supplemental District Regulations	<a href="#"><u>10-4-6</u></a>
Allowable Use Table	<a href="#"><u>10-4-7.1</u></a>
Use Specific Standards	<a href="#"><u>10-4-7.2</u></a>
Parking and Loading	<a href="#"><u>10-4-9</u></a>
Wall and Fences	<a href="#"><u>10-4-10</u></a>
Signage	<a href="#"><u>10-4-11</u></a>
Landscape & Screening	<a href="#"><u>10-4-12</u></a>
Lighting	<a href="#"><u>10-4-13</u></a>

## 10-4-4 NON-RESIDENTIAL DISTRICTS

### 10-4-4.1 Light Commercial (C-1):

#### Purpose

The purpose of this Zone is to permit a limited mixture of residential and retail commercial activities. This Zone establishes and preserves areas for those commercial facilities which are essentially useful in close proximity to residential areas while minimizing the undesirable impact of such commercial uses on the neighborhoods which they service.

Table 4-4.1. C-1 District

<b>C-1 Light Commercial District Dimensional Standards Summary</b>		
<b>Site Standards</b>		Commercial
<b>A</b>	Lot size, minimum	6,000 SF
<b>B</b>	Lot width, minimum	60'
<b>C</b>	Lot depth, minimum	70'
<b>Setback Standards</b>		
<b>C</b>	Front, minimum General	15'
<b>E</b>	Side, minimum General	5'
<b>F</b>	Side, minimum Corner Lot	N/A
<b>G</b>	Rear, minimum	15'
<b>Building Height</b>		
<b>H</b>	Building height, maximum	45'
<b>I</b>	Except within the Entertainment District where Overlays standards apply	

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

### 10-4-4.2 General Commercial (C-2):

#### Purpose

The purpose of this Zone is to allow those commercial activities that serve the general community on a day-to-day basis.

Table 4-4.2. C-2 District

<b>C-2 Heavy Commercial District Dimensional Standards Summary</b>		
<b>Site Standards</b>		Commercial
<b>A</b>	Lot size, minimum	6,000 SF
<b>B</b>	Lot width, minimum	60'
<b>C</b>	Lot depth, minimum	70'
<b>Setback Standards</b>		
<b>C</b>	Front, minimum General	15'
<b>E</b>	Side, minimum General	5'
<b>F</b>	Side, minimum Corner Lot	N/A
<b>G</b>	Rear, minimum	15'
<b>Building Height</b>		
<b>H</b>	Building height, maximum	45'
<b>I</b>	Except within the Entertainment District where Overlays standards apply	

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

### 10-4-4.3 Light Industrial (M-1):

#### Purpose

The purpose of this zone is to allow for heavy commercial, warehousing, and light manufacturing operations. Residential uses are not allowed.

Table 4-4.3. M-1 District

<b>M-1 Light Industrial District Dimensional Standards Summary</b>		
<b>Site Standards</b>		Industrial
<b>A</b>	Lot size, minimum	6,000 SF
<b>B</b>	Lot width, minimum	60'
<b>C</b>	Lot depth, minimum	70'
<b>Setback Standards</b>		
<b>C</b>	Front, minimum General	15'
<b>E</b>	Side, minimum General	5'
<b>F</b>	Side, minimum Corner Lot	N/A
<b>G</b>	Rear, minimum	15'
<b>Building Height</b>		
<b>H</b>	Building height, maximum	45'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

#### 10-4-4.4 Heavy Industrial (M-2):

##### Purpose

The Purpose of this Zone is to allow for Heavy Manufacturing and other similar uses. Uses shall not create a nuisance due to noise, odor, pollution, traffic or other similar problems.

Table 4-4.4. M-2 District

<b>M-2 Heavy Industrial District Dimensional Standards Summary</b>		
<b>Site Standards</b>		Industrial
<b>A</b>	Lot size, minimum	6,000 SF
<b>B</b>	Lot width, minimum	60'
<b>C</b>	Lot depth, minimum	70'
<b>Setback Standards</b>		
<b>C</b>	Front, minimum General	15'
<b>E</b>	Side, minimum General	5'
<b>F</b>	Side, minimum Corner Lot	N/A
<b>G</b>	Rear, minimum	15'
<b>Building Height</b>		
<b>H</b>	Building height, maximum	45'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

## 10-4-5 SPECIAL DISTRICTS AND OVERLAY ZONES

### 10-4-5.1 Preservation District (PD):

#### Purpose

The purpose of Preservation District is to provide for the protection and preservation of environmentally and culturally vulnerable areas. The city recognizes that as the steward of the land within its jurisdiction it has an obligation to preserve vistas, view sheds, archeological, paleontological, and/or historical sites, ecologically sensitive areas and places of significance to the citizens of the city and the region.

#### Use Regulations

Principal uses are allowed in the PD district in accordance with Permissive Uses, Table 4-7.1.

#### District Standards

1. Areas within the preservation district are to be protected from extensive building encroachment. No land shall be used nor buildings and structures hereafter be erected, altered, enlarged, or otherwise modified in this zoning district unless said use or improvement is in compliance with the PD district provisions.
2. Residential uses at a density of not less than one unit per forty (40) acres shall be permitted.

Table 4-5.1. PD District

<b>PD Preservation District Dimensional Standards Summary</b>		
<b>Site Standards</b>		Preservation
<b>A</b>	Lot size, minimum	40 acres
<b>B</b>	Lot width, minimum	N/A
<b>Setback Standards</b>		
<b>C</b>	Front, minimum General	N/A
<b>E</b>	Side, minimum General	N/A
<b>F</b>	Side, minimum Corner Lot	N/A
<b>G</b>	Rear, minimum	N/A
<b>Building Height</b>		
<b>H</b>	Building height, maximum	35'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#"><u>10-4-5.3</u></a>
Dimensional & Measurement Standards	<a href="#"><u>10-4-8</u></a>
Supplemental District Regulations	<a href="#"><u>10-4-6</u></a>
Allowable Use Table	<a href="#"><u>10-4-7.1</u></a>
Use Specific Standards	<a href="#"><u>10-4-7.2</u></a>
Parking and Loading	<a href="#"><u>10-4-9</u></a>
Wall and Fences	<a href="#"><u>10-4-10</u></a>
Signage	<a href="#"><u>10-4-11</u></a>
Landscape & Screening	<a href="#"><u>10-4-12</u></a>
Lighting	<a href="#"><u>10-4-13</u></a>

### 10-4-5.2 Special Use (SU):

#### Purpose

The purpose of this district is to provide for uses which require special consideration because of their unusual nature, scale, effect on surrounding property, or other similar reason. The Special Use District is intended to preserve the health, safety, welfare, integrity, and character of the area in which the use will be located, surrounding properties, and the City as a whole. The Special Use District process shall be used to consider proposals for mineral resource extraction and processing in accordance with the supplemental regulations and standards of Section 10-4-24.

#### Use Regulations

Principal uses allowed in the SU district, in accordance with Table 4-7.1, Allowable Uses, are represented by 'S' rather than 'P' for permitted.

A proposed Special Use District shall conform to the process detailed in Section 10-4-5.3 for establishing a Special Use District. Additionally, a proposed mineral resource extraction and processing activity shall conform to all of the relevant requirements and standards of Section 10-4-24.

Table 4-5.2. SU District

<b>SU Special Use District Dimensional Standards Summary</b>		
<b>Site Standards</b>		Special Use
<b>A</b>	Lot size, minimum	N/A
<b>B</b>	Lot width, minimum	N/A
<b>Setback Standards</b>		
<b>C</b>	Front, minimum General	N/A
<b>E</b>	Side, minimum General	N/A
<b>F</b>	Side, minimum Corner Lot	N/A
<b>G</b>	Rear, minimum	N/A
<b>Building Height</b>		
<b>H</b>	Building height, maximum	35'

<b>Other Applicable Standards</b>	
Overlay District	<a href="#">10-4-5.3</a>
Dimensional & Measurement Standards	<a href="#">10-4-8</a>
Supplemental District Regulations	<a href="#">10-4-6</a>
Allowable Use Table	<a href="#">10-4-7.1</a>
Use Specific Standards	<a href="#">10-4-7.2</a>
Parking and Loading	<a href="#">10-4-9</a>
Wall and Fences	<a href="#">10-4-10</a>
Signage	<a href="#">10-4-11</a>
Landscape & Screening	<a href="#">10-4-12</a>
Lighting	<a href="#">10-4-13</a>

### 10-4-5.3 Overlay Zone (SU-1):

#### Purpose

The overlay zone is intended to supplement development standards in areas that deserve specific design guidance because of their historic character, prominent location in the City, environmental conditions or other characteristics that set the area apart from other areas of the City. Property located within an Overlay Zone is identified on the City zoning map by both the underlying zoning district and the SU-1 overlay.

Overlay Zones supplement, but do not replace, the underlying base zoning districts and applicable to the property. In the case of a conflict between the provisions of a base zone district and the provisions of an Overlay Zone, the provisions of the Overlay Zone shall prevail.

#### General Requirements to Establish the Overlay Zone

- A. A proposed Overlay Zone shall conform to the process detailed in Chapter 3 for establishing an Overlay Zone.

Minimum area:

The area within an Overlay Zone must be a minimum of two (2) acres unless otherwise specified by the Comprehensive Plan or other adopted plan.

- B. Eligible applicants:

An application for the Overlay Zone or an application for an amendment to an existing Overlay Zone may be submitted by the City of Sunland Park or by the owner(s) of the property covered by the Overlay Zone. In the case of multiple owners, fifty-one (51) percent of the property owners in the area covered by the Overlay Zone must agree in writing to the application before it is submitted.

- C. Overlay Zone contents:

A proposed SU-1 Overlay Zone will include the following information:

1. Description of the distinctive characteristics to be preserved or encouraged and the specific critical design aspects to be regulated.
2. Proposed boundary of the Overlay Zone, including the legal description of the properties within the boundary and a map of the boundary.
3. Regulations: Regulations for the Overlay Zone may include specific guidance in addition to the regulations of the underlying district for any of the following:
  - a. Allowable uses if uses are prohibited in the underlying district.
  - b. Development standards.
  - c. Site design standards

- d. Building design standards
- e. Landscaping
- f. Signs

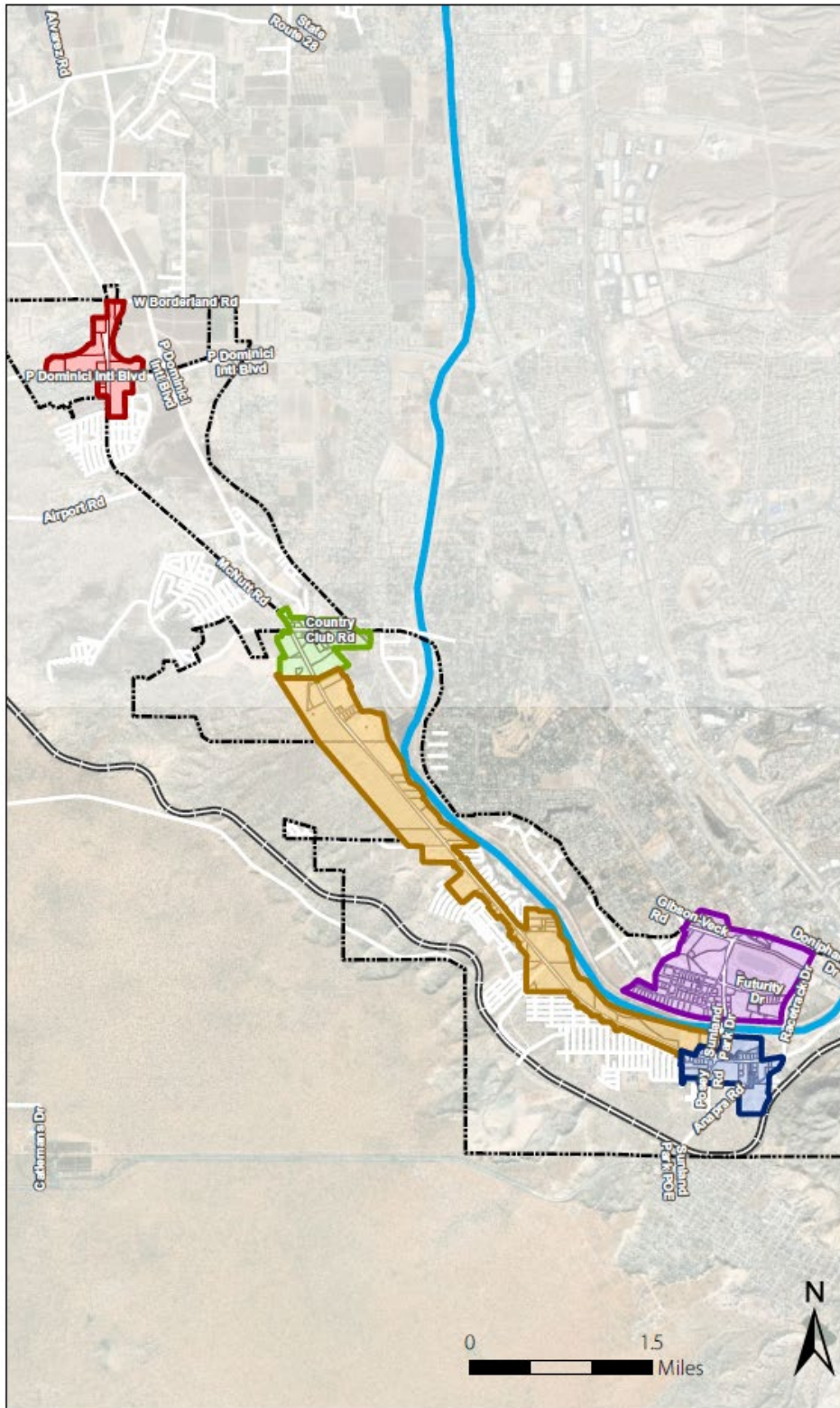
### Regulations

Such regulations shall be as specific as possible so that developers and designers will have a clear indication as to what development designs are acceptable. The regulations of the Overlay Zone will address specific design criteria. Total design control of development is not intended.

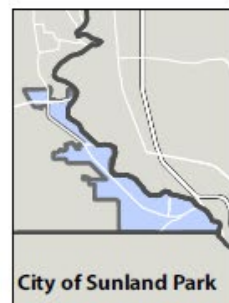
Table 4-5.3. SU-1 Overlay Zone

<b>SU-1 Special Use Entertainment Overlay Zone District Dimensional Standards Summary</b>		
<b>Site Standards</b>		Overlay Zone
<b>A</b>	Lot size, minimum	5,000 SF
<b>B</b>	Lot width, minimum	Varies
<b>Setback Standards</b>		
<b>C</b>	Front, minimum General	0'
<b>E</b>	Side, minimum General	15' not facing public street
<b>F</b>	Side, minimum Corner Lot	5'
<b>G</b>	Rear, minimum	15'
<b>Building Height</b>		
<b>H</b>	Building height, maximum	Varies

<b>Other Applicable Standards</b>	
Overlay District	<a href="#"><u>10-20-1</u></a>
Dimensional & Measurement Standards	<a href="#"><u>10-20-7</u></a>
Supplemental Nature	<a href="#"><u>10-20-11</u></a>
Special Uses	<a href="#"><u>10-20-5</u></a>
Parking and Loading	<a href="#"><u>10-20-8</u></a>
Building Standards	<a href="#"><u>10-20-9</u></a>
Landscape & Screening	<a href="#"><u>10-4-10</u></a>



Sunland Park  
All Overlay  
Districts



Sunland Park All Overlay Districts

## 10-4-6 SUPPLEMENTARY DISTRICT REGULATIONS

### 10-4-6.1 Visibility At Intersections

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten feet (10') above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty feet (50') from the point of the intersection.

### 10-4-6.2 Principal Structures On A Lot

More than one structure housing a permitted or permissible principal use may be erected on a single lot if yard and other requirements of this title are met for each structure as though it were on an individual lot.

### 10-4-6.3 Access To And From Structures

Every building hereafter erected or moved shall be on a lot adjacent to and with vehicular access to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient vehicular access for servicing, fire protection, and required off-street parking.

### 10-4-6.4 Exteriors And Roofs

Exterior walls of all buildings and improvements on residentially zoned lots or locations shall be constructed of masonry, adobe, frame stucco, shingles, or wood siding. The roof of all buildings and improvements shall be surfaced with tile, gravel, shingles, or other permanent type construction material.

### 10-4-6.5 Prohibited Materials Or Structures

#### Materials:

No residence or other building or improvements on any residentially zoned lot or location shall be constructed of "boxed" or "sheet metal" construction except for modern "mobile homes" as defined in Use-specific Standard, Section 10-4-7.2.

#### Structures:

No tent, shed, barn, or other structure shall be erected, or permitted to remain on any lot in any residentially zoned lot or location except as allowed in Table 4-7.1.

### 10-4-6.6 Water And Sewer

All water and sewer improvements, systems, and fixtures shall be connected to the public utilities and subject to Camino Real Regional Utility Authority Department (CRRUA). CRRUA is responsible for the management and maintenance of the City of Sunland Park and Santa Teresa water and wastewater system.

#### 10-4-6.7 Animal Restrictions

##### Animals and Fowl:

No residentially zoned lot or location shall be used for the purpose of raising hogs, goats, sheep, rabbits, horses, cattle, fowl, mules or other animals except as allowed by RE Rural Estate District, and subject to RE District regulations. The occupant of each residential lot may, however, keep domestic animals in accordance with the City of Sunland Park Animal Control Ordinance, City Code Section 5-2-1 through 5-2-16.

#### 10-4-6.8 Nuisance Conditions

No public nuisance or offensive, noisy, or illegal trade, calling or act shall be enacted, suffered, or permitted in any portion of the City.

#### 10-4-6.9 Disclosure Requirements

##### Easements; Ordinance Restrictions:

All grants, sales, leases, and conveyances of lots and locations shall be subject to the street and utility easements of record at the time of the sale, grant, lease, or conveyance and shall be further subject the allowances and restrictions of this Title. Any individual, corporation, or agent of any individual or corporation proceeding as grantor, seller, lessor, or conveyer of any lots, locations, or real property shall disclose to the grantee, buyer, lessee, or receiver, prior to the execution of the grant, sale, lease, or conveyance the following information:

1. A legal description of the property.
2. The zone district classification of the property.
3. All pertinent zone district regulations of the actual property noting all allowances and restrictions on the property as mandated by this Title.

##### Oral Presentation; Accompanying Documents:

Such disclosure shall be orally presented to the grantee, buyer, lessee, or receiver in the first language of the grantee, buyer, lessee, or receiver and shall be accompanied by direct copies of the referenced ordinances.

#### 10-4-6.10 Uses Not Permitted

No oil drilling or oil development operations shall be permitted or allowed on any lot or location not specifically established as permissible by this Title. Mineral resource extraction and processing may be allowed in accordance with Section 10-4-15.

#### 10-4-6.11 Compliance With Building Codes And Permits

All structures, buildings, and improvements shall be in compliance with applicable code requirements of Sunland Park and the State of New Mexico. A building permit

shall be acquired from the building City of Sunland Park inspection office prior to commencing construction on any structure, building, or improvement. Mobile home or trailer may be used as temporary living quarters during construction of a dwelling with a temporary use permit. The permit must be renewed annually. Construction may not exceed two years in duration.

## 10-4-7 PERMISSIVE USES *NEW SECTION*

### 10-4-7.1 General

[Table 4-7.1](#) lists the land uses that are allowed in specific zoning districts. These are identified as permissive, conditional, temporary, accessory, and special uses. If a use is not identified as one of these use categories in a zoning district, the use is prohibited in that zoning district.

Within [Table 4-7.1](#), the following abbreviations are used:

**P** – permissive or allowable use, subject to the requirements of this Title.

**C** – conditional use, which may be allowed based on an application approved by the Planning and Zoning Commission, subject to conditions.

**S** – special use, allowed subject to specific conditions and standards, set by an application and site plan approved by the Governing Body.

**T** – temporary use allowed subject to a temporary use permit. These uses are allowed for a limited period of time, with an application and site plan approved by Administrative Official and City Manager.

**A** – accessory use that is incidental to principle use and typically provided with the principle use. Accessory uses must follow the requirements of the district in which they are located.

Definitions of land uses, and the conditions under which they are allowed, are described in 10-9-3 Use Specific Standards.

If a use is not specifically listed in the allowable use table, the Governing Body shall determine whether it is included in a listed use based on the use definition, scale, character, and potential impacts. This interpretation shall be documented in a memorandum and appended to the Code for other future decisions and inclusion in a future revision.

Table 4-7.1. Permissive Uses

Permissive Use Table	RE	R-1	R-2	TC	MR	MF	RC PUD	MHP	C-1	C-2	M-1	M-2	PD	SU	Definition
<b>Residential Uses</b>															
Dwelling, single-family detached	P	P	P	P	P	P									10-4-7.2(6)
Dwelling, manufactured home					P										10-4-7.2(2)
Dwelling, townhouse				P			P								10-4-7.2(7)
Dwelling, mobile home								P							10-4-7.2(3)
Dwelling, Duplex						P	P								10-4-7.2(1)
Dwelling, Multi-Family							P								10-4-7.2(5)
Institutional, Assisted Living						P			P	P					10-4-7.2(8)
Institutional, Group Home						P			P	P					10-4-7.2(9)
Residential Treatment Facility						P			P	P					10-4-7.2(10)
<b>Civic and Institutional Uses</b>															
Cemetery														S	10-4-7.2(11)
Community Center			P	P	P	P	P		P	P					10-4-7.2(12)
Correctional Facility														S	10-4-7.2(13)
Crematorium														S	10-4-7.2(14)
Day / Child Care Center (commercial facility)			P	P	P	P	P		P	P					10-4-7.2(15)
Hospital							P		P	P					10-4-7.2(16)
Library			P	P	P	P	P		P	P					10-4-7.2(17)
Mortuary									P	P	C				10-4-7.2(18)
Museum or Art Gallery					P		P		P	P	P				10-4-7.2(19)
Overnight emergency shelter									P	P	P	P			10-4-7.2(20)
Parks and open space	P	P	P	P	P	P	P	P	P	P			P		10-4-7.2(21)
Public safety services	C	C	C	C	C	C	C		P	P	P	P			10-4-7.2(22)
Religious institution/ Church	P	P	P	P	P	P	P	P	P	P					10-4-7.2(23)
School, Elementary or Middle School	C	C	C	C	C	P	P		P	P					10-4-7.2(24)
School, High	C	C	C	C	C	P	P		P	P					10-4-7.2(25)
School, University or college														S	10-4-7.2(26)
School, Vocational or Technical														S	10-4-7.2(27)
Sports fields	P	P	P	P	P	P	P	P	P	P			P		10-4-7.2(28)

Permissive Use Table	RE	R-1	R-2	TC	MR	MF	RC PUD	MHP	C-1	C-2	M-1	M-2	PD	SU	Definition
<b>Agriculture and Animal-related Uses</b>															
Animal Shelter									P	P	P	P			10-4-7.2(29)
Community Garden	P	P	P	P	P	P	P	P	P	P			P		10-4-7.2(30)
Plant Nursery	P								P	P	P	P			10-4-7.2(33)
General agriculture									P	P	P	P			10-4-7.2(31)
Kennel, Commercial									P	P	P	P			10-4-7.2(32)
Stables, Commercial														S	10-4-7.2(34)
Veterinary hospital									P	P	P	P			10-4-7.2(35)
Other Pet Services									P	P	P				10-4-7.2(36)
<b>Food, Beverage and Entertainment Uses</b>															
Adult amusement establishment											C	C			10-4-7.2(37)
Amusement Park														S	10-4-7.2(38)
Bar							C		P	P	P	P			10-4-7.2(39)
Bakery / Confectionary							C		P	P	P	P			10-4-7.2(40)
Casino														S	10-4-7.2(41)
Club or event facility							C		P	P					10-4-7.2(43)
Theater							C		P	P					10-4-7.2(54)
Food Truck							C		P	P	P	P			10-4-7.2(44)
Vending Cart							C		P	P	P	P			10-4-7.2(45)
Golf Course or Country Club														S	10-4-7.2(46)
Recreation facility (Indoor activities)									P	P	P				10-4-7.2(47)
Restaurant (Drive-in, eat in car)									P	P	P	P			10-4-7.2(49)
Catering Service									P	P	P	P			10-4-7.2(42)
Restaurant							C		P	P	P	P			10-4-7.2(48)
Sports complex / gym									P	P	C	C			10-4-7.2(50)
Stadium or racetrack														S	10-4-7.2(51)
Swimming pool							C		P	P	C				10-4-7.2(52)
Tap room / small brewer / winery														S	10-4-7.2(53)
<b>Lodging Uses</b>															
Bed and breakfast (B&B)	C	C	C	C					P	P					10-4-7.2(55)
Campground / RV Park														S	10-4-7.2(56)
Hotel or Motel									P	P	P	P			10-4-7.2(57)
Mobile Home Park (MHP)								P						S	10-4-7.2(58)
<b>Office, Services, Retail Uses</b>															
Banking and Financial Services									P	P					10-4-7.2(59)
Cannabis Retail									S	S	S	S			10-4-7.2(61)

Permissive Use Table	RE	R-1	R-2	TC	MR	MF	RC PUD	MHP	C-1	C-2	M-1	M-2	PD	SU	Definition
Car wash									P	P	P	P			10-4-7.2(60)
Clinic (medical or dental)									P	P					10-4-7.2(62)
Construction contractor facility and yard										P	P	P			10-4-7.2(63)
Fairgrounds														S	10-4-7.2(64)
Gas station / service station									P	P	P	P			10-4-7.2(65)
Grocery store							C		P	P					10-4-7.2(66)
Light vehicle sales and rental									P	P	P	P			10-4-7.2(67)
Liquor retail									P	P	P	P			10-4-7.2(68)
Office									P	P	P				10-4-7.2(70)
Nicotine retail									P	P	P	P			10-4-7.2(69)
Painting / Spraying (Commercial)										P	P	P			10-4-7.2(71)
Pawn Shop									C	P	P				10-4-7.2(72)
Personal service									P	P	P				10-4-7.2(73)
Repair (automotive)									P	P	P	P			10-4-7.2(74)
Retail									P	P	P				10-4-7.2(75)
Shopping center (5 acres and over)									P	P	P				10-4-7.2(77)
Shopping center (under 5 acres)									P	P	P				10-4-7.2(76)
Transportation Uses															
Airport														S	10-4-7.2(78)
Parking structure									P	P	P	P			10-4-7.2(79)
Transit Facility / Bus garage										C	P	P			10-4-7.2(80)
Industrial and Other Special Uses															
Heavy manufacturing												C			10-4-7.2(83)
Cannabis cultivation	C										S	S			10-4-7.2(81)
Cannabis-infused product manufacturing											S	S			10-4-7.2(82)
Heavy vehicle and equipment sales, rental, fueling, and repair											P	P			10-4-7.2(84)
Light manufacturing											P	P			10-4-7.2(85)
Mining														S	10-4-7.2(86)
Recycling center														S	10-4-7.2(87)
Solid waste landfill														S	10-4-7.2(88)
Storage container										P	P	P			10-4-7.2(89)
Warehousing										P	P	P			10-4-7.2(90)

Permissive Use Table	RE	R-1	R-2	TC	MR	MF	RC PUD	MHP	C-1	C-2	M-1	M-2	PD	SU	Definition
Waste transfer station														S	10-4-7.2(91)
Wholesale sales and distribution										P	P	P			10-4-7.2(92)
Wrecking or Junk yard														S	10-4-7.2(93)
Telecommunication and Utilities															
Utilities, major	P	C	C	C	C	C	P	C	C	P	P	P	C	P	10-4-7.2(94)
Utilities, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10-4-7.2(95)
Wireless Communication Facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	10-4-7.2(96)
Accessory Uses															
Accessory dwelling unit	A	A	A	A	A	A	A	A							10-4-7.2(97)
Agricultural Sales Stand	A														10-4-7.2(98)
Caretake or guard facility											A	A			10-4-7.2(99)
Drive thru facility									A	A	A	A			10-4-7.2(100)
Family child care home	A	A	A	A	A										10-4-7.2(101)
Greenhouse	A	A	A	A	A										10-4-7.2(102)
Home Occupation	A	A	A	A	A		A								10-4-7.2(103)
Livestock	A								A	A	A	A			10-4-7.2(104)
Mobile Food Truck or Cart															10-4-7.2(105)
Parking Lot					A				A	A	A	A		A	10-4-7.2(106)
Temporary Uses															
Carnival, Circus									T	T	T	T			10-4-7.4(1)
Christmas tree stand									T	T	T	T			10-4-7.4(2)
Farmers market									T	T	T	T			10-4-7.4(3)
Fireworks stand									T	T	T	T			10-4-7.4(4)
Flea market									T	T	T	T			10-4-7.4(5)
Dwelling Unit, Temporary	T	T	T												10-4-7.4(6)
Real estate office or model home	T	T	T	T	T	T			T	T	T	T	T		10-4-7.4(7)
Retail stand	T								T	T	T	T	T		10-4-7.4(8)
Special event									T	T	T	T	T		10-4-7.4(9)
Yard/garage sale	T	T	T	T	T	T									10-4-7.4(10)

## 10-4-7.2 Use-Specific Standards

### Residential Uses

#### *1. Dwelling, Duplex*

One (1) building arranged, intended, or designed to be occupied by two (2) families living independently of each other and having separate cooking facilities in each dwelling unit.

#### *2. Dwelling, Manufactured Home*

"Manufactured home" means a movable or portable housing structure for human occupancy that exceeds either a width of eight feet or a length of forty feet constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation.

- a. Placement Permit Required: On the application for Manufactured Home placement, the applicant must show that the manufactured home is stabilized and anchored in accordance with the Manufactured Housing Act of New Mexico.
- b. Certificate of Occupancy Required: Subsequent to placement of the Manufactured Home the City Building Inspector must inspect and approve the placement. A Manufactured Home shall not be occupied until an occupancy permit has been granted by the City Building Inspector.
- c. Skirting Required: The Manufactured Home must be completely skirted with solid and aesthetically compatible material of the same type, color, and texture as the outer siding of the Manufactured Home.
- d. Deck or Porch: A solid deck or porch, which need not be covered or enclosed and which is at least equal in size to five percent (5%) of the heated area of the Manufactured Home must constructed at the main entrance.
- e. Noncompliance; Removal: Failure to comply with all requirements of this Article shall require removal of the home at the owner's expense within a twenty (20) day period following notice of violation.

#### *3. Dwelling, Mobile Home*

"Mobile home" means a movable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, or the standards of any municipal building code. Mobile Homes located in Sunland Park and outside of the City's Mobile Home Park District as of the date of adoption of this Title shall become legally nonconforming uses.

4. *Dwelling, Multi-Sectional Manufactured Home*

"Multi-section manufactured home" means a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet and constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the building code in effect in the City of Sunland Park, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations.

5. *Dwelling, Multifamily*

Three (3) or more dwelling units attached with a common wall. Multi-family units may also have shared common amenities on the property which are accessory to the primary. This could include community building, swimming pool, play area, and other customary amenities incidental to the primary.

6. *Dwelling, Single-Family Detached*

Consisting of one dwelling unit that is occupied or intended to be occupied as the home or residence of one family.

7. *Dwelling, Townhouse*

One (1) of a group of attached dwelling units divided from each other by common walls and each having a separate entrance leading directly to the outdoors at ground level.

8. *Institutional Assisted Living Facility*

A residential facility licensed by the State of New Mexico that provides support services and assistance with daily living activities to six (6) or more adults.

9. *Institutional Group Home*

A dwelling for two (2) to five (5) residents unrelated to the caregiver, who are provided a planned program of care and support services with full-time supervision. The group home must meet all State of New Mexico licensing requirements.

10. *Institutional Residential Treatment Facility*

A group living facility for six (6) or more persons, with the primary purpose of integrated treatment, support, and rehabilitation providing three meals a day, with 24-hour supervision.

## Civic and Institutional Uses

### *11. Cemetery*

A burial ground; a graveyard. Any cemetery site shall contain at least ten (10) acres and shall provide adequate landscaping, screening, and buffering.

### *12. Community Center*

A place where people can meet for social, educational, or recreational activities.

### *13. Correction Facility*

A publicly owned and operated facility for the incarceration or detention of persons under federal, state or local warrant, awaiting trial on federal, state or local felony or misdemeanor charges, convicted of federal, state or local charges, but not yet sentenced, or serving a federal, state or local sentence upon conviction. This definition includes prerelease facilities but does not include work release centers or juvenile community facilities.

### *14. Crematorium*

A place where a dead person's body is cremated.

### *15. Day Care Center*

Commercial, State licensed facility that serves six or more children at a time.

### *16. Hospital*

An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

### *17. Library*

A publicly operated facility housing a collection of books, magazines, multi-media, or other material for use by the public.

### *18. Mortuary*

A funeral home or morgue.

### *19. Museum Or Art Gallery*

Means a building or part thereof where works of art such as paintings, sculptures, pottery pieces, glass objects, and weaving articles are displayed for public viewing and may include the sales of art and/or art supplies.

**20. *Overnight Emergency Shelter***

Facility, the primary purpose of the facility is to provide a temporary shelter for 6 or more people experiencing homelessness in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.

**21. *Parks And Open Space***

It means any open piece of land that is undeveloped (has no buildings or other built structures) and is accessible to the public. Parks and open space can include:

- Green space (land that is partly or completely covered with grass, trees, shrubs, or other vegetation). Green space includes parks, and community gardens;
- Schoolyards;
- Playgrounds;
- Public seating areas;
- Public plazas;
- and/or Vacant land.

**22. *Public Safety Services***

Facilities that provide fire, police, or emergency services, together with storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

**23. *Religious Institution Or Church***

A building, together with its accessory buildings and uses, where persons regularly assemble religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.

**24. *School, Elementary Or Middle***

A public or private school meeting all requirements of the compulsory education laws of the state and provides instruction to students in kindergarten through grade eight.

**25. *School, High***

A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in grades nine through twelve, generally.

**26. *School, Post Secondary, University***

An institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's and/or associate degree.

*27. School, Technical, Vocational*

A post-secondary vocational school that trains students in a variety of skills, especially in the manual trades, health care, and computer technology.

*28. Sports Courts And Fields*

Area or space dedicated for outdoor sports, basketball, soccer field, baseball diamond, and fields.

Agriculture and Animal-related

*29. Animal Shelter*

A facility providing animal care, or boarding services not restricted to household pets with overnight accommodations, animal hospitals, boarding kennels, and/or the maintaining, raising, harboring and/or boarding of six (6) or more dogs or six (6) or more cats or six (6) or more dogs and cats.

*30. Community Garden*

Site for the propagation and cultivation of plants, including accessory structures such as green houses, shade structures and storage sheds that are no more than 8 feet in height and no more than 10 feet from a property line. The maximum size of a community garden is one contiguous acre.

*31. General Agricultural*

Any growing or maintaining of crops and livestock, for-profit or non-profit. General agriculture uses shall be a minimum of one (1) acre in size and shall conform to USDA guidance for the number of animals per acre in addition to all relevant standards and regulations of this Title. A minimum lot size of two (2) acres is required for raising large animals including horses, cows, sheep, pigs, goats, and similar animals.. The location of accessory structures and barns shall be a minimum of ten (10') from the principle structure and five (5') from the property line.

*32. Kennel*

Any lot or premises on which six (6) or more dogs and/or six (6) or more cats over four (4) months of age are kept by the owner or occupant for commercial purposes, including, but not limited to, boarding, breeding, buying, selling, renting, exhibiting or training. Such uses shall be a minimum of fifty feet (50') from any residential zoning district boundary.

*33. Plant Nursery*

Premises used for the propagation, rearing, and/or sale of plants and the storage and sale of products associated with horticultural and garden activities.

**34. Stables**

A building set apart and adapted for keeping horses. Such uses shall be a minimum of four hundred feet (400') from any residential zoning district boundary.

**35. Veterinary Hospital**

Facility used by a licensed veterinarian for the medical treatment of animals.

**36. Other Pet Services**

A facility providing care and services for household pets, such as animal grooming, training, or day care but which is not listed separately.

**Food, Beverage and Entertainment**

**37. Adult Establishment**

An establishment that provides amusement, entertainment, and/or books, or videos which is distinguished or characterized by an emphasis on material depicting or relating to specified sexual activities or specific anatomical areas; Features topless dancers, exotic dancers, strippers, topless/bottomless waitering, or similar entertainment.

- a. Such use shall be permitted, provided it is located at a minimum of one thousand feet (1,000') from a property line of a:
  - b. Church
  - c. Nursery/daycare;
  - d. Public park or recreational facility;
  - e. Residential zoning district;
  - f. School;
  - g. Other adult bookstore/video store or adult amusement establishment.

This use shall be permitted, provided such use is located at a minimum of five hundred feet (500') from the property line of a liquor establishment.

The operator of an adult entertainment establishment shall affix a sign to the exterior wall near the primary entrance to the structure in which such enterprise is located. Such sign shall be thirty-six inches by eighteen inches (36" x 18"), shall have red lettering (letters shall be 2 inches in width and 3 inches in height) on a white background and it shall state as follows:

***WARNING: ADULT AMUSEMENT ESTABLISHMENT,  
THE BUSINESS WITHIN IS SEXUALLY ORIENTED.***

**38. *Amusement Park***

A large outdoor area with fairground rides, shows, refreshments, games of chance or skill, and other entertainments.

**39. *Bar***

An establishment or room in which drinks, especially alcoholic drinks, and sometimes food are served. Bars must comply with all relevant State laws regulating the sale and consumption of alcohol.

**40. *Bakery/ Confectionary***

An establishment where bread and/or baked goods are produced and may be sold along with other related products.

**41. *Casino***

A building or large room used for meetings, entertainment, dancing, etc., especially such a place equipped with gambling devices, gambling tables, etc.

**42. *Catering Service***

Establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

**43. *Club***

Any membership organization catering exclusively to members and their guests and whose facilities are limited to meeting, eating and/or recreational uses, and further, whose activities are not conducted for monetary gains; including, but not limited to, civic, fraternal, charitable, religious, social and patriotic organizations.

**44. *Food Truck***

Preparing and serving food and beverage, outdoors, from enclosed vehicle with a commercial kitchen. Shall meet all state and local licensing and permitting requirements, and if serving alcohol, must have the required liquor license. See Chapter 11, Parking and Loading for residential and non-residential parking restrictions.

**45. *Vending Cart***

A vehicle without motive power that has functional wheels and at least one axle and is used for the sale of goods, including but not limited to food, beverages, raw produce, flowers, arts, and crafts.

**46. *Golf Course/ Country Club***

A course on which golf is played, along with clubhouse and other customary amenities that are incidental to the primary use. Screening and buffering is required within fifty feet (50') of the property line, abutting residential district.

**47. *Recreation Facility***

These are all indoor. Facility to include: auditorium, amphitheater, bowling alley, dance hall, public assembly place, skating rink, theater, gym/ exercise, and similar activities.

**48. *Restaurant***

An establishment that serves food and beverages for consumption on site, either inside or outside, and which may also provide take-out service of food and non-alcoholic beverages. Sale of alcoholic drink is controlled by New Mexico State statutes regarding alcoholic drink sales.

**49. *Restaurant (Drive-In)***

A restaurant that has no interior seating for customers and may include car hop service to parked vehicles.

**50. *Sports Complex***

A facility for indoor and outdoor for baseball, basketball, track and field, weight lifting, swimming, volleyball, ice-hockey, tennis, racquetball, etc.

**51. *Stadium Or Racetrack***

A non-educational or school related, large viewing arena or track for horse, vehicle racing or sporting events.

**52. *Swimming Pool, Or Other Aquatic Venue, Public***

Any artificially constructed structure that is expressly designated or used with the knowledge or consent of the owner or operator for swimming, water recreation, or bathing for the use of any segment of the public. Public swimming pools must comply with State regulations for public aquatic venues.

**53. *Tap Room/ Small Brewer/ Winery***

An establishment where ale, beer, and/or similar beverages are brewed; wine is made; or craft alcohol is distilled; or a tap room or tasting room associated with a local brewery, winery, or distillery. Establishments must have an approved "small brewer's license" as governed by 60-A-26.1 (stet) NMSA

1978, an approved "winegrower's license" as governed by 60-A-11 NMSA 1978, or an approved "craft distiller's license" as governed by 60-6A-6.1 NMSA 1978. State statute shall limit annual production. Sale of materials produced on-site for off-premises consumption is allowed.

**54. Theater**

Any building to which the public is invited and pays consideration for the purpose of viewing motion pictures, theatrical performances, or other entertainment excluding adult entertainment.

**Lodging**

**55. Bed & Breakfast (B&B)**

An owner-occupied or manager-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests.

**56. Campground/ RV Park**

A lot, tract, or parcel of land licensed and used or offered for use in whole or in part, for the parking of occupied RV, pop-up campers, tents or similar devices used for temporary portable housing and used solely for living and/or sleeping purposes and which does not allow use for more than thirty (30) consecutive days.

**57. Hotel/Motel**

Rooms, public swimming pool and other uses that are customary at hotels/motels and incidental to the primary use.

**58. Mobile Home Park**

"Mobile home park", "trailer park" means a parcel of land used for the continuous accommodation of twelve or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. "Mobile home park" does not include mobile home subdivisions or property zoned for manufactured home subdivisions. Allowable accessory uses include management office, community building, public swimming pool, playground, and any other uses, incidental to the primary use, for the use of mobile home park residents.

Office, Service, Retail**59. *Banking And Financial Services***

A facility engaged in retail banking, mortgage lending and financial services to individuals and businesses.

**60. *Car Wash***

A structure containing equipment for washing cars or other vehicles.

**61. *Cannabis Retail***

A retail sales establishment licensed by the State to sell cannabis for recreational consumption. Retail establishments selling cannabis solely for consumption by users with a medical card issued by the State are considered general retail and are not regulated by this definition. a. Cannabis retail is allowed, provided that the establishment complies with all New Mexico State law, including but not limited to the Cannabis Regulation Act and any required spacing from other uses or facilities.

- a. This use is prohibited within 200 feet of any school or child day care facility.

**62. *Clinic***

An establishment occupied by one (1) or more members of the medical or dental, for the purpose of providing health services.

**63. *Construction Contractor Facility And Yard***

A facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen, and tradesmen, and may include accessory offices related to such activities. All activities must be conducted in a completely enclosed building or within an area enclosed on all sides by a solid wall or fence at least six feet (6') high.

**64. *Fairgrounds***

A permanent site for fairs, rodeo grounds and exhibitions, including both indoor and outdoor facilities.

**65. *Gas Station (Service Station)***

An establishment engaged in the retail sale of vehicle fuels and including battery charging. Incidental uses include a car wash; sale of convenience items, food, beverage, and auto related goods; minor auto service or repairs;

and tire repair. This does not include vehicle repair, vehicle sales or rental, liquor sales or outdoor storage. All activities must be conducted within a completely enclosed building.

**66. *Grocery***

Retail sales primarily of food products, household goods and similar items, with 50% of floor area or more than 25,000 square feet of floor area devoted to food items including, but not limited to, fresh produce, fresh meats, fresh dairy products, and prepacked foods.

**67. *Light Vehicle Sales And Rental***

The sale or transfer of title, or rental of light vehicles. Excluding heavy machinery and farm equipment. Unenclosed areas shall be provided with a fence or wall constructed to a height adequate to conceal any vehicles, equipment or supplies located on the lot.

**68. *Liquor Retail***

Retail establishment licensed by the State of New Mexico that primarily sells packaged alcoholic beverages for off-premises consumption. Does not include a brewery or winery.

- a. Alcohol sales for off-premises consumption are allowed provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.
- b. Alcohol sales for on-premises consumption are also allowed as an incidental activity provided that the establishment complies with all New Mexico State law requirements.

**69. *Nicotine Retail***

Any establishment licensed to sell any tobacco product or electronic nicotine delivery system as defined in New Mexico Tobacco Products Act. This use does not include the sale of cannabis.

- a. Nicotine sales are allowed provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.
- b. This use is prohibited within 330 feet of any school or child day care facility.

**70. Office**

Establishment that provides space for executive, management, administrative, professional or medical services.

**71. Painting/ Spraying (Commercial)**

The process of using paint, as a protective coating, or as decorative coating on vehicles, machinery, or other components. All activities must be conducted within a completely enclosed building.

**72. Pawn Shop**

It means a business which engages in the lending of money, usually in small sums, in exchange for personal property deposited that can be kept or sold if the borrower fails or refuses to repay the loan.

**73. Personal Service**

Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel to include repair service (non-automotive) salon, barber, massage therapist, groomer, laundry, dry-cleaners, gym, health performance, yoga, etc.

**74. Repair (Automotive)**

To include auto repair and small engine repair. Repair may include engine overhaul, brake repair, glass replacement, repair of electrical accessories such as starters and alternators, frame alignment, and outdoor storage of vehicles awaiting repair, materials. Not to include heavy machinery, farm equipment, construction equipment. *See Heavy Vehicle And Equipment Sales, Rental, Fueling, And Repair.*

- a. Rebuilding of wrecked automobiles shall be conducted within a completely enclosed building.
- b. Unenclosed areas shall be provided with a six (6') fence or wall to conceal any vehicles, equipment or supplies located on the lot; proper maintenance to keep the areas in good condition, free of weeds, dust, trash, and debris.

**75. Retail**

Sale to the ultimate consumer for direct consumption or use and not for resale. General related sales of durable and non-durable goods.

*76. Shopping Center, Small*

A group of at least three (3) commercial establishments within a building or buildings with a gross floor area of less than 30,000 square feet planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

*77. Shopping Center, Large*

A group of at least three (3) commercial establishments within a building or buildings with a gross floor area of 30,000 or more square feet planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements. A site plan is required.

Transportation

*78. Airport/ Heliport*

A complex of runways or buildings for the takeoff, landing, and maintenance of civil aircraft, with facilities for passengers. Uses shall be in accord with all Federal Aviation Administration Regulations.

*79. Parking Structure*

A structure for automobile storage/parking. The parking garage may serve uses such as residential developments, entire commercial districts, or a single use such as an office building.

*80. Transit Facilities/ Bus Garage*

Facilities including but not limited to bus, taxi, and charter bus. All activities must be conducted within an area enclosed on all sides by a solid wall or fence at least six feet (6') high.

Industrial and Special Uses

*81. Cannabis Cultivation*

A facility in which cannabis is grown, harvested, dried, cured, or trimmed.

- a. Cannabis cultivation is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to the Cannabis Regulation Act and any required spacing from other uses or facilities.

- b. This use is prohibited within 200 feet of any Residential zone district, school, or child day care facility.

**82. *Cannabis-Infused Product Manufacturing***

A process in which a product is infused with cannabis that is intended for use or consumption other than by smoking, including but not limited to, edible products, ointments, and tinctures.

- a. Cannabis-infused products manufacturing is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to the Cannabis Regulation Act and any required spacing from other uses or facilities.
- b. This use is prohibited within 200 feet of any Residential zone district, school, or child day care facility.

**83. *Heavy Manufacturing***

Manufacturing and industrial uses that regularly use hazardous chemicals or produce hazardous by-products or explosive hazards. All activities must minimize smoke, dust, fumes, noise, etc. and meet site design standards of this Title and must be no less than one thousand feet (1,000') from a residential district. Heavy manufacturing uses include but are not limited to uses associated with:

- a. The slaughter of animals, curing of raw hides, wool pulling or scouring and stock yard feeding pen.
- b. Cement, asphalt, lime gypsum, plaster of Paris, or the manufacturing of related construction materials.
- c. Explosives, Fertilizer, Glue.
- d. Acetylene gas, alcohol, ammonia, bleaching powder, chlorine, asphalt, brick, tile, terra cotta, chemicals, metal forge, oilcloth, linoleum, paint, linseed, shellac, turpentine, lacquer, varnish, petroleum, plastics, soap, shoe polish, tar products, or the manufacturing of other similar products.

Additional setback and buffer requirement if a site abuts or is adjacent to a residential zone. See Sections [10-4-76](#) through [10-4-85](#), Landscaping.

**84. *Heavy Vehicle And Equipment Sales, Rental, Fueling, And Repair***

Heavy vehicle and equipment sale, rental, fueling, repair including tire recapping and retreading. All activities must be conducted in a completely enclosed building or within an area enclosed on all sides by a solid wall or fence at least six feet (6') high.

**85. *Light Manufacturing***

Businesses where all processing, fabricating, assembly, or disassembly of

items takes place wholly within an enclosed building and generate no noticeable off-site of noise, smoke, particulate matter, odors, or vibration impacts. Light manufacturing uses may include but are not limited to facilities associated with:

- a. bottling, cold storage, electronics, and other similar goods.
- b. Assembly, fabrication, or processing may include compounding, processing, assembling, packaging, or testing of goods that do not meet the definition of heavy manufacturing.

Additional setback and buffer requirement if a site abuts or is adjacent to residential zone. See Sections [10-4-76](#) through [10-4-85](#), Landscaping.

#### 86. *Mining*

Mineral resources extraction and processing. See Sections [10-4-103](#) through [10-4-107](#), Mining and Reclamation.

#### 87. *Recycling Centers*

This business is limited to the inspection, weighing, purchasing and temporary storage of aluminum and scrap metal, cloth, glass, and paper products. Said materials are to be purchased for the purpose of transporting them to local and area processing centers.

- a. Storage shall be within an enclosed building; or
- b. Storage may be located within mobile trailer units within a sight obscuring fence at least six feet (6') in height, and not to be a contamination, rodent, insect, or health hazard;
- c. Materials to be recycled shall not remain on the premises for a period exceeding four (4) weeks; and
- d. Recycling purchase centers shall be located a minimum of three hundred feet (300') from any residential zoning district.
- e.

#### 88. *Solid Waste Landfill*

The South Central Solid Waste Authority shall be responsible for the management of any solid waste landfill in the City.

#### 89. *Above Ground Storage Of Fuels Or Feed:*

A facility used primarily for the storage and/or marketing of petroleum products, other fuels, or feed.

#### 90. *Warehousing*

Building primarily used for holding or storing goods and merchandise for transportation to another location or for distribution to retailers. Warehousing

does not include sales to the general public or self-storage.

*91. Waste Transfer Station*

The South Central Solid Waste Authority shall be responsible for the management of any solid waste landfill in the City.

*92. Wholesale Sales And Distribution*

Uses engaged in the wholesale sales, bulk storage, and distribution of goods.

*93. Wrecking Or Junkyard*

Storage, dismantling, and/or sale of wrecked vehicles, equipment, machinery, or goods, or the storage of scrap metal, paper, construction waste, industrial waste or other scrap, salvage, or junk materials. Area must be enclosed by solid wall or fence six (6') high.

Telecommunications and Utilities

*94. Utility, Major*

Means central office buildings of telephone utilities; transmission lines, power plants and substations of electrical utilities; and pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.

The site shall be developed and maintained in conformance with the general character and appearance of the district in which the utility structure is located, and such development shall include landscaping and suitable screening in the form of a solid wall, fence or compact shrubbery around the entire perimeter of the lot or tract, or arc, and the installation itself in cases such as transformers.

*95. Utility, Minor*

It means utility facilities that are necessary to support legally established uses and involve only minor structures such as switching boxes, electrical distribution lines and underground water and sewer lines.

*96. Wireless Telecommunications Facility*

A structure that supports one or more wireless telecommunications antenna. See Chapter 16 Wireless Telecommunication Facilities for application requirements and standards.

### Accessory Uses

#### *97. Accessory Dwelling Unit*

Accessory dwelling units are residential units located on the same parcel of land as principal structure, which is secondary in size.

#### *98. Agricultural Sales Stand*

A structure for the retail sale of agricultural products raised on the same premises.

#### *99. Caretaker Or Guard's Residence*

A mobile home or trailer occupied by a caretaker or guard. The residence is incidental to the primary use.

#### *100. Drive Or Drive-Up Through Facility*

Facility associated with the primary use that allows customers to receive services or obtain goods while remaining in vehicle, including features such as a service window, order board, and stacking lanes. A detailed traffic impact study shall be submitted with site plan application involving a drive-through or drive-up facility. Design must meet the standards of 10-11-3 Vehicle Stacking and Drive-Through or Drive-Up Facilities.

#### *101. Family Day Care Home*

Means a private dwelling required to be licensed by the State of New Mexico, which provides care, services, and supervision to no more than twelve (12) children for a period of less than 24 hours of any day. The licensee will reside in the home and be the primary educator. A family day care home shall follow all requirements in Title III, Home Occupations.

#### *102. Greenhouse*

A building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of plants. A greenhouse may not be used for the commercial cultivation of cannabis unless it is permitted for commercial cannabis cultivation or accessory to a permitted commercial cannabis cultivation operation.

#### *103. Home Occupation*

A business use of a residential property by the resident where the business is clearly incidental and secondary to use of the premises as a residence.

Allowed home occupations are home office, professional services, and home artisan business. No more than 25% of floor area of residence is devoted to business. Generate no noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration.

- a. Only one home occupation per dwelling
- b. Only family members or only one outside employee is allowed.
- c. Business license and comply with the uses, conditions, and permit requirements of Title 3, Chapter 4.

#### *104. Livestock*

- a. *Livestock, Large:* Large domestic animals, including horses, cows, sheep, pigs, goats and similar animals. A minimum lot size of two acres is required for raising or keeping of large domestic animals.
- b. *Livestock, Small:* Small domestic animals, including rabbits, chickens, ducks, geese, and other similar animals.

#### *105. Mobile Food Truck or Cart*

Any wagon, truck, trailer, or other vehicle from which any person sells, offers for sale, or gives away food or beverages.

#### *106. Parking Lot*

An area provided for self-parking by employees, visitors, residents, and/or patrons of any public/institutional, commercial, industrial, or multi-family residential use. See Chapter 14 Landscape for parking lot landscape requirements.

### 10-4-7.3 Temporary Uses

The purpose of this section is to identify specific temporary uses that may be conducted within listed zoning districts for certain time periods and under special conditions with a temporary use permit. All vendors have to meet applicable state and local regulations.

The applicant shall be required to have liability and property damage insurance in force at all times during the time a permit is in effect in sufficient amounts to protect the permittee from liability, and to hold the city harmless from any damages, claims or causes of action by reason of the indemnification and issuance of the permit and operation of a special advertising devices. A certificate of insurance must be provided with the temporary use application.

#### 10-4-7.4 Temporary Use-Specific Standards

##### Standards Of General Applicability For All Temporary Uses

The following standards shall apply generally to all temporary uses:

- a. Temporary structures must be at least five feet (5') from all side and rear property lines and at least fifteen feet (15') from property lines along a roadway. These structures shall not violate the clear sight triangle.
- b. These structures, excluding fences and signs, must be at least ten feet (10') from all other buildings on the property.

##### *1. Carnival, Amusement Park, Circus*

These uses are permitted for no more than fourteen (14) calendar days at a single location one (1) time in a calendar year (not including the time required to set up and take down the structures associated with the use).

##### *2. Christmas Tree Stands*

Sales of Christmas trees shall not occur before November 15 or after December 31.

##### *3. Farmers Market*

An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

##### *4. Fireworks Stands*

Sale of fireworks shall not occur before June 20 or after July 6. Sale of fireworks is also permitted three (3) calendar days preceding and including each of the following holidays: New Year's Day, Chinese New Year and Cinco de Mayo.

##### *5. Flea Markets*

Temporary flea markets shall operate for no more than thirty (30) calendar days at one (1) location in a calendar year.

##### *6. Temporary Dwelling Unit*

A temporary dwelling unit means the temporary placement and occupancy of a mobile home, travel trailer, or recreational vehicle as a dwelling while building a permanent dwelling on the same site, or for hardships. The permit must be renewed annually. Construction may not exceed two years in duration.

##### *7. Real Estate Office Or Model Home*

Real estate office in connection with a specific development, allowable only as a

renewable condition for six (6) months at a time. This use may also include a dwelling or dwelling unit representative of other dwellings or units offered for sale or lease or to be built in an area of residential development.

#### *8. Retail Stand*

These uses are permitted for no more than three (3) months for the sale of seasonal merchandise and for no more than thirty (30) calendar days for nonseasonal merchandise.

#### *9. Special Event*

Temporary uses at the time of a community wide, cultural, or religious event are permitted to begin one (1) week seven (7) calendar days) before the beginning of the event and shall end three (3) calendar days from the last day of the event.

#### *10. Yard, Garage Or Rummage Sales*

These types of uses shall be conducted for no more than four (4) calendar days, three (3) times at one (1) location in a calendar year. No permits are required for these uses when conducted from an individual's dwelling or an institution.

## 10-4-8 DIMENSIONAL STANDARDS

### 10-4-8.1 MEASUREMENT AND CALCULATION

#### Purpose

Measurements established for residential districts are based on rectangular lots. Nonrectangular lots, require special measurement techniques to provide standards for the establishment and measurement of setbacks on irregular lots.

#### Setbacks

1. General: All required setbacks are measured from the property line.
2. Irregular Lots: The setback line is parallel to the property line.

#### Height

1. Measure from highest point on flat roof.
2. Measured from the highest point of the pitch of the roof, including shed roof, gable roof, hip roof, gambrel and vaulted roof.

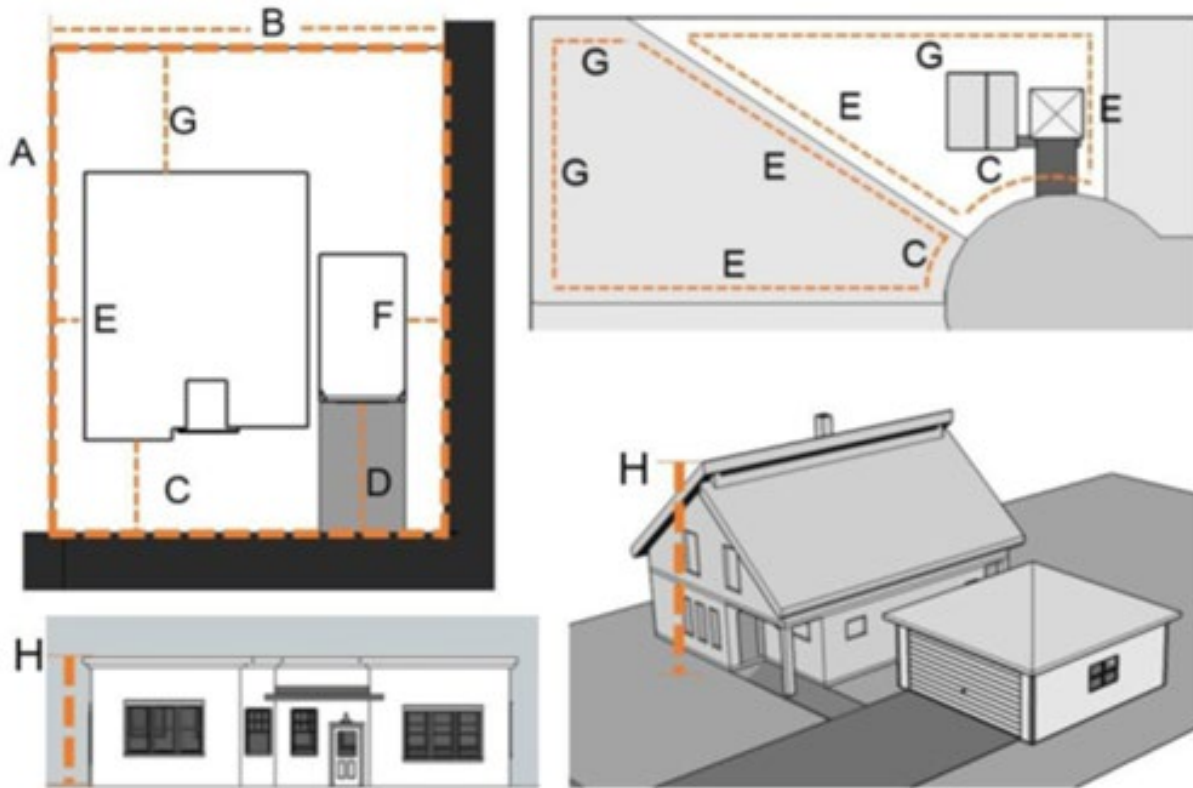
#### Lot Widths

All lot widths are measured from the mid-point of side property line.

## 10-4-8.2 SETBACK AND DIMENSIONAL ILLUSTRATIONS

Figure 4-8.2. Setback and Dimensional Illustrations

**Figure 4-8.2. Setback and Dimensional Illustrations**



### Lot Standards

- A. Lot size, minimum
- B. Lot width, minimum

### Setback Standards

- C. Front, minimum general
- D. Front, minimum garage or carport
- E. Side, minimum general
- F. Side, minimum corner lot
- G. Rear, minimum

### Building Height

- H. Building height, max

### 10-4-8.3 Dimensional Table

District		Front Yard		Side Yard		Rear (ft)	Lot area Min (sf)	Lot Min Width / Depth	Max Height (ft)	Max Floor Area Ratio
		General (ft)	Garage or Carport (ft)	General (ft)	Corner (ft) clear site triangle must be maintained					
<b>RE</b>	Single-Family Detached	45	-	5	10	15	43,560	60	35	-
<b>R-1</b>	Single-Family Detached	20	-	5	10	15	6,000	60	35	-
<b>R-2</b>	Single-Family Detached	15	20	5	10	15	5,000	60	35	-
<b>TC</b>	Single-Family Detached	15	20	5	10	15	4,000	60	35	-
<b>TC</b>	Townhouse	15	20	0	10	15	3,000	24	35	0.6
<b>MR</b>	Single-Family Detached	15	20	5	10	15	6,000	60	35	-
<b>MR</b>	Manufactured Home	10	20	5	10	10	7,000	60	35	-
								115		
<b>MF</b>	Single-Family Detached	15	20	5	10	15	4,000	60	45	-
<b>MF</b>	Duplex	15	20	5	10	15	6,000	60	45	-
<b>MF</b>	Multi-family, apartments, 3+ units	15	20	5	10	15	10,000	60	45	0.6

# LAND DEVELOPMENT CODE



District		Front Yard		Side Yard		Rear (ft)	Lot area Min (sf)	Lot Min Width / Depth	Max Height (ft)	Max Floor Area Ratio
		General (ft)	Garage or Carport (ft)	General (ft)	Corner (ft) clear site triangle must be maintained					
<b>C-1</b>	Light Commercial	15	NA	5	10	15	5,000	60	45	-
<b>C-2</b>	General Commercial	15	NA	5	10	15	5,000	60	45	-
<b>M-1</b>	Light Industrial	15	NA	5	10	15	5,000	60	45	-
<b>M-2</b>	Heavy Industrial	15	NA	5	10	15	5,000	60	35	-
<b>PD</b>	Preservation	Setbacks set by approved site plan								
<b>SU</b>	Special Use									

#### 10-4-8.4 Accessory Structures

##### Principal Structure

The primary building or structure on a property, essentially the main building that serves the primary use of the land, as opposed to any accessory structures that might be present on the same lot; it is considered the most important or significant structure in terms of size, function, or location on the property.

##### Accessory Structure

Must be incidental to principal structure. Not for living or habitat.

No accessory structure shall be erected in any required front yard, and no accessory building shall be erected within five feet (5') of any property line or required easement, and in no case shall be within ten feet (10') of any other building or structure and a minimum of ten feet (10') from the principle residence.

##### Area of Accessory Structure

Area of accessory structure or total area of accessory structures shall not occupy more than twenty percent (20%) of the rear yard. Rear yard, measured from back of house to rear property line, from side to side.

#### 10-4-8.5 ENCROACHMENTS

##### Building, Structure, Improvements

No building, structure, improvement, or any part thereof shall be constructed or permitted to extend over or encroach upon any street, easement, public right of way, or property line.

##### Building, Structure, Improvements Constructed

No building, structure, improvement, or any part thereof shall be constructed or permitted to extend over or encroach into building setback area except

###### *1. Architectural Features*

Bay windows, fireplaces, roof eaves, chimneys and similar architectural features may encroach no more than two feet into any required setback area, provided the encroachments maintain a side setback of at least three feet and do not increase the living space of the structure.

###### *2. Mechanical Equipment*

Mechanical equipment such as air-conditioning units, pool filtering and heating equipment, water softeners, and similar mechanical equipment may encroach upon the side yard setback area if such mechanical equipment is at least three feet from the property line.

#### 10-4-8.6 SETBACKS ADJACENT TO RESIDENTIAL DISTRICTS

##### Residential, Commercial Abutting

Any use, residential or commercial, abutting, or adjacent to a Residential district, shall follow the setback requirements of the more restrictive district.

#### 10-4-8.7 HEIGHT EXCEPTIONS

##### Spires, Belfries, Flag Poles, And Similar Structures:

Such uses may be constructed in any district to a height ten feet (10') above the normally permitted by right.

##### *Television, Radio Towers, Guy Towers and All Other Freestanding Towers (non-wireless communication infrastructure)*

- A. Towers shall not exceed sixty-five feet (65') in height in all districts, except in Industrial Districts M-1 and M-2, may exceed up to two hundred (200') in height. Any request for a tower to exceed maximum height, shall require a conditional use permit from the Planning and Zoning Commission.
- B. Towers for commercial purposes shall not be permitted in residential zones.
- C. Towers for commercial purposes shall not be constructed on lots adjacent to property zoned R-1 or R-2. Any request for a tower with commercial purposes, adjacent to property zoned R-1 or R-2, shall require a conditional use permit from the Planning and Zoning Commission.
- D. Tower height shall be measured vertically from ground level to the highest point of a tower for both freestanding towers and towers attached to or built upon structures.
- E. Towers for commercial purposes shall be set back one foot (1') for each one foot (1') in height plus ten percent (10%) of the total height from any residential zone.

Wireless Communication Infrastructure: See Section [10-4-14](#), Wireless Communication Infrastructure

## 10-4-9 PARKING AND LOADING

### 10-4-9.1 Off-Street Parking Requirements

Table 4-9.1.

Type	Number of Spaces
<b>Residential</b>	
Dwelling, single-family detached	2 spaces per dwelling
Dwelling, manufactured home	2 spaces per dwelling
Dwelling, townhouse	2 spaces per dwelling
Dwelling, duplex	2 spaces per dwelling
Dwelling, multi-family, apartments	1.5 spaces per dwelling
Institutional, Group, assisted living, residential treatment facility	1 space per each 2 beds
<b>Civic and Institutional Uses</b>	
Cemetery	No requirement
Community Center	2 spaces per 1,000 sq. ft. GFA
Correctional Facility	3 spaces per 1,000 sq. ft. GFA
Crematorium	No requirement
Day / Child Care Center (commercial facility)	2 spaces per 1,000 sq. ft. GFA State Statute, stacking lane
Hospital	4 spaces per 1,000 q. ft. GFA
Library	2 spaces per 1,000 sq. ft. GFA
Mortuary	No requirement
Museum or Art Gallery	3 spaces per 1,000 sq. ft. GFA

Type	Number of Spaces
Overnight emergency shelter	No requirement
Parks and open space	No requirement
Public Safety Services	2 spaces per 1,000 sq. ft. GFA
Religious institution / church	1 space per 1,000 sq. ft. GFA
School, elementary, or middle school	2 spaces / classroom
School, high	3 spaces / classroom
School, university or college	1 space per 500 sq. ft. GFA
School, vocational or technical	1 space per 500 sq. ft. GFA
Sports fields	3 spaces per 500 sq. ft. GFA
<b>Agriculture and Animal-related</b>	
Animal Shelter	No requirement
Community Garden	No requirement
General Agriculture	No requirement
Kennel	2.5 spaces per 1,000 sq. ft. GFA
Stables	No requirement
Veterinary Hospital	2.5 spaces per 1,000 sq. ft. GFA
Animal Shelter	No requirement
<b>Food, Beverage and Entertainment</b>	
Adult Amusement establishment	1 space per 1,000 sq. ft. GFA
Amusement park	3 spaces per 1,000 sq. ft. GFA
Bar	8 spaces per 1,000 sq. ft. GFA
Club or event facility	2 spaces per 1,000 sq. ft. GFA

Type	Number of Spaces
Food Truck	No requirement
Golf Course or country club	3 spaces per 1,000 sq. ft. GFA
Restaurant (Drive-in)	No requirement
Restaurant	8 spaces per 1,000 sq. ft. GFA
Sports complex	3 spaces per 1,000 sq. ft. GFA
Stadium or Racetrack	5 spaces per 1,000 sq. ft. GFA
Swimming Pool	3 spaces per 1,000 sq. ft. GFA
<b>Lodging</b>	
Bed and breakfast (B&B)	1 space per rental unit
Campground / RV Park	1 space per site or RV space
Hotel or Motel	1 space per room
Mobile Home Park (MHP)	1 space per rental unit
<b>Office, Retail and Services</b>	
Banking and Financial Services	3 spaces per 1,000 sq. ft. GFA
Car wash	2 spaces per 1,000 sq. ft. GFA
Construction contractor facility and yard	No requirement
Fairgrounds	2 spaces per 1,000 sq. ft. GFA
Flea Market	2 spaces per 1,000 sq. ft. GFA
Gas station / Service station	4 spaces per 1,000 sq. ft. GFA
Grocery Store	4 spaces per 1,000 sq. ft. GFA
Light vehicle sales and rental	2 spaces per 1,000 sq. ft. GFA
Liquor retail	4 spaces per 1,000 sq. ft. GFA

Type	Number of Spaces
Medical or Dental Clinic	5 spaces per 1,000 sq. ft. GFA
Office	3.5 spaces per 1,000 sq. ft. GFA
Painting / Spraying (Commercial)	1 space per 1,000 sq. ft. GFA
Pawn Shop	2.5 spaces per 1,000 sq. ft. GFA
Professional Service	2 spaces per 1,000 sq. ft. GFA
Retail	4 spaces per 1,000 sq. ft. GFA
Repair (automotive)	1 space per 1,000 sq. ft. GFA
Shopping center (5 acres and over)	1 space per 1,000 sq. ft. GFA
Shopping Center (under 5 acres)	1 space per 1,000 sq. ft. GFA
<b>Transportation</b>	
Airport	No requirement
Transit facility / Bus garage	No requirement
<b>Industrial</b>	
Heavy manufacturing	1 space per 5,000 sq. ft. GFA
Heavy vehicle, equipment sales, rental, fueling, and repair	1 space per 1,000 sq. ft. GFA
Light manufacturing	1 space per 1,000 sq. ft. GFA
Mining	No requirement
Manufacturing and processing	1 space per 1,000 sq. ft. GFA
Recycling center	No requirement
Solid waste landfill	No requirement
Storage container	No requirement
Utility/Substation/Waterwells	No requirement

Type	Number of Spaces
Warehousing	No requirement
Waste transfer station	No requirement
Wrecking or Junk yard	No requirement
Wholesale and Distribution Center	1 space per 2,000 sq. ft. GFA
<b>Recreation</b>	
Auditorium	2 spaces per 1,000 sq. ft. GFA
Bowling Alley	2 spaces per 1,000 sq. ft. GFA
Dance Hall	2 spaces per 1,000 sq. ft. GFA
Public assembly place	2 spaces per 1,000 sq. ft. GFA
Skating Rink	2 spaces per 1,000 sq. ft. GFA
Theater	2 spaces per 1,000 sq. ft. GFA
Gym / Exercise	2 spaces per 1,000 sq. ft. GFA

## 10-4-9.2 ADA Required Spaces

### Accessible Park Spaces

Accessible parking, accessible spaces are included in the total for required off-street parking spaces shall be provided for all multi-family and non-residential uses as required by federal Americans with Disabilities Act Accessibility Guidelines for Building and Facilities (ADAAG) and New Mexico Statutes Annotated, as amended.

### Require Number of Accessible Spaces

The required number of accessible spaces, including van spaces, is calculated separately for each parking lot and garage on a site. Accessible spaces must be dispersed among accessible entrances and be located on the shortest accessible route to the entrance they serve.

## 10-4-9.3 Vehicle Stacking Of Drive-Through Or Drive-Up Facilities

The following standards apply to all uses that require vehicle stacking, including but not limited to a drive-through or drive-up facility, fueling station, or car wash, and to any facility or parking area where traffic flow is controlled by an entry gate, ticket booth, or guard house.

### Drive-up facilities/Accessory Uses

Order board shall face away from public street and shall be shielded from view from any public street and adjacent residential properties. Noise from speakers shall not be audible beyond the property line.

### Vehicle Stacking Spaces

Vehicle Stacking Spaces shall be integrated into the site layout and shall not interfere with pedestrian area, site access points, access to parking or loading spaces or areas, or internal circulation aisles, and shall comply with stacking space dimensions. Required stacking distances shall be measured from the end of the queuing lane or property line to the point of service.

### Stacking Lane or Driving Lane

Stacking lane, an area or driving lane provided for vehicles waiting for drive-through service, shall be delineated from traffic aisles and parking areas with striping, curbing, landscaping, and the use of alternative paving materials or raised medians. Each stacking space shall be a minimum of twenty (20) feet in length and ten (10) feet in width along straight segments and a minimum of twelve (12) feet in width along curved segments. Stacking lanes shall not enter or exit directly into a public street. Stacking lanes shall be integrated with the on-site circulation pattern.

#### *1. Restaurants*

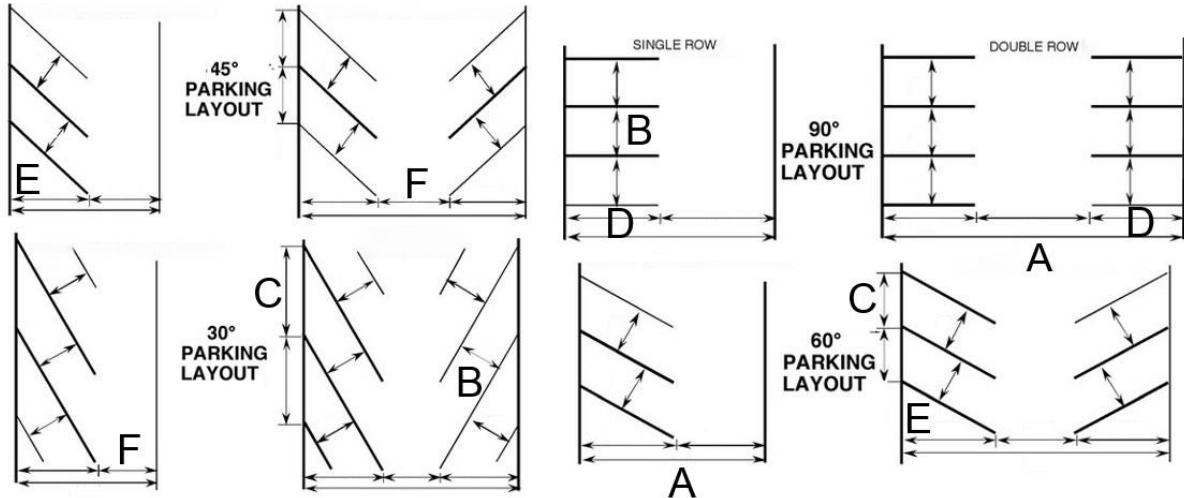
Restaurants shall provide not less than six (6) stacking spaces (120' in length) before the menu/order board. The facility shall provide another (3) three stacking spaces (60' in length) between the menu/order board and the transaction window.

## 2. Retail

Retail businesses, including drug stores, pharmacies, and banks, shall provide no less than four (4) stacking spaces (80' in length) behind service window.

### 10-4-9.4 Parking Stalls

Table 4-9.4. Parking Stall Illustrations and Dimensional Standards



		0 degrees	30 degrees	45 degrees	60 degrees	90 degrees
<b>A</b>	Parking lane width					
	One-way	35'	49'	56'	59'	60'
	Two-way	40'	55'	60'	63'	60'
<b>B</b>	Stall Width	10'	9'	9'	9'	9'
<b>C</b>	Stall width parallel to aisle or curb	22'	18'	12.5'	10.4'	9'
<b>D</b>	Length of parking stall	22'	18'	18'	18'	18'
<b>E</b>	Stall depth to wall or curb	10'	17.5'	20'	20.5'	18'
<b>F</b>	Driving aisle width					
	One-way	15'	14'	16'	18'	24'
	Two-way	20'	20'	20'	22'	24'

#### 10-4-9.5 Loading And Unloading Requirements

The following minimum loading and unloading requirements shall be complied with in all districts.

##### Permitted or Permissible Uses

All permitted or permissible uses requiring loading space for normal operations shall provide adequate loading space so that no vehicle being loaded or unloaded in connection with normal operation shall stand in or project into any public street, walk, alleyway, required front yard or common ingress-egress easement.

##### Off-Street Loading Facilities

Adequate off-street loading facilities shall be separated and not considered to be a part of required off-street parking facilities.

##### Tractor unit, Semi-trailer, Heavy Machinery, Farm Equipment, Food Truck

Tractor unit, Semi-trailer, Heavy Machinery, Farm Equipment, Food Truck, shall not be parked anywhere on a residential premise for a period greater than twenty-four (24) hours during loading and unloading operations.

#### 10-4-9.6 Storage And Long-Term Parking

##### Parking

Tractor unit, Semi-trailer, Heavy Machinery, Farm Equipment, Food Truck, shall not be parked anywhere on a residential premise for a period greater than twenty-four (24) hours. No long-term parking.

##### Parking or Storage

No major recreational equipment shall be parked or stored on any lot in a residentially zoned district except in a carport, enclosed building, or in a required rear yard; provided, however, that such equipment may be parked anywhere on a residential premise for a period not to exceed twenty-four (24) hours. No major recreational equipment shall be attached to public utilities, or used for living, sleeping or housekeeping purposes when parked or stored on a residentially zoned lot or any location not designated for that purpose.

##### Automotive Vehicles

Automotive vehicles or trailers of any kind or type without current license plates or in inoperable condition shall not be parked or stored on any residentially zoned property other than in the rear yard with solid fence (6') high.

##### Front Yard Setback

In the front yard setback, parking for low-density residential development (i.e. single family detached and townhouses) is only allowed on a driveway or drive aisle.

### *1. Driveway or Drive Aisle*

A driveway or drive aisle must be a stabilized surface (i.e. concrete or compacted gravel / crusher fines).



### *Size of Driveways and Drive Aisles*

The size of driveways and drive aisles is limited relative to the size of the lot:

1. Front yard parking areas on lots greater than 5,000 square feet are limited to 400 square or 60% of the front yard setback, whichever is greater.
2. Front yard parking areas on lots less than 5,000 square feet but more than 2,200 square feet are limited to 400 square feet or up to 75% of the front yard setback, whichever is greater.
3. Front yard parking areas on lots less than 2,200 square feet are allowed an area of 400 square feet or up to 85% of the front yard setback area, whichever is greater.

## 10-4-10 FENCES, WALLS, AND HEDGES *NEW SECTION*

### 10-4-10.1 General Provisions

#### Fence or Wall Constructed

No fence or wall shall be constructed or altered until a building permit for such erection or alteration shall have been issued by the BUILDING INSPECTOR.

1. Refer to Title 9, Building Regulations for Building Permit process and regulations.
2. A wall must not increase the quantity or velocity of storm water runoff to neighboring property.
3. All fences shall be constructed in such a manner and of such materials and colors as to not adversely affect the appearance of the neighborhood and must be compatible with the design and materials of adjacent properties.

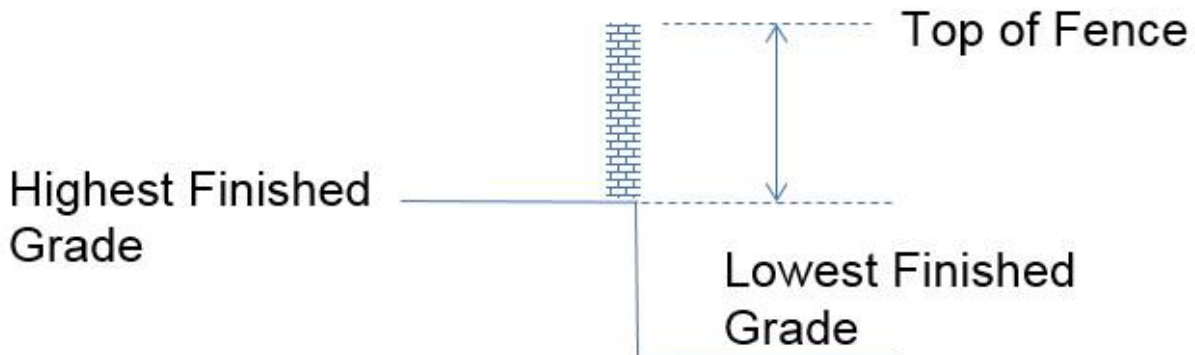
### 10-4-10.2 Measurement

#### Measurement from Finished Grade

The height of a fence or wall shall be measured from the adjacent finished grade at the base of the fence or wall, to the top edge of the fence or wall.

#### Different Finished Grades

Different Finished Grades, if adjacent finished grade is different on opposite sides of a fence or wall, the height shall be measured from the side with highest finished grade to the highest point on the fence.



### 10-4-10.3 Walls In Residential Districts

#### Fences, Walls, and Hedges

Notwithstanding any other provisions of this title, fences, walls, and hedges are permitted at the edge of the property within the property line or within the setback area of a required yard.

### Constructed Fences or Walls

If fences or walls are constructed, applicant shall be responsible for

1. Location of property lines.
2. Placement of footings and walls within the property boundaries.
3. Location of any easements and underground utilities within the property.

### Fences or Walls Heights

Fences or walls may be a maximum of three and one-half feet (3 1/2') high but no less than two and one-half feet (2 1/2') high in front setback and on sides of yards within front y. The exception is wrought iron or other transparent fence, which may be up to six feet (6').

### Front Setback of Walls

Beyond the front setback, a wall may be a maximum of six feet (6') in height.

### Permissible Fence and Wall Materials

1. Rock and mortar
2. Brick and mortar
3. Split-faced CMU blocks
4. Wrought Iron;
5. Stucco (finish);
6. Wood, if reviewed and approved by the BUILDING INSPECTOR
7. Panelized system, if reviewed and approved by the BUILDING INSPECTOR

### Prohibited Fence Materials/Colors

1. Barb-wire
2. Razor wire
3. Electrified fencing
4. Smooth faced CMU, unless covered with a stucco finish;
5. Plain concrete CMU, including colored concrete, unless covered with a stucco finish
6. Chain link, wire mesh, or similar fencing.

#### 10-4-10.4 Walls In Commercial And Industrial Districts

##### Solid Wall Height Adjacent

Required, solid wall, six feet (6') in height, when adjacent to any residential district and landscape buffer for separation between unlike uses. See Section [10-4-12](#), Landscaping, for clarification.

##### Solid Wall Height Enclosed

Required, solid wall, six feet (6') in height, enclosing the entire property, for various uses, to minimize the potential disturbance between unlike uses. See Chapter 9 Allowable Uses for clarification.

##### Fences or Walls Maximum Height

Fences or walls may be a maximum four feet (4') high but no less than four feet (2') high in front and on sides of yards.

##### Front Setback of Wall

Beyond the front setback, a wall may be a maximum of six feet (6') in height.

##### Permitted Uses

Notwithstanding any other provisions of this title, fences, walls and hedges are permitted around any C-1 light commercial, C-2 general commercial, M-1 light industrial, and M-2 heavy industrial zones.

##### Permissible fence and wall materials

1. Rock and mortar
2. Brick and mortar
3. Split-faced CMU blocks
4. Wrought Iron;
5. Stucco (finish)

##### Prohibited Fence Materials/Colors:

1. Chain link, wire mesh or similar fencing
2. Barb-wire, unless reviewed and approved by the BUILDING INSPECTOR.
3. Razor wire, unless reviewed and approved by the BUILDING INSPECTOR.

#### 10-4-10.5 Exceptions

Chain-link, wire mesh or similar materials are allowed along the rear property line between properties in the M-1 and M-2 districts. Chain-link or wire mesh fencing must not be visible from the street.

## 10-4-11 SIGNS *NEW SECTION*

### 10-4-11.1 Purpose and Intent

The purpose of this chapter to insure a consistent and appropriate visual environment by standardizing size, location, and construction of signs throughout the City of Sunland Park. These regulations are intended to:

- Promote public safety and welfare
- Enhance the aesthetic environment
- Protect property values
- Balance business needs with community character
- Reduce visual clutter

### 10-4-11.2 Definitions

1. **Public Right of Way:** The area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the local government has an interest.
2. **Substantially Damaged:** Any sign that has sustained damage equal to or greater than 25% of its structure or face.
3. **Entertainment District Sign:** Signs located within the designated Entertainment District that may have special provisions for size, illumination, and animation.
4. **Vehicle Sign:** Any sign mounted, painted, placed, or affixed in/on a vehicle.
5. **Athletic Field Sign:** Signs located within or facing athletic fields, including but not limited to scoreboards, sponsor signs, and directional signage.
6. **Streamer:** Any long, narrow flag or banner used for decoration or advertisement.

### 10-4-11.3 General Standards

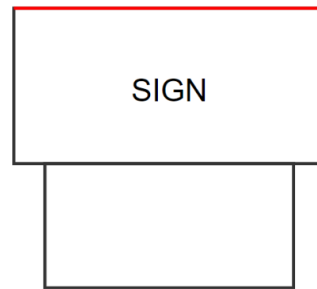
#### A. Sign Measurement and Calculation

##### 1. Sign Area Calculation:

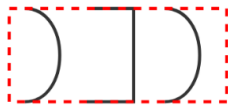
- a. The sign area shall include the entire advertising area containing text, decorative artwork, or displayed information
- b. Supporting structures shall not be included unless they contribute to the advertising message
- c. For irregular shaped signs, measure using the smallest rectangle that encompasses all elements



Measured Area = Height × Width



Base not included in sign area



Channel Letters: Use smallest rectangular envelope

— Measurement Line  
— Sign Border

#### B. Structural Requirements

##### *Sign Measurement Diagram*

1. All signs shall conform to the Uniform Standard Building Code or International Building Code
2. Engineered plans must be submitted for any sign design greater than 10 feet in height
3. All braces, bolts, clips, and supporting frames must be safely secured
4. Materials must be weather and decay resistant

#### C. Illumination Standards

1. Light sources must be shielded and directed to minimize glare
2. No interference with traffic safety or adjacent properties
3. Compliance with "dark sky" provisions
4. Signs facing residential zones:
  - a. Minimum distance: 75 feet
  - b. No illumination if within 75 feet

#### D. Maintenance Requirements

1. Regular inspection and maintenance required
2. Repair of damaged components within 30 days
3. Signs that are substantially damaged (25% or more) require new permits
4. Repainting requirements:
  - a. Submit plans/drawings for repainting when over 50% of copy is removed.
  - b. Three-day notice required before repainting

#### E. Location and Placement

1. Clear sight triangle compliance
2. No interference with traffic signs or signals
3. Setbacks from public right-of-way:
  - a. Standard setback: 5 feet from property line
  - b. Additional requirements per sign type and zone
4. No encroachment on public sidewalks

#### F. Design Standards

1. Integration with building architecture
2. Color limitations:
  - a. Maximum 4 colors per shopping center
  - b. Excluding logos/trademarks
3. Material consistency within developments
4. Professional quality construction

#### 10-4-11.4 Administration

##### A. Authority

1. The Community Development Director shall administer these regulations
2. Authority to approve:
  - a. Bench signs
  - b. Transit shelter signs
  - c. Standard sign applications

##### B. Violations and Enforcement

1. Violations include:
  - a. Signs without permits (even if otherwise permissible)
  - b. Non-compliance with approved plans
  - c. Maintenance violations
  - d. Safety hazards
2. Enforcement Actions:
  - a. Written notice of violation
  - b. 7-day compliance period
  - c. Authority to remove
  - d. Cost assessment to owner
  - e. Permit revocation

##### C. Variances

1. Variance Procedures:
  - a. Application requirements
  - b. Review criteria
  - c. Public notice requirements
  - d. Appeals process
2. Allowable Variances:
  - a. Height restrictions
  - b. Area limitations
  - c. Setback requirements
  - d. Design standards

### 10-4-11.5 Permit Requirements

#### A. Signs Requiring Permits

1. Permanent Signs:
  - a. All signs over 2 square feet in residential zones
  - b. All signs over 4 square feet in commercial/industrial zones
  - c. All illuminated signs
  - d. All freestanding signs
  - e. All wall-mounted signs
  - f. All monument signs
  - g. All pylon signs
2. Temporary Signs:
  - a. Construction signs over 16 square feet
  - b. Special event signs
  - c. Grand opening signs
  - d. Promotional displays
  - e. Searchlights
  - f. Bench signs
  - g. Transit shelter signs

#### B. Exemptions from Permit Requirements

1. Residential Zones:
  - a. Signs under 2 square feet
  - b. Address numbers
  - c. Holiday decorations
2. Commercial/Industrial Zones:
  - a. Signs under 4 square feet
  - b. Directional signs under 6 square feet
  - c. Window displays
  - d. Required regulatory signs

### 10-4-11.6 Application Procedures

#### A. Standard Sign Permit Application

1. Required Documentation:
  - a. Written proof of landlord approval
  - b. Completed application form
  - c. Site plan showing sign location
  - d. Sign specifications and drawings
  - e. Engineered plans (for signs over 10 feet)
  - f. Illumination details
  - g. Color and material samples
  - h. Payment of fees
2. Review Process:
  - a. Initial submission
  - b. Completeness review (5 business days)
  - c. Technical review (10 business days)
  - d. Approval/denial notification
  - e. Permit issuance

#### B. Temporary Sign Permit Application

1. Required Documentation:
  - a. Written proof of landlord approval
  - b. Completed application form
  - c. Duration of display
  - d. Installation/removal dates
  - e. Site plan
  - f. Sign specifications
  - g. Property owner authorization
2. Time Limitations:
  - a. Bench signs: One (1) year
  - b. Transit shelter signs: Term to be specified
  - c. Construction signs: Duration of project
  - d. Special events: 10 days
  - e. Searchlights: 72 hours

### 10-4-11.7 Special Permit Procedures

#### A. Master Sign Programs

1. Required for:
  - a. Shopping centers
  - b. Multi-tenant buildings
  - c. Office parks
  - d. Entertainment District
2. Application Requirements:
  - a. Comprehensive sign plan
  - b. Design standards
  - c. Location criteria
  - d. Illumination standards
  - e. Material specifications
  - f. Color schemes

#### B. Entertainment District Signs

1. Special Provisions:
  - a. Enhanced size allowances
  - b. Animation permissions
  - c. Extended hours of illumination
  - d. Special effects allowances
2. Additional Requirements:
  - a. Impact studies
  - b. Safety reviews
  - c. Light pollution analysis
  - d. Traffic impact assessment

#### C. Athletic Field Signs

1. Application Requirements:
  - a. Field layout plan
  - b. Scoreboard specifications
  - c. Sponsor sign guidelines
  - d. Visibility studies
2. Special Considerations:
  - a. Event scheduling
  - b. Illumination timing
  - c. Sound integration
  - d. Safety requirements

### 10-4-11.8 Permit Review Criteria

1. Safety
2. Aesthetics
3. Compatibility
4. Traffic impact
5. Property rights
6. Public benefit

### 10-4-11.9 Fees and Duration

#### A. Fee Schedule

1. Permanent signs
2. Temporary signs
3. Master sign programs
4. Modifications
5. Variances

#### B. Permit Duration

1. Permanent Signs:
  - a. Valid until modification
  - b. Annual inspection required
2. Temporary Signs:
  - a. Construction: Project duration
  - b. Special events: 10 days
  - c. Promotional: 60 days
  - d. Bench signs: One (1) year
  - e. Transit shelters: As specified

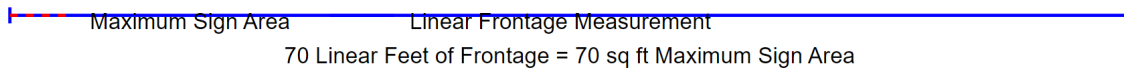
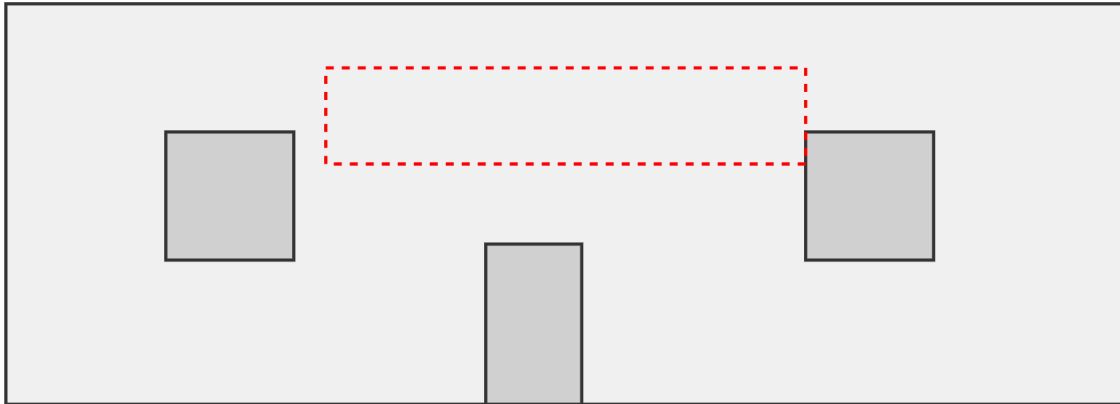
10-4-11.10 Residential Zones (RE, R-1, R-2, TC, MR, MF)A. Allowed Sign Types and Standards

1. Development Identification Signs
  - a. Maximum area: 32 square feet
  - b. Maximum height: 6 feet
  - c. Setback: Outside right-of-way
2. Directional Signs
  - a. Maximum area: 2 square feet
  - b. Maximum height: 4 feet
3. Garage Sale/Private Sale/Event Signs
  - a. Maximum area: 3 square feet
  - b. Duration: Event period only
  - c. Removal: Within 6 hours of event end
4. Gate Entrance Signs
  - a. Height limit: 10 feet total
  - b. Sign face: 3 feet – 10 feet maximum
5. Home Occupation Signs
  - a. One per lot
  - b. Maximum area: 2 square feet
  - c. Must be attached to front facade
  - d. Professional design required
6. House Numbers/Nameplates
  - a. Maximum area: 4 square feet
  - b. May be illuminated

# 10-4-11.11 Commercial and Industrial Zones (C-1, C-2, M-1, M-2)

## A. Attached Signs

1. Wall Signs
  - a. Area allowance: 1.5 square feet per 1 linear foot of facade
  - b. Maximum projection: 8 inches



*Linear Footage Diagram*

2. Window Signs
  - a. May substitute for attached signage
  - b. Maximum projection: 8 inches
3. Awning/Canopy Signs
  - c. Area calculation includes awning face
  - d. Must maintain 8-foot clearance

## B. Freestanding Signs

1. Monument Signs
  - a. Table: Monument Sign Standards

Linear Street Frontage	Max Height (with base)	Setback	Sign Area
1-75 feet	8 feet	5 feet	75 sq ft
75-150 feet	10 feet	7 feet	100 sq ft
150+ feet	25 feet	15 feet	Proportional

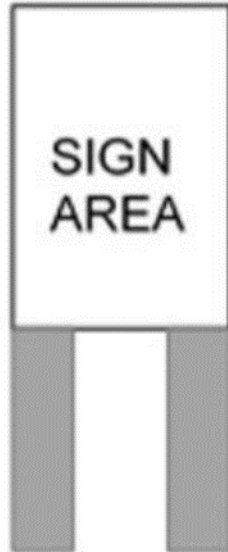
- b. Landscaping Requirements:
  - i. Up to 4-foot wide planter area
  - ii. Defined minimum required
  - iii. Professional maintenance

2. Pylon Signs (C-2 Zone Only)

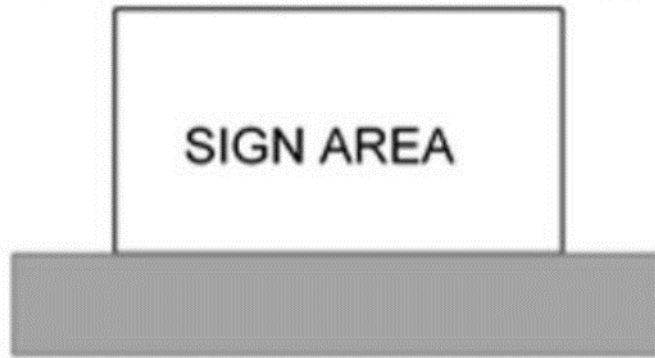
a. Table: Pylon Sign Standards

Linear Street Frontage	Max Height	Setback	Sign Area
1-75 feet	10 feet	5 feet	75 sq ft
75-150 feet	15 feet	7 feet	100 sq ft
150+ feet	25 feet	15 feet	Proportional

Freestanding Pylon Sign



Freestanding Monument Sign



*Freestanding Pylon Sign Diagram*

C. Multi-Tenant Centers

1. Master Sign Program Required

- Architectural plans
- Letter types/fonts
- Colors
- Materials
- Illumination

2. Size Standards:

- Centers ≤ 5 acres: 300 sq ft max, 12 ft height
- Centers > 5 acres: 400 sq ft max, 15 ft height

### 10-4-11.12 Special Use Zones

#### A. RCPUD (Residential Commercial Planned Unit Development)

Signs in the RCPUD zones shall be approved through a special use permit (SUP) procedure set out in sections 10-10-2 and 10-10-4 of the City Code and all types of signs are allowed which are compatible with the use of the property.

### 10-4-11.13 Special Sign Types

#### A. Directional Signs

1. Commercial Locations:
  - a. Maximum size: 6 square feet
  - b. Maximum height: 4 feet
  - c. Permitted at all commercial locations
  - d. Required for commercial plazas

#### B. Electronic Message Centers

1. Permitted Zones: C-1, C-2
2. Change interval requirements
3. Brightness standards
4. Hours of operation

### 10-4-11.14 Temporary Signs

#### A. Construction/Renovation Signs

1. Size and Quantity:
  - a. Maximum area: 64 square feet (increased from 32)
  - b. Total combined area applies to all signs at site location
  - c. One sign per street frontage, maximum two signs
2. Duration:
  - d. Valid from building permit issuance
  - e. Removal within 14 days of occupancy certificate
  - f. Permit expiration voids sign permission

#### B. Real Estate Signs

1. Residential Zones:
  - a. Under 1 acre: 4 sq ft, 7 ft height
  - b. 1.01-5 acres: 32 sq ft, 8 ft height
  - c. 5.01-10 acres: Two signs, 32 sq ft each
  - d. Over 10 acres: Three signs, 32 sq ft each
2. Commercial/Industrial Zones:
  - a. Under 1 acre: 16 sq ft, 8 ft height
  - b. 1.01-5 acres: 32 sq ft, 10 ft height

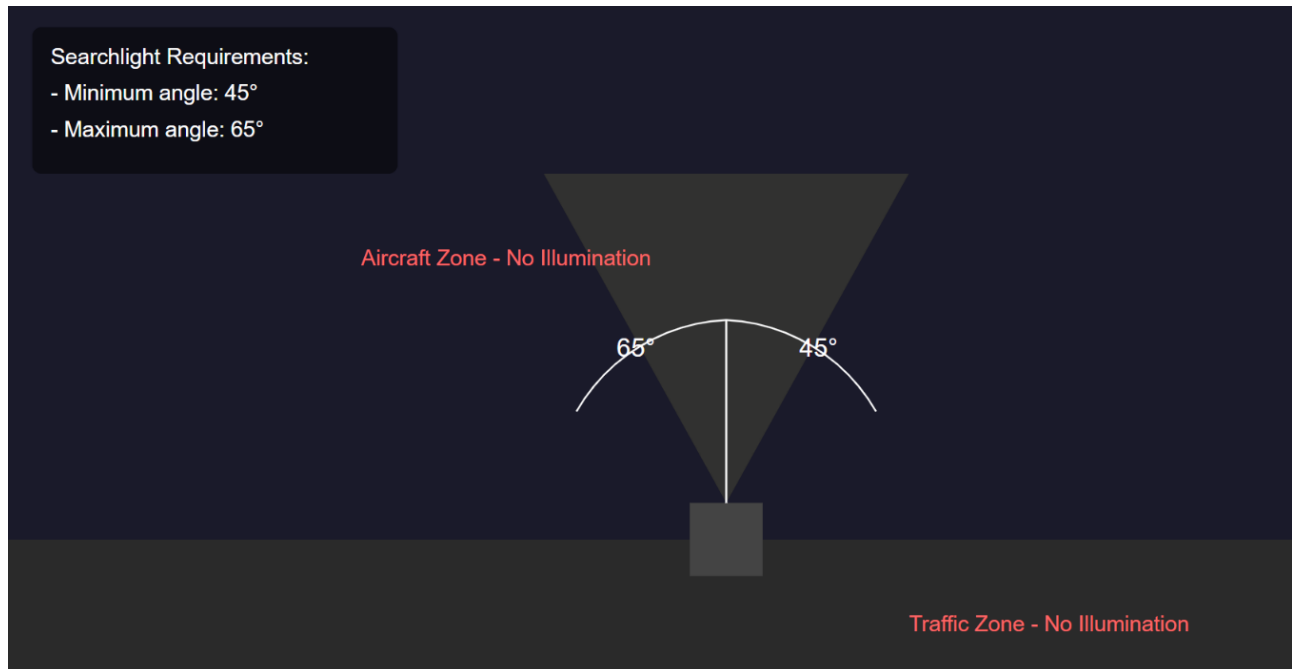
- c. 5.01-10 acres: Two signs, 32 sq ft each
- d. Over 10 acres: Three signs, 64 sq ft each

### C. Promotional Displays

1. New Business "Coming Soon" Signs:
  - a. One permit per business
  - b. Maximum size: 32 sq ft
  - c. Duration: Six months
2. Grand Opening Displays:
  - a. One display first six months
  - b. Four promotional displays per year
  - c. Ten consecutive days each
3. Going Out of Business:
  - a. One display
  - b. 60 consecutive days
  - c. Permit required

### D. Searchlights

1. Operation Requirements:
  - a. Beam angle: 45-65 degrees
  - b. No traffic interference
  - c. No building illumination
  - d. Ground equipment on private property



*Searchlight Requirements Diagram*

2. Time Restrictions:

- a. Maximum 72-hour duration
- b. Special events only
- c. Grand openings
- d. Three times per year

3. Safety Measures:

- a. Airport notification required
- b. Traffic safety compliance
- c. Emergency shut-off capability
- d. Weather monitoring required
- e. City liability release required

4. Liability Release Requirements

- a. Required Documentation:
  - i. Signed liability waiver
  - ii. Insurance certificate
  - iii. Equipment certification
  - iv. Operator qualifications

b. Liability Release Statement: "The owner/operator of the searchlight ("Operator") hereby releases, waives, discharges and covenants not to sue the City of Sunland Park, its officers, employees, and agents ("City") from all liability to the Operator for any loss or damage, and any claim or demands therefor on account of injury to person or property or resulting in death of the Operator, whether caused by the negligence of the City or otherwise, arising from or related to the operation of the searchlight.

c. Indemnification: The Operator agrees to indemnify and hold harmless the City from any loss, liability, damage, or costs that may be incurred due to the operation of the searchlight, whether caused by the negligence of the City or otherwise.

d. Acknowledgment: The Operator expressly acknowledges that the operation of searchlights involves inherent risks, including but not limited to:

- i. Aircraft interference
- ii. Traffic distraction
- iii. Weather-related hazards
- iv. Equipment malfunction
- v. Property damage
- vi. Personal injury

## 10-4-11.15 Off-Premises Signs

### A. Bench Signs

1. Approval:
  - a. Community Development Director approval required
  - b. Internal CD review process
  - c. No planning commission review needed
2. Standards:
  - a. Size limited to bench backrest dimensions
  - b. One sign per bench
  - c. Professional design required
3. Duration:
  - a. Temporary permit required
  - b. One (1)-year term
  - c. Renewal option

### B. Transit Shelter Signs

1. Requirements:
  - a. Community Development Director approval required
  - b. Internal CD review process
  - c. Temporary permit required
  - d. One (1)-year term
  - e. Renewal option
2. Standards:
  - a. Maximum three signs per shelter
  - b. Professional installation
  - c. Maintenance requirements
  - d.

### C. Political Signs

1. Size Limits:
  - a. Residential: 6 sq ft
  - b. Non-residential: 32 sq ft
2. Time Restrictions:
  - a. Installation: 90 days before election
  - b. Polling site placement: 24 hours prior
  - c. Removal: 10 days after election
3. Location:
  - a. Private property only
  - b. No public right-of-way
  - c. No interference with traffic

### D. Government Signs

1. Signs by United States or New Mexico Departments of Transportation (USDOT or NMDOT) and other government signs are allowed to be located off-premises.

### 10-4-11.16 Vehicle Signs

#### 1. Permitted Use:

- a. Business vehicles
  - i. Limited to commercially registered vehicles
  - ii. Must display current registration and insurance
  - iii. Vehicle must be primarily used for business operations
- b. Professional installation
  - i. Signs must be permanently affixed by a licensed sign contractor
  - ii. All materials must be automotive-grade and weather-resistant
  - iii. Installation must not obstruct vehicle safety features or visibility
- c. Company information only
  - i. Business name, logo, and contact information permitted
  - ii. Service descriptions and promotional content allowed
  - iii. No third-party advertising or sponsored content

#### 2. Restrictions:

- a. No parking for display
  - i. Vehicles may not be parked primarily for advertising purposes
  - ii. Must be parked in designated parking areas only
  - iii. No positioning vehicles specifically to maximize sign visibility
- b. Active business use only
  - i. Vehicles must be actively used in business operations
  - ii. Personal use vehicles prohibited from commercial signage
  - iii. Fleet vehicles must maintain current business licenses
- c. Maximum 48-hour stationary period
  - i. Vehicles must not remain in public view for over 48 consecutive hours
  - ii. Exception for business operating hours
  - iii. Must be moved a minimum of 100 feet after the time limit

#### 3. Standards:

- a. Size limitations
  - i. Maximum 50% coverage of any vehicle side
  - ii. Individual letters not to exceed 12 inches in height
  - iii. Graphics limited to 24 square feet per vehicle side
- b. Content restrictions
  - i. No flashing, moving, or illuminated elements
  - ii. Text limited to essential business information
  - iii. No offensive or inappropriate content
- c. Safety requirements
  - i. Must not obstruct driver visibility
  - ii. Reflective materials limited to 10% of the sign area
  - iii. Cannot interfere with vehicle safety equipment

### 10-4-11.17 Streamers

1. Permitted Locations:
  - a. Commercial zones
    - i. C-1 and C-2 zoning districts only
    - ii. Minimum 50 feet from residential zones
    - iii. Not permitted in historic districts
  - b. Special events
    - i. Municipal-approved events only
    - ii. Private property with owner's consent
    - iii. Designated festival zones
  - c. Temporary installations
    - i. Must be secured to permanent structures
    - ii. No attachment to trees or public infrastructure
    - iii. Minimum 15-foot clearance from utilities
2. Standards:
  - a. Maximum size
    - i. Individual streamers not to exceed 18 inches in width
    - ii. Maximum length of 30 feet per streamer
    - iii. Total display area limited to 200 square feet
  - b. Height restrictions
    - i. Minimum clearance of 8 feet above grade
    - ii. Maximum height of 20 feet
    - iii. Must be below the roofline of adjacent structures
  - c. Material requirements
    - i. Weather-resistant materials required
    - ii. Fire-retardant certification required
    - iii. Must withstand 40 mph wind loads
3. Duration:
  - a. Event-specific
    - i. Installation permitted 7 days before event
    - ii. Must coordinate with event permit dates
    - iii. Extended duration requires a special permit
  - b. Maximum days allowed
    - i. 30 consecutive days maximum
    - ii. 90 total days per calendar year
    - iii. Minimum 30-day gap between installations
  - c. Removal requirements
    - i. Remove within 24 hours of event conclusion
    - ii. Repair any attachment points
    - iii. Maintain daily inspection during installation

### 10-4-11.18 Billboards

1. Permitted Areas:
  - a. Specific commercial corridors
  - b. Industrial zones
  - c. Highway-adjacent locations
2. Requirements:
  - a. Clear-sight triangle compliance
  - b. Minimum spacing between billboards
  - c. Setback requirements:
    - i. Front: 25 feet
    - ii. Side: 15 feet
    - iii. From residential: 150 feet
3. Standards:
  - a. Maximum size: 400 square feet
  - b. Maximum height: 35 feet
  - c. Illumination restrictions
  - d. Digital display regulations

## 10-4-11.19 Entertainment District Signs

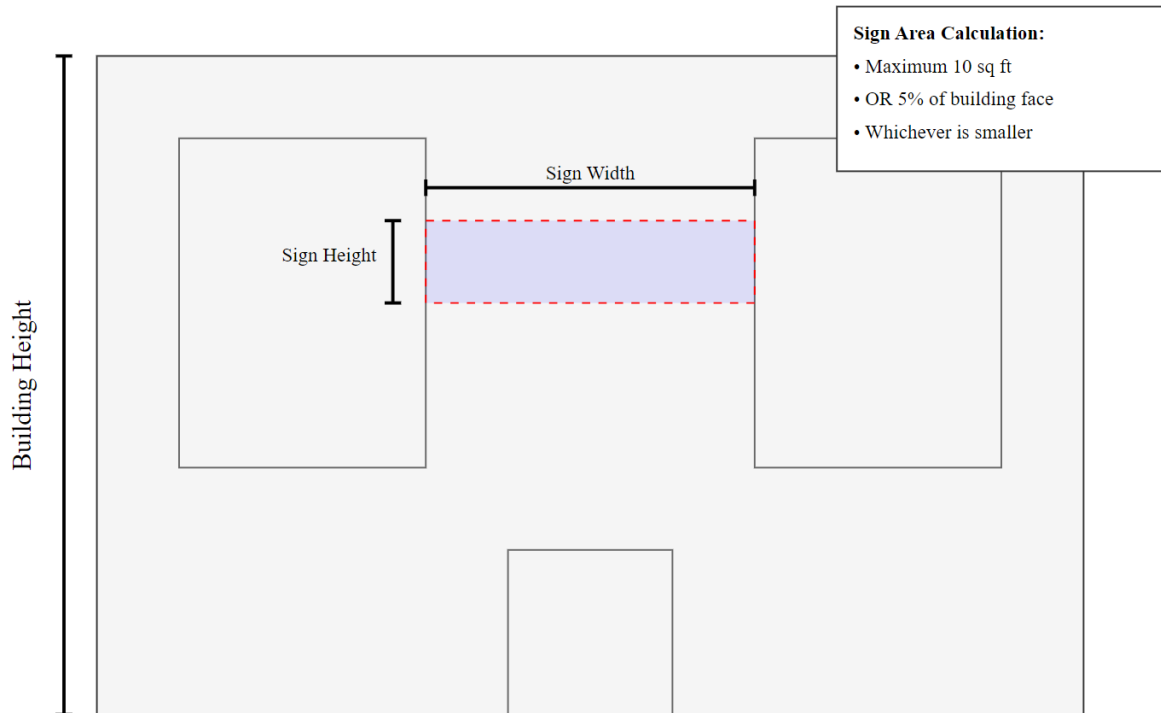
### 1. Intent

A building shall not be dominated by corporate or trademark architectural details; buildings shall be compatible with other surrounding buildings and should not consist of building forms that primarily serve as signage and marketing elements. Signs shall enhance rather than overshadow architectural character.

### 2. General Standards

#### 1. Size Limitations

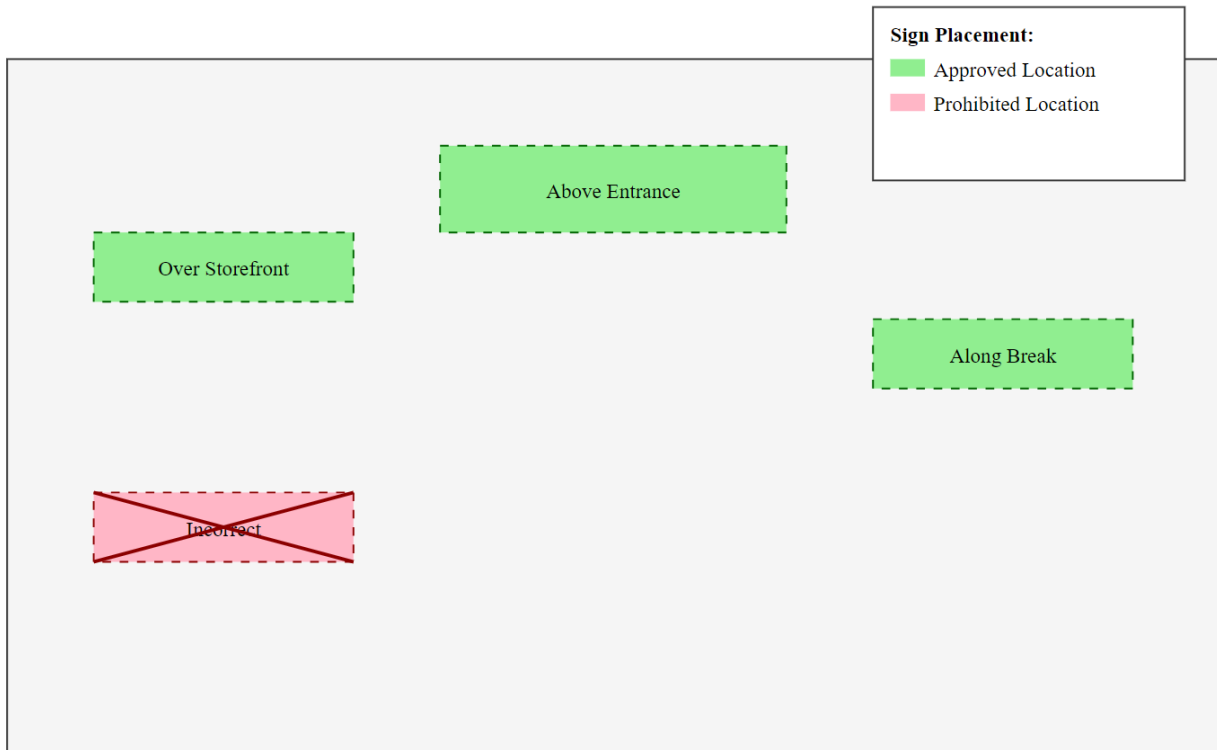
- Total sign area shall not exceed:
  - 10 square feet OR
  - 5% of the building face, whichever is smaller
- Area calculation: Measured by encompassing sign in a four-sided rectangular shape



*Entertainment District Sign Area Calculation Diagram*

## 2. Design Integration

- Signs must be integrated into the overall building design
- Signs shall complement architectural features:
  - Above building entrance
  - Over storefront opening
  - Along natural architectural breaks
- Materials must harmonize with building architecture



*Entertainment District Design Integration Diagram*

### 3. Permitted Sign Types

#### A. Digital Displays

Allowed only with Special Event Permit:

1. Duration limited to the event period
2. Brightness Requirements:
  - Maximum 0.3 foot-candles above ambient
  - Measured at the property line
  - 3-foot height sensor measurement
3. No static image projection on stationary objects

#### B. Animated Signs

Allowed only with Special Event Permit:

1. Temporary installation only
2. Must maintain architectural compatibility
3. No interference with traffic safety
4. Removal required post-event

#### C. Large-scale Murals

1. Size Restrictions:
  - Maximum 10 square feet or 5% of wall
  - Four-sided rectangular measurement
2. Design Requirements:
  - Integrated with architecture
  - No corporate dominance
  - Complementary to building features
3. Location Criteria:
  - Street frontage integration
  - Architectural feature enhancement
  - No obstruction of details

#### D. Projection Signs

1. Size Limitations:
  - Within 10 square feet/5% rule
  - Measured in rectangular shape
2. Integration Requirements:
  - Must complement architecture
  - No interference with features
  - Professional installation
  -

### 4. Special Standards

#### A. Enhanced Size Allowances

Not permitted - all signs must comply with:

- 10 square feet maximum
- 5% of building face maximum
- Whichever is smaller applies

## B. Animation Permissions

Limited to Special Event Permits only:

1. Temporary duration
2. Planning Commission approval
3. No permanent installations
4. Architectural compatibility required

## C. Illumination Standards

1. Permitted Types:
  - Internal illumination
  - Indirect illumination
  - Halo illumination
2. Restrictions:
  - Maximum 0.3 foot-candles above ambient
  - Measured at the property line
  - 3-foot height measurement
  - No static image projection
3. Temporary Signs:
  - No illumination permitted



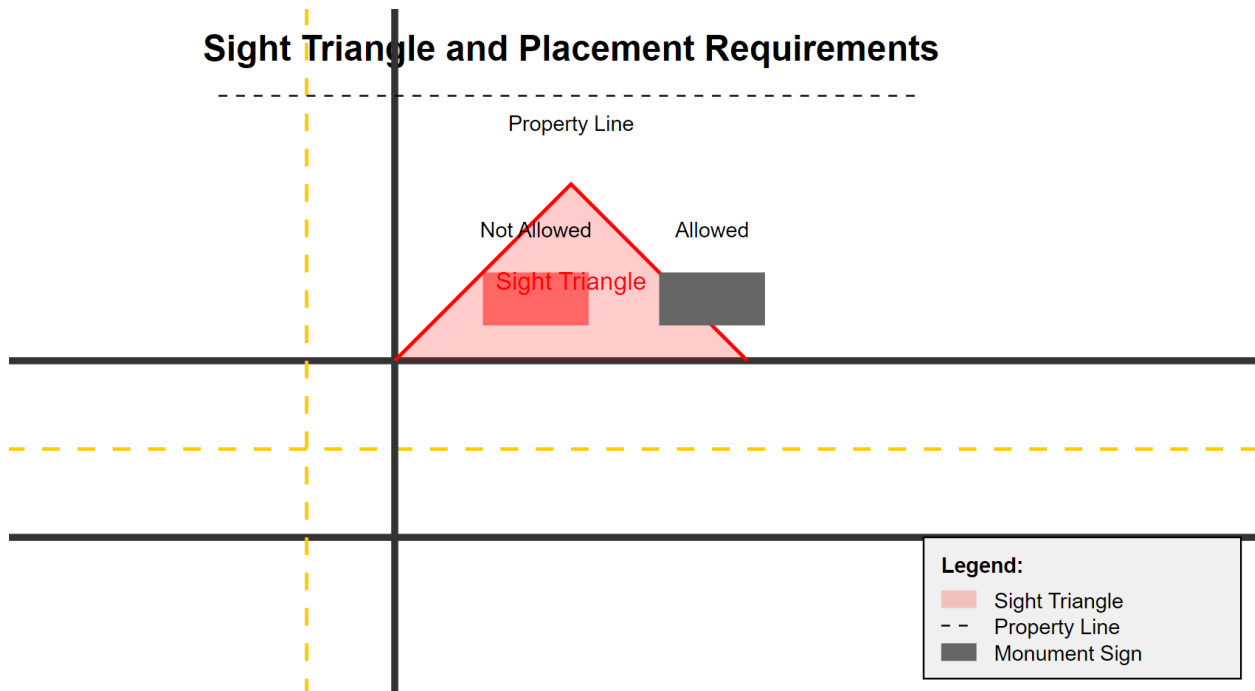
*Entertainment District Illumination Standards Diagram*

## D. Prohibited Elements

1. Pole Signs
2. Digital Displays (except with Special Event Permit)
3. Attention-Attracting Devices:
  - Pennants
  - Streamers
  - Searchlights
  - Air/gas-filled balloons/figures
4. Directly Illuminated Signs (except with approval)

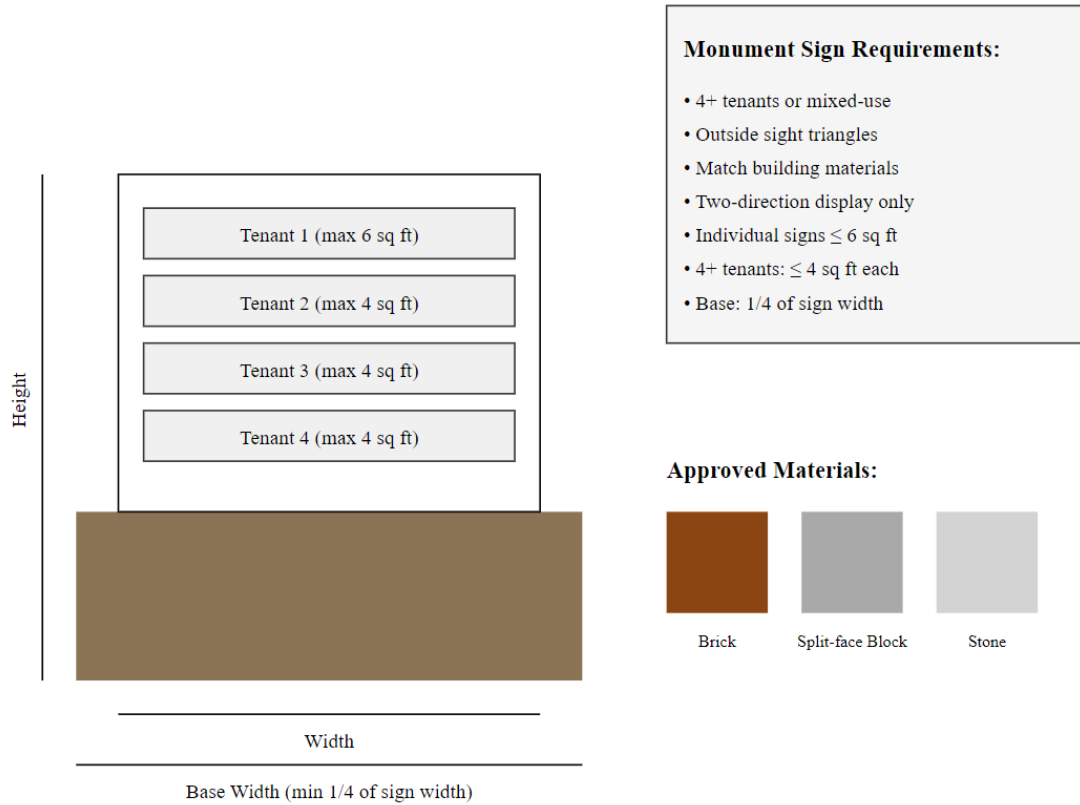
## 5. Monument Signs

1. Eligibility:
  - Developments/parcels with 4+ tenants
  - Mixed-use developments, regardless of tenant count
2. Construction Requirements:
  - Base depth: Minimum 1/4 of sign width
  - Materials:
    - Rust/corrosion-resistant metal
    - Masonry/concrete substructure
    - Durable masonry exterior
    - Must match development architecture
3. Size and Display:
  - Individual tenant signs: Maximum 6 sq ft
  - 4+ tenants: Maximum 4 sq ft per tenant
  - Two-direction display only
  - Outside sight triangles
  - Not permitted in right-of-way



*Entertainment District Monument Sign Sight Triangle and Placement Requirements Diagram*

4. Design Integration:
  - Materials consistent with building
  - Architectural features matched
  - Colors coordinated with the development
  - Professional construction required



*Entertainment District Monument Sign Requirements Diagram*

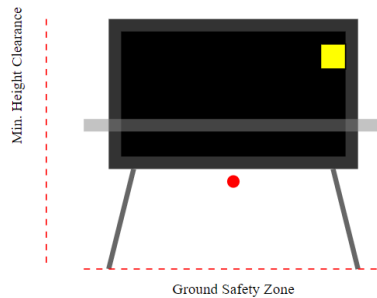
## 10-4-11.20 Athletic Field Signs

### A. Athletic Fields

1. Permanent Signs:
  - a. Scoreboards
  - b. Field identification
  - c. Facility names
  - d. Directional signs
2. Sponsor Signs:
  - a. Size limitations
  - b. Placement restrictions
  - c. Duration of display
  - d. Content guidelines
3. Event-Specific Signs:
  - a. Temporary installations
  - b. Tournament displays
  - c. Special event signage
  - d. Removal requirements
4. Standards:
  - a. Maximum height: 25 feet
  - b. Illumination cut-off: One hour after event ends
  - c. Event-specific timing
5. Scoreboard Safety requirements
  - a. Structural Safety
  - b. Impact Resistance
    - i. All signs must withstand ball impact from relevant sports
    - ii. Shatterproof materials required
    - iii. Impact-resistant mounting systems
    - iv. Regular structural integrity testing
    - v. No exposed sharp edges or corners
  - c. Weather Resistance
    - i. Wind load rating appropriate for height and location
    - ii. Water-resistant electrical components
    - iii. UV-resistant materials
    - iv. Anti-corrosion hardware and mountings
    - v. Drainage requirements for bases
  - d. Installation Requirements
    - i. Professional installation mandatory
    - ii. Engineered drawings required for:
      - Signs over 10 feet in height
      - Electronic scoreboards
      - Video displays
      - Rotating/mechanical signs
  - e. Electrical Safety

- f. Power Systems
  - i. UL-listed components required
  - ii. GFCI protection mandatory
  - iii. Weatherproof electrical enclosures
  - iv. Proper grounding systems
  - v. Emergency shut-off switches
- g. Lightning Protection
  - i. Lightning arrestors required
  - ii. Surge protection systems
  - iii. Proper grounding for metal components
  - iv. Emergency backup systems
  - v. Weather monitoring capabilities
- h. Maintenance Access
  - i. Lockable access panels
  - ii. Service disconnect switches
  - iii. Safe maintenance platforms
  - iv. Non-slip service walkways
  - i. Fall protection anchors
- i. Visibility and Glare
- j. Placement Requirements
  - i. No interference with play
  - ii. Clear sight lines for officials
  - iii. Minimum 20-foot setback from field
  - iv. Outside player safety zones
  - v. Away from direct sunlight reflection
- k. Illumination Standards
  - i. Maximum 0.3 foot-candles at property line
  - ii. Anti-glare treatments required
  - iii. Automatic dimming systems
  - iv. No strobe effects
  - v. Emergency override capability
- l. Contrast Requirements
  - i. Minimum 70% contrast ratio
  - ii. Non-reflective finishes
  - iii. Legible from intended viewing distance
  - iv. Color compliance with sport regulations
  - v. Regular cleaning schedule
- m. Emergency Systems
- n. Power Backup
  - i. Battery backup for essential information
  - ii. Emergency lighting integration
  - iii. Automatic shutdown protocols
  - iv. Surge protection
  - v. Remote monitoring capability
- o. Weather Response
  - i. Wind speed monitoring
  - ii. Automatic retraction systems
  - iii. Storm mode settings

- iv. Lightning detection integration
- v. Emergency message capability
- p. Communication Systems
  - i. PA system integration
  - ii. Emergency message override
  - iii. Direct link to facility operations
  - iv. Backup communication method
  - v. Staff notification protocols
- q. Maintenance Requirements
- r. Regular Inspections
  - i. Monthly structural checks
  - ii. Quarterly electrical testing
  - iii. Semi-annual full system test
  - iv. Annual certification
  - v. Document retention requirements
- s. Cleaning Protocols
  - i. Non-abrasive methods only
  - ii. Approved cleaning agents
  - iii. Safe access procedures
  - iv. Frequency requirements
  - v. Documentation system
- t. Repair Standards
  - i. Qualified technician requirements
  - ii. Approved replacement parts
  - iii. Repair documentation
  - iv. Testing after repairs
  - v. Update requirements



#### Safety Requirements:

- Non-glare display surface
- Lightning protection system
- Emergency shut-off access
- Proper grounding
- Wind load rating
- Safe maintenance access
- Auto-dimming sensors

#### Maintenance Access:

- Lockable access panels
- Non-slip service platform
- Fall protection anchors
- Clear access path
- Safety railings
- Emergency lighting
- Weather protection

*Athletic Field Scoreboard Safety Requirements Diagrams*

### 10-4-11.21 Enforcement

1. Violations:
  - a. Operating without permit
  - b. Non-compliance with standards
  - c. Maintenance failures
  - d. Safety hazards
2. Enforcement Process:
  - a. Written notification
  - b. Correction period
  - c. Follow-up inspection
  - d. Citations/penalties
3. Penalties:
  - a. First violation: Written warning
  - b. Second violation: Fine
  - c. Third violation: Permit revocation
  - d. Continuing violations: Daily fines
4. Appeals:
  - a. Appeal process
  - b. Timeline requirements
  - c. Documentation needed
  - d. Hearing procedures

### 10-4-11.22 Variances

1. Application Requirements:
  - a. Hardship demonstration
  - b. Alternative compliance
  - c. Impact analysis
  - d. Neighbor notification
2. Review Criteria:
  - a. Public safety
  - b. Visual impact
  - c. Property rights
  - d. Neighborhood compatibility
3. Process:
  - a. Pre-application meeting
  - b. Formal submission
  - c. Staff review
  - d. Public hearing
  - e. Decision notification
4. Conditions:
  - a. Time limitations
  - b. Modified standards
  - c. Additional requirements
  - d. Monitoring provisions

### 10-4-11.23 Signs Not Requiring Permits

#### Sign Permits

Sign permits shall be required for all signs unless otherwise stated in this chapter. Signs that do not require permits, but must follow the requirements as follows:

#### *1. Commercial or Industrial Zones*

All signs in commercial or industrial zones that are four (4) square feet or less do not require a sign permit but must meet the requirements set forth in this Title.

#### *2. Residential Zones*

In residential zones, signs less than two (2) square feet shall not require a permit and must meet the requirements set forth in this Title.

#### *3. Construction/renovation signs*

Construction/renovation signs, those not exceeding sixteen (16) square feet in sign area, however, signs exceeding sixteen (16) square feet in sign area will require temporary permit.

#### *4. Decorations*

Decorations for national holidays or community-wide festivals and fiestas shall be removed no later than five (5) days after the event/holiday.

#### *5. Directional signs*

Directional signs visible from the public right-of-way (i.e., entrance/exit) shall not exceed six (6) square feet in sign area and four feet (4') in height.

#### *6. Garage Sale Signs*

Garage sale signs located on the property holding the event shall not be erected any sooner than the day before the event and shall be completely removed no later than six (6) hours after the end of the event.

#### *7. Government signs*

#### *8. House or building signs or nameplates*

#### *9. Legal notices*

#### *10. Model home signs not exceeding sixteen (16) square feet in sign area*

#### *11. National, state and corporate flags following accepted flag protocol*

#### *12. Political signs*

#### *13. Private sale or event signs*

#### *14. Railroad signs*

#### *15. Real estate signs (those not exceeding sixteen (16) square feet in sign area)*

#### *16. Streamers*

#### *17. Vehicle signs*

#### *18. Gasoline Price Signs*

Such signs are limited to one (1) per street frontage, and in no case shall an individual gasoline price sign exceed twelve (12) square feet in area.

#### *19. Flags*

- a. Displays incorporating the identification of a nation, state or corporation shall follow accepted flag protocol. Only one (1) corporate flag will be allowed per lot.
- b. Displays used to serve as decoration (exclusive of decorations used in fiestas, community-wide festivals or national holidays) shall have no logo or advertising message printed or painted on them.

#### *20. Information Sign*

Signs visible from the public right-of-way shall have a maximum size of four (4) square feet in sign area.

### *21. Pennant*

Each sign shall be no larger than two (2) square feet in sign area.

### *22. Open House Signs*

Open house signs located on the property being sold shall be subject to the following minimum requirements:

- a. Shall be limited to six (6) square feet in area per side, up to a maximum of two (2) sides per any one (1) sign.
- b. Shall not be erected earlier than the day before the event and shall be completely removed no later than two (2) hours after the end of the open house. For the purposes of this chapter, open houses are considered a temporary event rather than taking place for an extended period of time.
- c. Shall be either A-frame type signs or mounted in a freestanding manner on either a single stake or on two (2) stakes.
- d. Maximum Height: The top of the sign shall not exceed four feet (4') in height.
- e. Placement: Shall be placed so as not to obstruct traffic or create an impediment to visibility at street intersections.
- f. Shall not be mounted to trees or other landscaping, regulatory traffic signage, utility or light poles or other similar structures.

#### 10-4-11.24 Prohibited Signs

Any sign not expressly permitted within this chapter, or any sign which is specifically prohibited in this chapter.

##### Signs not Permitted

The following signs shall not be permitted:

1. Roof signs.
2. Portable signs.
3. Signs in public rights-of-way.
4. A sign placed or painted on any motor vehicle, recreational vehicle, trailer or other movable device that reasonably indicates the use of such vehicle, trailer or device as a sign is prohibited. This includes the parking of such vehicle, trailer or device in such a manner as to constitute a sign.

This does not include vehicles used in the course of normal business activities parked at the legally registered business with appropriately installed, business information signs affixed in a professional manner. Vehicles with signs may not be parked for considerable lengths of time at a location different from the place of business unless the vehicle with the sign is providing a service related to the business at that different location.

5. A flashing, rotating or animated sign, or a sign with intermittent or varying intensity of illumination, whether deliberate or resulting from a defect in the sign or light source in residential, agricultural and industrial districts.
6. Any sign constructed to resemble any official marker or sign normally erected by a city, state or federal government agency or a sign using words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
7. A sign advertising activity that are illegal according to federal or state laws, rules or regulations and county or city ordinances or resolutions.
8. Any sign erected on, attached to or painted on retaining walls, fences, rocks or natural features which are not professionally manufactured.
9. Any sign illegally placed, constructed or maintained.

#### 10-4-11.25 Nonconforming Signs

Subject to the remaining restrictions of this chapter, nonconforming signs that were otherwise lawful on the effective date of this chapter may be continued.

1. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any conforming sign.
2. Any change in the use of any building or property in which a nonconforming sign is located, will require that all nonconforming signs on that property be brought into compliance with all applicable provisions of this chapter within nine (9) months of said change.
3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter. For the purpose of this subsection, "replaced" means the replacing of any or all parts of a sign that would extend the normal life span of a sign. An example is replacing wood pole supports with metal I-beam supports.
4. If a nonconforming sign is destroyed, damaged or in need of repair, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this chapter and the remnants of the former sign structure shall be cleared from the land. For purposes of this subsection, a nonconforming sign is "destroyed" if damaged up to fifty percent (50%) of the cost of repairing the sign to its former stature or if the cost of replacing it equals or exceeds the tax value (tax value if listed for tax purposes)/sign valuation (as stated on the original permit) of the sign so damaged, whichever is less.
5. The message of a nonconforming sign may be changed so long as this does not create any new non-conformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).
6. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within sixty (60) days after such abandonment by the sign owner, owner of the property where the sign is located or other person having control over such sign.
7. The city shall reserve the right to remove a nonconforming sign in accordance with the procedures set out for lien on property.
8. This subsection shall not apply to any benches placed under the terms of any contract in effect on the date of passage of this chapter.
9. Trimming of Trees: No existing tree shall be trimmed, pruned or removed from a city right-of-way to increase the visibility of any sign, unless such work is first approved by the competent authority.

#### 10-4-11.26 Final Provisions

##### A. Severability

If any provision of this chapter is held invalid, such invalidity shall not affect other provisions that can be given effect without the invalid provision.

##### B. Conflict Resolution

Where this chapter conflicts with other regulations, the more restrictive shall apply unless otherwise specifically stated.

##### C. Effective Date

This chapter shall become effective immediately upon adoption by the City Council.

##### D. Amendments

The City Council may amend this chapter following the procedures established in the City Code.

10-4-11.27 Permitted Signs Illustrations

*Awning, Canopy, Marquee Sign*



*Bench Sign*



*Changeable Copy Signs*



*Development identification sign*



### *Directional Sign*



### *Drive-thru Menu Boards/Directional Signs*



*Freestanding Sign: Monument*



*Garage Sale, Private Sale or Event Sign*



*Gate Entrance Sign*



*Government Sign*



*House or building sign or nameplate:*



*Home Occupation Sign*



*Legal notices:*



*Model Complex Sign:*



*Multi-tenant Center Sign (Five Acres or Less)*



*Multi-tenant Center Sign Greater than Five Acres*



*National, state, and corporate flags*



*Political sign:*



### *Pylon Signs*



### *Real Estate Signs*



### *Transit Shelter Signs*



## Wall Sign



## Window Sign



## 10-4-12 LANDSCAPING *NEW SECTION*

### 10-4-12.1 Purpose

The intent of the regulations in this section is to provide visually attractive landscape buffers around the perimeter of developments, provide a visually attractive streetscape, intersperse trees throughout off-street parking areas to provide shade and reduce large expanses of pavement and parked cars, provide landscaped areas around apartments, and reduce impacts of nonresidential uses on residences.

Landscaping is required for all multi-family development, all nonresidential development, and accessory parking structures in accordance with the regulations of this section.

### 10-4-12.2 Application

As to multi-family and nonresidential developments, all applicants for building permits for construction of a new building or building addition over 200 square feet shall submit and have approved by the ADMINISTRATIVE OFFICIAL, a landscaping plan prior to issuance of a related building permit; however, foundation permits may be issued on the basis of simple designation of appropriate areas of the site to be landscaped.

The applicant shall also be responsible for location of any underground utility lines within his/her property.

Underground utility lines to be checked are as follows: water and sewer, traffic signal, fire alarm, gas, telephone, electric, and cable television. Planting must be located so as to not interfere, either at the time of installation or later, with the function of such underground lines; trees and shrubs should be planted no less than three feet from existing gas mains or gas service lines.

### 10-4-12.3 Landscape Plan

1. The common names of the plants to be used; if there is no common name or if that name does not clearly indicate the species, the botanical name shall be used;
2. Topography in the form of finished contour lines;
3. The type of watering system;
4. The parties responsible for maintenance of the landscaping;
5. The square footage for each separate area of landscaping and also a total for all landscaping on the site; dimensions of each landscaping area shall be provided, along with the quantities of trees and shrubs, and their mature height and spread.

#### 10-4-12.4 Water Conservation

1. Shall guide landscape and site planning, design, installation and management. Landscape design shall apply the principles of xeriscape and achieve the highest industry standards for irrigation efficiency. The purpose of these strategies is to develop drought tolerant landscapes and to reduce the demand on the potable water system.
2. Water features, including but not limited to fountains, streams and ponds are classified as high-water use and must be integrated into an overall site water conservation plan;
3. All new irrigation systems and major renovations of existing irrigation systems shall install backflow prevention devices;
4. Irrigation systems shall be designed to prevent water waste, over-watering and to prevent overspray or drainage of water onto any paved or unplanted surface;
5. Landscapes shall be irrigated with automatic underground irrigation systems designed such that the overall water consumption will not exceed fifteen gallons of potable water per square foot of landscape area per year.

#### 10-4-12.5 Installation And Maintenance

1. All landscaping material used to meet the requirements of this Section 10-14-5 shall be installed in accordance with the planting procedures established by the American Nursery and Landscape Association.
2. All required landscaping, street trees, screening, and buffering shall be installed prior to the issuance of a final certificate of occupancy. If there is more than one primary building on the site, the landscaping, screening, and buffering related to each building shall be installed prior to the issuance of a final certificate of occupancy.

#### 10-4-12.6 Landscape Plant List

All acceptable trees, shrubs, Accents, Groundcover Plants shall be determined from Dona Ana County Unified Development Code, Appendix X, Plant List.

#### 10-4-12.7 Measurement

The minimum landscape area is calculated by using the entire property area, less the building area, multiplied by 15%.

#### 10-4-12.8 Buffer Landscaping And Screening

##### Standard Landscape Buffers

Landscape buffer areas are required to separate unlike zones with side and rear additional separation and screening. The standard buffer landscaping shall be a

landscaping strip at least ten feet wide for rear separation and to minimize noise and sight impact.

### Buffer Landscaping

The buffer landscaping shall consist primarily of trees, which trees shall be at least eight feet high at time of planting and capable of reaching a height at maturity of at least 25 feet. Spacing of the trees: Mature canopy diameter of the trees shall cover 75% of buffer landscape stripe.

### Screening Requirements

1. Adjacent to the landscaping strip, a minimum six-foot-high opaque wall or fence shall also be required to visually screen the unlike zone structure and activities from the adjacent residential zone; chain link fence with slats shall not constitute acceptable screening or opaque wall or fence.
2. Intermittent visual obstruction with shrub and hedges of are used for further aesthetics and sigh impact.
3. Trees with greater screening characteristics between unlike zone and activities for privacy is encouraged.

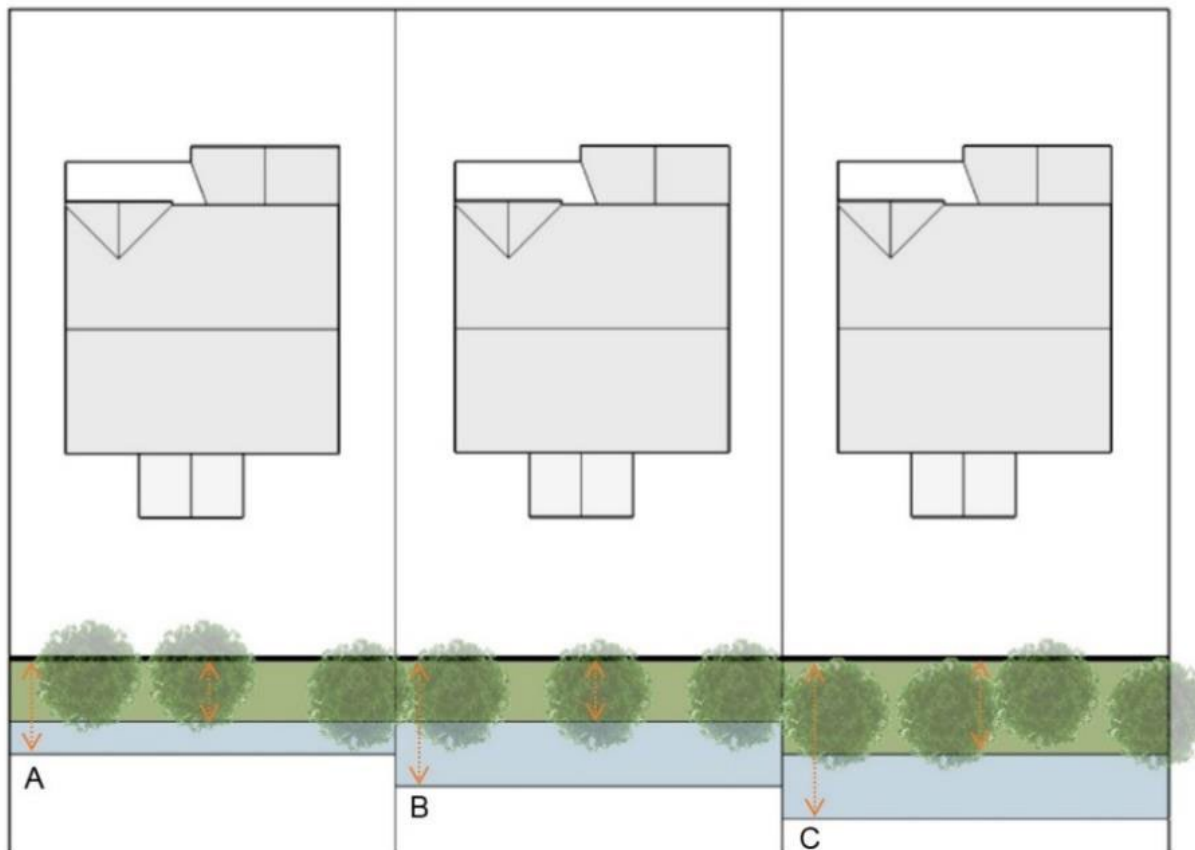


Table 4-12.8. Buffer Illustration and Setback Standards

Rear adjacent or side adjacent				
75% coverage of buffer strip with canopy of mature trees		Buffer Distance	Wall Height	Rear Setback
A	Residential zone (RE, R-1, R-2, MR) adjacent to residential zone (MF & R/C PUD)	10'	6'	15'
B	Any residential zone rear adjacent to commercial C-1 & C-2	10'	6'	20'
C	Any residential zone rear adjacent to M-1, M-2, & SU	15'	6'	25'

### 10-4-12.9 Plant Size

Except as otherwise specified in this section, the minimum acceptable sizes of plants or amounts of seed, at the time of planting, are as follows:

1. Trees Two inches in caliper measured six inches above grade, or 10 - 12 feet in height;
2. Shrubs and low-growing evergreens: one gallon;
3. Ground cover and turf: adequate to provide general ground coverage within one growing season after planting.

### 10-4-12.10 Special Landscaping Standards

#### Off-Street Parking (Parking Lot)

Trees are required in and around off-street parking areas to provide shade and relieve the adverse visual impact of large expanses of pavement and parked cars.

Quantity and distribution of trees shall be as follows:

1. One tree is required per ten parking spaces;
2. No parking space may be more than 100 feet from a tree trunk;
3. The minimum size of tree planters within off-street parking areas shall be 36 square feet per tree;
4. At least 75% of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy diameter of at least 25 feet.

#### Street Trees

Street Trees are required along all arterial and collector street frontages.

## 10-4-13 LIGHTING *NEW SECTION*

### 10-4-13.1 Purpose

The purpose of this chapter is to regulate outdoor lighting fixtures and installations to improve nighttime public safety and security; to promote energy efficiency; to reduce lighting which is detrimental to the environment or to public use and enjoyment of public and private property; and to preserve and promote the historic character of Sunland Park.

### 10-4-13.2 Applicability

1. Lighting is required for all multi-family development, all nonresidential development, and accessory parking structures in accordance with the regulations of this section
2. The provisions of this chapter shall apply to all outdoor lighting fixtures used for illumination or advertisement.
3. All outdoor lighting fixtures existing and legally installed and operative before the effective date of the ordinance codified in this chapter are exempt from these requirements until they are replaced or relocated.
4. When existing lighting fixtures are replaced or relocated, their replacements shall be subject to all the provisions of this chapter.

### 10-4-13.3 Lighting Plan

#### Submission contents

1. Plans indicating the location on the premises, and the type, of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
2. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufactures and drawings (including sections where required);
3. Photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut off of emissions.

### 10-4-13.4 General Standards

In order to comply with "The New Mexico Night Sky Protection Act," mercury vapor lamps shall not be permitted.

Outdoor lighting fixtures and devices, Residential and Non-residential

1. Shall be fully shielded and aimed downward.

2. Any light shining onto an adjacent property or street which results in light trespass, a nuisance glare or a disabling glare shall not be permitted.

#### Acceptable lamps

1. Low pressure sodium
2. High pressure sodium
3. Metal halide: With a glass, acrylic or translucent enclosure of the light source
4. Fluorescent: With a glass, acrylic or translucent enclosure of the light source
5. Quartz
6. Incandescent - Greater than 160W
7. Incandescent - Less than 160W
8. Any light source of 50W or less
9. Glass tubes filled with neon, argon, and krypton

#### 10-4-13.5 Lighting Type

##### Security lights, floodlights, and spotlights

Security lights that are controlled by a motion sensor switch shall not remain on longer than six minutes after activation and shall not be activated by cars or pedestrians on public roads or walkways.

##### Up-lighting and feature lighting

1. Lighting on landscaping and architectural illumination is permitted.
2. No illumination may project beyond the highest point of the structure or beyond the structure's edges.
3. Lighting, mounted on poles or structures shall not exceed a height of 15 feet.
4. Lighting directed downward onto the sign's surface and not toward the sky or onto adjacent properties.
5. Lighting directed on flag's surface and not toward the sky or onto adjacent properties.

##### Outdoor recreational facilities (public or private) lighting

All events shall be scheduled so that all activity is complete before or as near to 11:00 p.m. as practical, except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

### *1. Height*

Lighting standards for outdoor recreational facilities, mounted by pole, shall have a maximum height of (25') twenty-five feet as measured to the top of the light fixture.

### *2. Height*

Lighting standards for outdoor recreational facilities, mounted on building or seating structure shall have a maximum height of (25') twenty-five feet, as measured to the top of the light fixture.

### Parking lot lighting

Shall be shut off by 11:00 p.m. unless scheduled event, lights shall be shut off within a reasonable period of time following the end of the event.

### *3. Height*

Lighting standards in parking lots in and adjacent to residential zones shall not exceed (20') twenty feet in height as measured to the top of the light fixture.

### Street Lighting

Street lighting shall be designed to provide minimum lighting necessary to ensure adequate vision, security, and comfort in public and private streets, and to not cause glare or direct illumination more than five (5) feet beyond the right of way.

### *4. Height*

Height, shall not exceed (20') twenty feet in height as measured to the top of the light fixture

### 10-4-13.6 Exemptions:

Holiday decorations, outdoor light fixtures used for holiday decorations.

## 10-4-14 WIRELESS COMMUNICATION INFRASTRUCTURE

### 10-4-14.1 Purpose

The purpose of this chapter is to establish regulations and general guidelines for the siting of wireless telecommunications facilities ("WCIs"). Protect residential areas and land uses from potential adverse impact of WCIs through minimization of the total number of towers in the community. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers. Encourage users of WCIs to locate them, to the extent possible, in areas where the adverse impact on the community is minimal. Encourage users of WCIs to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques. Enhance the ability of providers of telecommunications services to provide such services to the community quickly, effectively and efficiently. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals and in approving sites for the location of towers and antennas, the city shall give due consideration to city's master plan, its zoning map, existing land uses and environmentally and historically sensitive areas.

### 10-4-14.2 Applicability And Exemptions

#### Wireless Communication Infrastructure (WCI)

All new towers or antennas in the city are considered to be accessory uses in all zoning districts when located on an existing structure subject to these regulations.

#### Amateur Radio Station Operators/Receive Only Antennas

The sections that follow shall not govern television antennas, satellite dishes and receive only antennas, provided that the primary use of the property is not a wireless communication infrastructure (WCI), and that the antenna use is accessory to the primary use of the property. Nor shall the sections that follow govern any freestanding vertical structure or the installation of any freestanding vertical structure located in any residential zone that is under forty feet (40') in height.

#### Preexisting Telecommunications Facilities

Preexisting Telecommunications Facilities for which a building permit has been properly issued prior to the effective date of this chapter shall not be required to meet the requirements of this chapter, other than the requirements of section 10-18-5 G. and H. of this chapter.

#### Public property owned or otherwise controlled

Public property owned or otherwise controlled by the city shall be exempt from the requirements of this chapter.

#### WCIs Regulated and Permitted

WCIs shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

### 10-4-14.3 Conditional Accessory Use

#### Telecommunications Facilities; Information Required:

In addition to any information required for applications for zone map amendment, a zoning change.

1. A scaled site plan clearly indicating the location, type and height of the proposed tower; on-site land uses and zoning, adjacent land uses and zoning, including, when adjacent to the county or another municipality; adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed WCI; topography; parking and other information deemed by city staff to be necessary to assess compliance with this chapter.
2. Legal description of the property upon which or upon part of which the applicant proposed to locate the WCI and a list of all mortgages on the property at the time of application.
3. The setback distance between the proposed WCI and the nearest residential unit or the nearest platted or unplatted residentially zoned properties.
4. The separation distance from other existing WCIs within one thousand feet (1,000') of the proposed tower. The applicant shall also identify the type of construction of such existing WCI(s) and their owner(s)/operator(s).
5. The landscape screening plan showing specific landscape materials.
6. Method of providing security, fencing or wall, and finished color and, if applicable, the method of camouflage and illumination.
7. A description of compliance with sections 10-18-5E. to H. and 10-18-5K. to R. of this chapter and all applicable federal, state and local laws.
8. A notarized statement by the applicant as to whether construction of the WCI will accommodate co-location of additional antennas for future users.
9. Identification of the entities providing the network connections for the proposed WCI and other WCI sites owned or operated by the applicant in the city.
10. A statement as to the projected number and locations of any WCIs proposed to be built in the city within two (2) years of the date of the current application and that are part of the same system as the WCI for which a special use permit is currently being sought.
11. The applicant shall submit documentation of the legal right to install the WCI, including ingress and egress easements, and shall include original signature(s) of such land owner(s) and a copy of the property deed, plus a full copy of any proposed lease agreement with subject property owner(s).
12. A copy of the tax map and parcel identification code number of the subject property as shown in the records of the Dona Ana County Assessor's office.
13. A site plan showing all property within fifteen hundred feet (1,500') of the perimeter of the proposed property that will house the proposed WCI. A list of

the owners of each of the affected properties and their mailing addresses as shown by the Dona Ana County Assessor's Office. The data shall be submitted in digital format as well as a hard copy.

14. A copy of the FCC license for the WCI and a notarized statement from the owner or operator of the WCI attesting that the WCI complies with current FCC regulations.
15. Photo simulations and, if required, the photographic results of the site-located height model or balloon test.
16. Propagation maps showing the cellular coverage that the site will provide.
17. A written report indicating the applicant's efforts to secure shared use or co-location with existing WCIs or alternative technology or buildings within the city and neighboring areas within the City of El Paso and Dona Ana County. Copies of written requests and responses for shared use shall be provided to the P&Z.

#### Demonstration of Need

An applicant shall submit to the P&Z documentation that demonstrates the need for the WCI to provide service within the geographical area proposed to be serviced by such WCI. The documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites.

#### Separation Distances

When a second WCI is proposed near an existing WCI, there shall be a minimum separation distance between them of not less than the combined height of the existing WCI and the proposed WCI, which distance shall be measured by drawing or following a straight line between the base of the existing WCI and the proposed base, pursuant to a site plan of the proposed WCI. The same separation distance shall apply when more than one (1) WCI is proposed at one (1) location.

#### Security Fencing

WCIs shall be enclosed by a security fence or wall not less than six feet (6') in height which is equipped with an appropriate anti-climbing device other than barbed wire or chain linked.

#### Screening

WCIs shall be landscaped with a buffer of plant material that effectively screens the view of the tower compound. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.

#### Existing Mature Tree Growth

Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

### 10-4-14.4 General Standards And Construction Provisions

#### Height

All structure heights shall be measured from the lowest adjacent ground level

vertically to the highest point of all structures, whether attached to the ground, the building or other structure(s). The principal supporting structure for WCIs shall be permitted to exceed the height limit of the zoning district in which it is located.

### Lot Size

For the purposes of determining whether the installation of a WCI complies with zoning development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the WCI may be located on leased parcels within such lot.

### Measurement

For purposes of measurement, WCI setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.

### Minimum Wind Speed

All structures shall be constructed and installed to manufacturer's specification and constructed to withstand a minimum ninety (90) mile per hour wind, or the minimum wind speed as required by the city's building code, as amended, whichever wind speed is greater.

### Building Codes

Structures shall be permitted and constructed to meet current city building code requirements and required setback provisions as prescribed for the zoning districts in which such structures may be permitted. If any setback or buffer yard as prescribed in the city's zoning regulations for the zoning district in which such structure may be permitted requires a greater distance than required in this chapter, the greater setback shall apply.

### Safety Standards

To ensure the structural integrity of WCIs, the owner of a WCI shall ensure that it is maintained in compliance with the standards contained in applicable federal, state and city building codes. If, upon inspection, the city concludes that a WCI fails to comply with such codes and constitutes a danger to persons or property, then upon notice being provided to the owner of the WCI, the owner shall have thirty (30) days to bring such WCI into compliance with such standards. Failure to do so shall constitute grounds for the removal of the WCI at the owner's expense.

### State or Federal Requirements

All WCIs shall meet or exceed current standards and regulations of the Federal Communication Commission (FCC), the Federal Aviation Administration (FAA) and any other agency of the state or federal government with the authority to regulate WCIs. If such standards and regulations are changed, then the owners of the WCIs governed by this chapter shall bring such WCIs into compliance with such revised standards and regulations within six (6) months of the effective date of the revisions, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring WCIs into compliance with such revised

standards and regulations shall constitute grounds for the removal of the WCI at the owner's expense.

### Business Registration Required

Business registrations are required for each WCI for commercial purposes located within the city limits, regardless of whether said structure is freestanding, collocated, facial or roof mounted, or part of an integrated structure or improvement. Business registrations are renewable annually.

### Inventory of Existing Sites

Each applicant for a WCI shall provide to the P&Z an inventory of WCIs or sites approved for WCIs that are located within the service area proposed to be served by the new WCI, including specific information about the location, height and design, and the owners/operators of each WCI or site and indicate the distance of such WCI or sites from the proposed WCI.

### Aesthetics

WCIs shall meet the following aesthetic requirements.

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. The design of the buildings and related structures at a WCI site shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and any surrounding buildings.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. All electrical lines and other data cables shall be located inside the tower in order to reduce the impact of unsightly wiring. Guy wires shall not be used under any circumstances.

### Lighting

Only security lighting not to exceed twelve feet (12') in height or lighting required by a state and/or federal agency is allowed, provided the location of the lighting fixture together with its cut-off angle shall be such that it does not shine directly on any public right-of-way, any residential premises, or release any lighting in an upward direction.

### Signs

No signs shall be allowed on a WCI other than signage required by the FCC or other regulatory agency and signs that warn of safety hazards or prohibit access, provided that such signs are no larger than one (1) square foot and are reviewed by city staff and approved by the P&Z.

### Building and Support Equipment

Buildings and support equipment associated with WCIs shall comply fully with the city's building codes.

### Health Issues

Every WCI shall meet health and safety standards for electromagnetic field emissions as established by the Federal Communications Commission or any successor thereof, and any other federal or state agency.

### View Corridors

No WCI is allowed within two thousand six hundred forty feet (2,640' or 1/2 mile) of the outer edge of the right-of-way of any city designated view corridor.

### Preservation Districts

No WCI is allowed within two thousand six hundred forty feet (2,640' or 1/2 mile) of the outer edge of property zoned Preservation District (PD).

### Historic Preservation Review

No WCI that may affect archaeological, historic or cultural properties that are listed or are eligible for listing on the National Register of Historic Places shall be constructed, installed or modified without first obtaining Historic Preservation Division 106 Review as per 36 CFR part 800 in accordance with the National Historic Preservation Act of 1966, as amended. A project comment review letter from the State of New Mexico Historic Preservation Division, Office of Cultural Affairs shall be filed with the city at the time of filing a business registration application.

### Visual Models

Visual models shall be required of all applicants for a WCI as follows:

#### *1. Photographic Simulation*

The applicant shall be required to provide a photographic simulation with the image of a tower or other proposed communications structure and all structures associated with the site superimposed over the existing view to provide a sense of the visual impact expected from the proposed WCI.

#### *2. Site-located Height Model or Balloon Test*

A height model, which shall be a pole or other object erected or floated at the site to the requested height of the proposed WCI, may be required. If required, the following conditions shall apply:

- a. The applicant shall submit photographs of the height model or balloon test from neighboring residential areas and public roadways and other locations around the city as specified by the P&Z within three (3) miles from which the height model or balloon is visible. The height model or balloon shall be a minimum of three (3) feet in diameter.
- b. Photographs of the height model or balloon test shall be submitted no less than ten (10) days prior to the scheduled public hearing date.

- c. Height models or balloon tests shall be erected for a minimum of three (3) days no less than fifteen (15) days prior to the scheduled public hearing date. The legal notice shall state the dates and location during which the height model or balloon test will be erected.
- d. The P&Z may require this test if it is determined that the photographic simulation is not adequate to address any and all visual impact issues.
- e. City staff shall issue administratively any permit necessary for a temporary height model required for staff and public inspection purposes.

### Utilities

All utilities at a WCI site shall be installed underground and in compliance with all laws, ordinances, rules and regulations of the city and the city building codes.

### Modifications

All applicants for a WCI or any modification to an existing WCI should develop their plans to allow reasonable requests from the city to use space on its towers and space within the existing or planned compound for deploying and operating public service radio facilities at no cost to the city. Provisions for adequate advance notice regarding city access to the WCI for routine activities will be arranged with the applicant. (Ord. 2005-07, 10-4-2005)

### 10-4-14.5 Co-Location:

#### Visual Impacts

To minimize adverse visual impacts associated with the proliferation and clustering of WCIs, co-location or shared use of WCIs by more than one (1) carrier on existing WCIs shall take precedence over the construction of new WCIs, provided such co-location is accomplished in a manner consistent with the following:

1. The WCI complies with all applicable FCC and FAA regulations.
2. A WCI which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower unless the P&Z allows reconstruction as a monopole.
3. Height: An existing WCI may be modified or rebuilt to a taller height not to exceed thirty feet (30') over the WCI's existing height, to accommodate the co-location of an additional antenna. This height change may occur only one time per, and the additional height cannot require an additional distance separation. The WCI's pre-modification height shall be used to calculate such distance separations.
4. Onsite Location: A WCI which is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within fifty feet (50') of its existing location. If the WCI is moved to accommodate co-location, only one WCI may remain on the site. A relocated onsite WCI shall continue to be measured from the original WCI location for purposes of calculating separation distances between WCIs.

#### 10-4-14.6 Heights, Placement Provisions And Setbacks

Table 4-14.1. Heights, placement provisions and setbacks for WCIs

<b>Preservation District</b>	<b>Prohibited and Buffer of ½ mile</b>
<b>Residential Zones</b>	Up to 40 feet For non-commercial use only.
<b>Commercial Zones</b>	Up to 65 feet for a single user. Up to 75 feet for three users. Up to 100 feet for four or more users.
<b>Industrial Zones</b>	Up to 65 feet for a single user. Up to 75 feet for three users. Up to 100 feet for four or more users.

#### Placement and Setback Requirements WCIs Under Forty-Five Feet

The following placement and setback requirements shall apply to all WCIs under forty-five feet (45') in height:

1. WCIs and satellite service devices in the residential zones, shall be placed within the primary buildable area for the lot's zone and must be to the side and/or rear of any and all residential dwelling structures, including houses, apartments, duplexes, etc.
2. WCI shall be setback from any adjoining property line one foot (1') for each one foot (1') in height plus ten percent (10%) of the total height of the structure.
3. Additional set-backs may be required in both this Section and in the following Section to meet the distance equal to at least the potential fall radius of a support structure as certified by a licensed New Mexico Professional Engineer or to preserve the privacy and integrity of adjoining residential, public or historic properties.
4. Guy wires used to secure and steady a tower, and accessory buildings shall conform to the minimum setback requirements for the lot's zone.

### Placement and Setback Requirements WCIs Forty-Five Feet or Greater

The following placement and setback requirements shall apply:

1. WCIs located or proposed to be located in or adjacent to a district which permits residential use, or where a residential structure is located, shall be set back from the nearest residential use or residential structure as follows:
  - a. Up to seventy-five feet (75'), the setback is one-half feet (1.5') for each foot of height, plus twenty percent (20%) of the total height of the structure;
  - b. One-half feet (2.5') for each foot of height;
  - c. From one hundred twenty-six feet (126') to one hundred fifty feet (150'), the setback is three and one-half feet (3.5') for each foot of height.

### 10-4-14.7 Buildings Or Other Equipment Storage

The following requirements shall apply to the buildings and all other equipment storage space associated with a WCI.

1. The related unmanned equipment structure or cabinet, being part of the WCI, used in association with an antenna(s) located on a WCI shall not contain more than one hundred twenty (120) square feet of gross floor area or be more than ten feet (10') in height and shall be located in accordance with the minimum yard requirements of the zone in which it is located.
2. Such equipment structures or cabinets shall comply with all applicable building codes.
3. Security lighting, if required, shall not exceed twelve feet (12') in height and the location of the lighting fixture together with its cut-off angle shall be such that it does not shine directly on any public right-of-way, any residential premises, or release any lighting in an upward direction.
4. Mobile or immobile equipment not used in direct support of the WCI shall not be stored or parked on the site unless repairs or maintenance to the WCI or related equipment structure or cabinet are being made.

### 10-4-14.8 Performance Security Bond

The applicant and the owner of record of any proposed WCI property site shall, at their own cost and expense, be jointly required to execute, file and maintain with the city a bond or other form of security acceptable to the city as to type of security and the form and manner of execution, in the amount of at least seventy-five thousand dollars (\$75,000.00) to assure the faithful performance of the terms and conditions of this chapter. The full amount of the bond or security shall remain in full force until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior.

#### 10-4-14.9 Liability Insurance

Shall secure and at all times, maintain public liability insurance for personal injuries, death and property damage and umbrella insurance in the following amounts:

1. Commercial general liability covering personal injuries, death and property damage and automobile coverage each at one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate and the commercial liability policy shall specifically include the city as an additional named insured.
2. Workers compensation at not less than minimum statutory limits.

The insurance policies shall be issued by an insurance agent of an insurance company licensed to do business in the State of New Mexico with a Best's rating of at least A and shall contain an endorsement obligating the insurance company to furnish the city with at least thirty (30) days prior written notice in advance of the cancellation of the insurance. Renewal or replacement policies or certificates shall be delivered to the city at least fifteen (15) days before the expiration of the insurance that the policies are to renew or replace.

The holder of a special use permit for a WCI shall deliver to the city a copy of each of the policies or certificates representing the insurance in the required amounts before construction of the permitted WCI is initiated.

#### 10-4-14.10 Indemnification

Any application for a WCI that is proposed for city property pursuant to this chapter shall contain an indemnification provision. Such indemnification provision shall require the applicant, to the extent permitted by the law, to at all times indemnify, hold harmless and defend the city from and against all claims, actions, demands, losses, costs expenses, liabilities, assessments, penalties, and damages, including attorney's fees, in connection with or which might arise out of, result from, or be caused by the performance of work in the location, construction, modification, use, maintenance, repair, replacement or removal of the WCI or any part thereof, which causes bodily injury, illness or death or any other injury or for property damage caused by the negligent act or omission of the owner/operator/applicant or any of its/their agents, employees, servants, representatives, officers, directors or shareholders of the WCI.

#### 10-4-14.11 Removal Of A Wireless Telecommunications Facility

Under the following circumstances, the city may determine that the health, welfare and safety of the city residents warrant and require the removal of a WCI:

1. A permitted WCI has not been operated as a WCI for a continuous period of six (6) months and is therefore considered to have been abandoned;
2. A permitted WCI falls into such a state of disrepair that it creates a health or safety hazard as determined by city staff;

If the city makes such a determination as appears in subsection A. of this Section, then the city shall provide the owner of such WCI with a notice of abandonment and an order to remove the same within ninety (90) days of receipt of the notice of abandonment from the city.

Failure by the owner or his/her successors or assigns to remove the abandoned WCI and all associated structures and facilities from the site and to restore the site to as close to its original condition as is possible or to take substantial steps toward removing the abandoned WCI within said ninety (90) days shall be grounds to remove the WCI at the owner's expense.

## 10-4-15 MINING AND RECLAMATION

### 10-4-15.1 Purpose

The purpose of this chapter is to establish reasonable and uniform limitations, safeguards and controls for mining and accessory uses which will allow for the reasonable use of an important city resource. These regulations shall also ensure that mining activities will be conducted in harmony with the environment and other uses of land within the city and that mineral sites will be appropriately reclaimed.

### 10-4-15.2 Application

Unless otherwise indicated herein, the purpose, intent and provisions of this chapter shall be and are automatically imposed and made a part of any permit for mining development issued by the city.

### 10-4-15.3 Required Conditional Use Permit

No mining related use may commence without the appropriate conditional use permit required pursuant to this title. The issuance of a conditional use permit shall not relieve the operator of the responsibility of securing and complying with any other permit which may be required by other city ordinances, or state or federal laws. No condition of a conditional use permit for uses allowed by this title shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. In instances where more than one set of rules apply; the stricter one shall take precedence.

### 10-4-15.4 Guidelines

The general guidelines that follow shall be used in the development of conditions, which will help ensure that mining projects generate minimal negative impacts on the environment. The guidelines shall be applied unless the strict application of a particular guideline(s) would otherwise defeat the intent of other guidelines. An applicant should use the guidelines in the design of the project and anticipate their use as permit conditions.

1. All mining and reclamation shall be consistent with the City of Sunland Park Comprehensive Plan.
2. Mining and accessory uses of less than nine (9) months in duration are not renewable nor are such uses allowed to continue operating for any reason beyond nine (9) months after issuance of the permit.
3. No provisions in this title or in the City of Sunland Park Comprehensive Plan shall be construed to encourage any mining operation or facility which would endanger the public's health, safety or welfare, which would endanger private or public facilities, or which would prohibit the alleviation of a hazard by hampering or precluding such activities as the maintenance, restoration or construction of public works facilities.

4. Projects shall be located, designed and operated so as to minimize their adverse impact on the physical and social environment, including natural resources. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts, traffic impacts and other factors of nuisance and annoyance, erosion and flooding shall be reduced to a minimum or eliminated through the best accepted mining and reclamation practices, applicable to local conditions, which are consistent with contemporary principles and knowledge of resource management, flood control engineering and floodplain management.
5. The extraction of aggregate, mineral, sand, and other natural resources shall strike a reasonable balance with other resource priorities such as water, agricultural land, fish and wildlife and their habitat, sediment for replenishment and the protection of public and private structures and facilities.
6. The extraction of aggregate, mineral, sand, and other natural resources in rivers and streams shall allow for the ongoing maintenance of viable riparian ecology by preserving as many natural stream elements as practical. Mining operations may provide for the enhancement of some riparian ecosystems as a mitigation to compensate for significant adverse environmental effects on other riparian ecosystems, thereby preserving the overall quality of the riparian environment.
7. Appropriate and reasonable monitoring and enforcement measures shall be imposed on each mining operation, which will ensure that all permit conditions, guidelines and standards of this chapter are fulfilled.
8. Reclamation of a site shall include the removal of equipment and facilities and the restoration of the site so that it is suitable for subsequent uses which are consistent with the Comprehensive Plan as well as the existing and proposed uses in the general area. Reclamation shall be conducted in phases on an ongoing basis, where feasible.
9. The department of community development shall use the following procedure in reviewing the application for a permit:
  - a. Upon receipt of the application, the department shall stamp the application as received.
  - b. The department shall have thirty (30) days in which to find the application complete or incomplete.
  - c. If the application is found to be complete:
    - i. The applicant shall be notified in writing.
    - ii. The department shall schedule a duly noticed public hearing before the planning and zoning commission for review of the conditional use permit and environmental documents.
  - d. If the application is found to be incomplete:
    - i. The applicant will be notified in writing no less than fifteen (15) days from the finding of incompleteness.

- ii. The written notification shall contain the reasons for the finding of incompleteness.
  - iii. The applicant may then resubmit the application once he/she has complied with the items found lacking in the original application.
  - iv. The department shall then review the second submittal for completeness within the same parameters used in the first review.
  - v. The department shall be constrained to review only those items that were cited in the incompleteness letter unless it can justify why it must expand its review to other issues.
- e. An application shall only be considered as filed once an application is found to be complete. This is an important distinction since the applicant shall not gain any vested rights until the letter of completeness is written by the department. The department shall use the following (but not limited to) criteria in its review for completeness:
- i. The department may not find an application complete until such time as a full environmental assessment has been performed up to and including an environmental impact statement.
  - ii. The applicant must provide all information required on the application form.
  - iii. The applicant must comply with all requirements of this chapter.
  - iv. The applicant must meet all the requirements of this code including, but not limited to, titles 3, 7, 8, 9, 10, 11 and 12 of this code.
  - v. A finding of incompleteness shall be rendered if the department has rational for not being able to complete the review in the allotted time period.
  - vi. The planning and zoning commission shall review the application and make comments which shall be incorporated into the review process by the department.

### 10-4-15.5 Standards

#### Minimum Standards and Requirements

The following are minimum standards and requirements:

##### *1. General Mining Standards*

Projects shall be located, designed, operated and notice of their activities provided so as to minimize their adverse impact on the physical and social environment and natural resources. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetics, traffic impacts and other factors of nuisance and annoyance, erosion and flooding shall be reduced to a minimum or eliminated through the best accepted practices which are applicable to local conditions and incident to the exploration for and extraction of aggregate, mineral, sand, and other natural resources. In addition, mitigation measures

should be consistent with contemporary principles and knowledge of resource management, flood control engineering and floodplain management. Further, posting of signs and notification to neighboring property owners of the project's activities shall be required where necessary.

## *2. Setbacks*

No processing equipment or facilities shall be permanently located, and no mining shall occur within the horizontal setbacks specified below:

- a. One hundred feet (100') of any dedicated public street or highway unless the community development department determines a lesser distance would be acceptable;
- b. One hundred feet (100') of any dwelling not accessory to the project;
- c. Two hundred feet (200') of any institution, school or other building used as a place of public assemblage. Other facilities and structures shall be set back distances which are applicable for accessory structures for the zone in which the use is located.

## *3. Obstruction Of Drainage Courses*

Mining operations, access roads, facilities, stockpiling of mineral resources and related mining activities shall be consistent with current engineering and public works standards and in no case shall obstruct, divert, or otherwise affect the flow of natural drainage and floodwaters so as to cause significant adverse impacts, except as authorized by the public works agency.

## *4. Control of Contaminants, Runoff And Siltation*

Contaminants, water runoff and siltation shall be controlled and generally contained on the project site so as to minimize adverse off site impacts.

## *5. Dust Prevention*

The project site and all roads or hauling routes located between the public right of way and the subject site shall be improved or otherwise treated as required by the city and maintained as necessary to prevent the emanation of dust.

## *6. Light Emanation*

Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses.

## *7. Painting*

All permanent facilities and structures on the site shall be colored so as to mask facilities visible from surrounding uses and roadways in the area. Said colors shall also take into account such additional factors as heat buildup and designation of danger areas. Said colors shall be approved by the director of community development prior to painting of facilities.

## *8. Site Maintenance*

The permit area shall be maintained in a neat and orderly manner so as not to create unsightly conditions visible from outside the permitted area or any

hazardous conditions. Equipment and materials may be stored on the site which are appurtenant to the operation and maintenance of mining operations.

#### *9. Reclamation Plan*

The purpose and intent of a reclamation plan shall be to return the property to its original natural state. If such a goal cannot be met due to physical constraints (not monetary) then the applicant shall strive to create a reuse plan that will be of benefit to the community. No mining permit shall be approved without an approved reclamation plan which is:

- a. Consistent with city engineering standards;
- b. Consistent with any and all locally adopted resource management goals and policies;
- c. Compatible with the existing geological and topographical features of the area, and that considers the following criteria in its design:
  - i. The creation of safe, stable slopes and the prevention of subsidence;
  - ii. Control of water runoff and erosion;
  - iii. Protection or enhancement of views of the site from surrounding areas;
  - iv. Availability of backfill material;
  - v. Proposed subsequent use of the land which will be consistent with the general plan and existing and proposed uses in the general area;
  - vi. Removal or reuse of all structures and equipment;
  - vii. The time frame for completing the reclamation;
  - viii. Provisions of appropriate securities to ensure completion of approved reclamation plans if the city will need to contract to have the work performed;
  - ix. Revegetation of the site;
  - x. Phased reclamation of the project area;
  - xi. Removal of equipment. All equipment on the project site shall be removed from the site within one hundred eighty (180) days of the termination of the use unless a time extension is approved by the director of community development.

#### *10. Application of Sensitive Use Related Standards*

The imposition of regulations on mining operations, which are based on distances from occupied sensitive uses, shall only apply to those occupied sensitive uses which were in existence at the time the permit for the subject mining operations was approved. The provisions of this section shall continue for the life of the permitted mining operations at the subject site.

### *11. Reporting of Accidents*

The permittee shall immediately notify the director of community development of any incidents such as fires, explosions, spills, land or slope failures or other conditions at the permit site which could pose a hazard to life or property outside the permit area. Upon request of any city agency, the permittee shall provide a written report of any incident within seven (7) calendar days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent recurrence of the incident.

### *12. Contact Person*

The permittee shall provide the director of community development with the current name(s) and/or position title, address and phone number of the person who shall receive all orders, notices and communications regarding matters of condition and code compliance. The person(s) in question shall be available by phone during the hours that activities occur on the permit site, even if this means twenty-four (24) hours a day.

### *13. Current Mining Plans*

For mining projects located in sensitive areas which operate under regularly changing environmental conditions (e.g., in river mining), a mining plan shall be prepared by the permittee on a regular basis in accordance with the applicable conditions of a project's permit. Said plan shall describe how mining over the next interval will be conducted in accordance with the intent and provisions of the project's use permit. The plan shall be reviewed and approved by the city at the permittee's expense. The review and approval of current mining plans shall not be used in lieu of the formal modification process to change the text and drawings of the permit conditions.

### *14. Permit Review*

Monitoring of the permit or aspects of it may be required as often as necessary to ensure compliance with the permit conditions. In any case, the permit and site shall be reviewed and inspected by the community development department at least once every three (3) years. The purpose of said review is to ascertain whether the permittee is in compliance with all conditions of the permit, and whether there have been significant changes in environmental conditions, land use or mining technology, or if there is other good cause which would warrant the director of community development's filing of an application for modification of the conditions of the permit. If such an application is filed, it shall be at the city's expense and modification of conditions would not occur without a duly noticed public hearing.

### *15. Enforcement Costs*

Permit conditions shall be imposed, which will enable the city to recover the reasonable and appropriate costs necessary for the reviewing and monitoring of permit operations and the enforcing of the applicable requirements of the zoning ordinance and the conditions of this permit.

### *16. Performance Securities*

Performance bonds or other securities shall be imposed on any permit to ensure compliance with certain specific tasks or aspects of the permit. The amount of the security shall be based upon the actual anticipated costs for completing the subject task if the city were forced to complete it rather than the permittee.

### *17. Insurance*

The permittee shall maintain, for the life of the permit, liability insurance of not less than five hundred thousand dollars (\$500,000.00) for one person and one million dollars (\$1,000,000.00) for all persons, and two million dollars (\$2,000,000.00) for property damage. This requirement does not preclude the permittee from being self-insured.

## 10-4-16 NONCONFORMITIES

### 10-4-16.1 Nonconforming Lots, Structures, Uses And Characteristics Of Uses:

#### Preexisting Conditions

Within the districts established by this Title, or amendments that may later be adopted, there exist:

- A. Lots
- B. Structures
- C. Uses of land and structures
- D. Characteristics of use which were lawful before this Title was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Title or future amendment.

#### Intent

To permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Title that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. It is not the intent of this Title to authorize, and this Title shall not be construed to authorize, uses which constitute public or private nuisances or are otherwise prohibited by law or regulations.

#### Limitations

Nonconforming uses are declared by this Title to be incompatible with, or not within the meaning of, permitted uses in the district in which located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Title by attachment or additions on a building or premises or by placement of additional signs intended to be seen from off the premises or by the addition of other uses, of a nature which would not be permitted generally in the district involved.

#### Avoid Undue Hardship

To avoid undue hardship, nothing in this Title shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Title and upon which actual building construction has been executed diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction; provided, that work shall be executed diligently.

#### 10-4-16.2 Nonconforming Lots Of Record:

##### Dwellings and Accessory Buildings

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption of this Title, notwithstanding limitations imposed by other provisions of this Title. Such lots must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area, width, or both that are generally applicable in the district; provided that yard dimensions and requirements other than those applying to area, width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

##### Lots and Parcels

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Title, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Title, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Title.

#### 10-4-16.3 Nonconforming Uses Of Land With Minor Structures:

Where at the time of passage of this Title, lawful use of land exists which would not be permitted by the regulations imposed by this Title, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Title.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Title.
- C. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Title for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this Title shall be erected in connection with such nonconforming use of land.

#### 10-4-16.4 Nonconforming Structures:

Where a lawful structure exists at the effective date of adoption of this Title that could not be built under the terms of this Title by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the

structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Title.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### 10-4-16.5 Nonconforming Uses Of Structures Or Of Structures And Premises In Combination:

If lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000.00) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of terms of this Title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Title in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this Title, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use; provided, that the Administrative Official, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Administrative Official may require appropriate conditions and safeguards in accord with the provisions of this Title.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period (except when

government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction" for the purpose of this subsection is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of destruction.

#### 10-4-16.6 Repairs And Maintenance:

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten percent (10%) of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be; provided, that the enclosed area existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, if such official so orders the strengthening or restoring.

#### 10-4-16.7 Uses Under Special Exception Or Variance:

Any use which is permitted as a special exception or a variance from the terms of this Title, shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

## 10-4-17 ENTERTAINMENT DISTRICT OVERLAY ZONE ORDINANCE

### 10-4-17.1 Title

This chapter shall be entitled "Entertainment District Overlay Zone Ordinance" hereinafter referred to as "this chapter." (Ord. 2022-2, 1-4-2022)

### 10-4-17.2 Purpose

The purpose of this chapter is to enact the standards necessary to promote the development of a thriving entertainment district in the City of Sunland Park with distinctive aesthetic characteristics. (Ord. 2022-2, 1-4-2022)

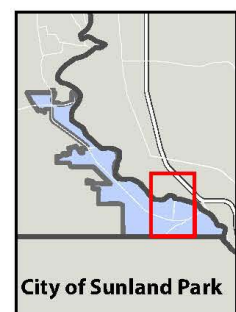
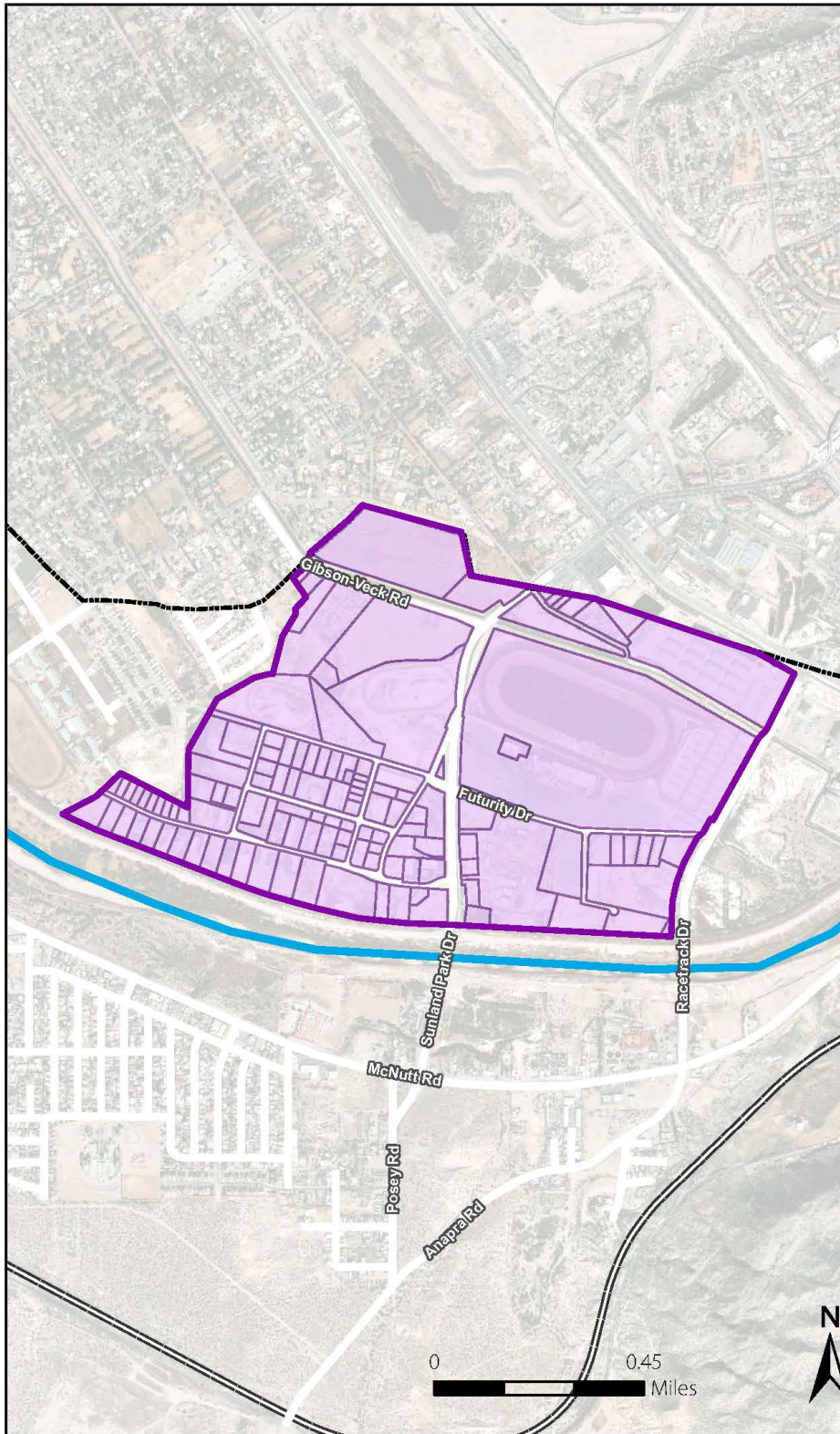
### 10-4-17.3 Creation

The Entertainment District Overlay Zone is hereby created and shall have the boundaries and standards reflected in this chapter. (Ord. 2022-2, 1-4-2022)

### 10-4-17.4 Applicability

The boundaries of the Entertainment District Overlay Zone are synonymous with the boundaries labeled as "Entertainment District Overlay" in Figure 1 (below). This area and the Entertainment District Overlay Zone may be referred to interchangeably as the "Entertainment District."

Sunland Park  
Entertainment  
District Overlay



*Entertainment District Overlay Zone Boundaries*

#### 10-4-17.5 Special Uses

The following special uses may be approved by the planning and zoning commission in accord with the provisions of this chapter and the procedures set forth in city code section 10-10-2 (Ord. 1998-02, 4-7-1998):

- A. Auditoriums;
- B. Arenas;
- C. Communication facilities;
- D. Antennas mounted on existing buildings and water towers;
- E. Conference facilities;
- F. Casinos and gambling;
- G. Amusement parks;
- H. Miniature golf;
- I. Museums;
- J. Restaurants and bars;
- K. Retail;
- L. Recreational and medical cannabis retail facilities;
- M. Convention centers;
- N. Breweries and micro-breweries;
- O. Wineries;
- P. Hotels and lodging;
- Q. Sports or recreational facilities of all types;
- R. Mixed-use commercial-residential units; and
- S. Any use which would otherwise be permitted by the base zoning within the Entertainment District. (Ord. 2022-2, 1-4-2022; amd. Ord. 2022-8, 6-21-2022)

#### 10-4-17.6 Development Site Plans

New developments within the Entertainment District shall require a site plan to be included with the application for special use permit which shall include the following:

- A. Proposed uses;
- B. Building locations;
- C. Building setbacks and heights;
- D. Architectural materials;
- E. Access to site;
- F. Internal traffic circulation;
- G. Parking;
- H. Pedestrian accommodations;
- I. Landscaping;
- J. Walls and fences;
- K. Sign locations; and
- L. Lighting. (Ord. 2022-2, 1-4-2022)

### 10-4-17.7 Dimensional Standards

- A. Lot Size, Minimum: The minimum lot size within the Entertainment District is five thousand (5,000) square feet. This is designed to accommodate three (3) story mixed-use structures with two (2) floors of minimum five hundred (500) square feet apartment units that are able to provide on-street parking. Should parking need to be managed on-site, either the lot size increases, or the number of units decreases to meet this demand.
  1. Upon application, City Council may allow density averaging in order to maximize the amount of open space provided.
    - a) An increase in density application must include the addition of passive or active open space.
  2. For mixed-use developments that include residential units above first floor commercial, the requested average number of units shall not exceed two (2) per one thousand (1,000) square feet and must be consistent with the master plan land use designation.
- B. Lot Width, Minimum: Lot size, including width and dimension shall be included in the site plan and shall be compatible with surrounding established neighborhoods and able to accommodate the setback, open space, and all other relevant requirements of the Entertainment District.
- C. Front Yard Setback: Front yard setbacks shall be zero (0) feet in the Entertainment District.
  1. The purpose of this setback is to help bring activity to the public realm and provide street enclosure for passing vehicles narrowing their field of vision and resulting in slower speeds. A front yard setback of zero (0) feet is also intended to ensure parking is located at the rear of the building, allowing for a more-dense and lively streetscape.
  2. All setback lines shall be measured between the nearest points between any building facade and the nearest property line or right-of-way.
  3. Outdoor patios at the front yard setback must be designed in a way to structurally be a part of the building and provide the zero setback.
  4. Front yard setback above the first floor of development shall be five (5) feet to ensure patios and balconies for residential units in a mixed-use building. The presence of patrons, resident and visitors provides 'eyes on the street' and increases the feeling of safety and accountability, as well as adds life to the district.
- D. Side Yard Setback: The minimum setback for side yards not facing a public street shall be fifteen (15) feet.
  1. The purpose of this setback is to accommodate growth in the area as common driveways to shared rear parking lots are utilized.
- E. Side Yard Setback, Corner Lot: For corner lots, where common access will not be necessary, the side yard setback shall be five (5) feet.
  1. The purpose of this setback is to contribute to the dense built environment. This also provides an opportunity to include additional greenspace as the front yard setback is at the back of sidewalk and provide hierarchy within the street network.
- F. Rear Yard Setback, Minimum: The minimum setback from a rear lot line shall be fifteen (15) feet for primary and accessory structures.

- G. Building Height Requirements: The maximum height of any structure in the Entertainment District shall be forty-two (42) feet, except as otherwise provided herein.
1. This design accommodates three-story mixed-use developments with retail or restaurant space on the first floor that requires ceiling or utility space greater than ten (10) feet. The height maximum is intended to serve the usable space of a building and therefore shall not include any necessary rooftop screening structures.
  2. It is encouraged that the building cornice be designed and utilized in a way to provide screening of rooftop units.
  3. For Mixed-Use and Retail structures, no more than three (3) stories shall be permitted. The maximum height of accessory structures shall be fifteen (15) feet.
  4. For hotels and convention centers, the maximum height shall be fifty-two (52) feet.
  5. For amusement parks, there shall be no maximum height restriction.
- H. A summary of the above dimensional standards is contained in Figure 2, below:

Entertainment District Overlay Zone (ENT)		
Dimensional Standards Summary		
Lot Standards		Overlay Zone
<b>A</b>	Lot size, minimum	5,000 sq. ft.
<b>B</b>	Lot width, minimum	75 ft.
Setback Standards		
<b>C</b>	Front, minimum General	0 ft.
<b>D</b>	Side, minimum General	15 ft.
<b>E</b>	Side, minimum Corner Lot	5 ft.
<b>F</b>	Rear, minimum	15 ft.
Building Height		
<b>G</b>	Building height, max	42 ft. (general) 52 ft. (hotel and convention center) N/A (amusement parks)

(Ord. 2022-2, 1-4-2022; amd. Ord. 2022-8, 6-21-2022)

### 10-4-17.8 Parking Requirements

- A. Intent. To promote shared parking within the Entertainment District where visitors are able to 'park once' and visit multiple businesses.
- B. The following parking minimums shall apply to each development, and where on-street, public or shared parking is within one hundred (100) feet.
  1. Residential: one (1) space per dwelling unit.

2. Retail/Commercial: three (3) spaces per one thousand (1,000) square feet.
3. Restaurant: one (1) space per one thousand (1,000) square feet of common area and one (1) space per three (3) seats based on occupant load or dining layout.
- C. Development site plans that utilize on-street parking shall provide for curb-and-gutter with bump-outs to enclose parking from the travel lanes as well as necessary sidewalk connections with ADA accessibility and marked crossings. (Ord. 2022-2, 1-4- 2022)

#### 10-4-17.9 Building Design Standards

##### A. Four-Sided Design:

1. Intent: Buildings shall not look like they have a fake facade pasted on the front of them. Buildings shall be designed to ensure that they look like the same building on all sides. Consistent building details and proportions on all sides ensure a "four-sided" quality to a building.
2. The design of the building shall provide consistent architectural details and avoid monotonous building massing and design. Architectural details and colors shall be consistent on all building walls. All sides of a building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single facade.
3. All building elevations shall contain windows.

##### B. Signage:

4. Intent: A building shall not be dominated by corporate or trademark architectural details; a building shall be compatible with other surrounding buildings and should not consist of building forms that primarily serve as signage and marketing elements. To achieve this, the total area of a building sign shall not exceed ten (10) square feet or five (5) percent of the building face. The area of the sign shall be calculated by encompassing it in a four-sided rectangular shape.
5. Dimensions: The total area of a building sign shall not exceed ten (10) square feet or five (5) percent of the building face, whichever is smaller. The area of the sign shall be calculated by encompassing it in a four-sided rectangular shape.
6. Design Integration: On all street frontages, signage material shall be integrated into the overall design of the building. Signs shall be located to complement the architectural features of a building such as above the building entrance, storefront opening, or other similar features.
7. Prohibited Signs: In addition to those signs prohibited by the City's Sign Ordinance, the following signs are prohibited within the Entertainment District:
  - a) Pole Signs;
  - b) Digital Displays. Exception: If and when device is allowed by special event permit;
  - c) Attention-Attracting Devices. This includes, but is not limited to, pennants, streamers, searchlights, and air and gas filled balloons and

figures. Exception: If and when device is allowed by special event permit.

- d) Directly Illuminated Signs. Exception: when approved by the Planning Commission or City Council as architectural lighting for a building.

8. Sign Illumination:

- a) Permanent signs may be illuminated via internal, indirect, and halo illumination configurations, unless otherwise indicated. Temporary signs shall not be illuminated.
- b) Illuminated signs shall not operate at brightness levels of more than three-tenths foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three (3) feet above grade.
- c) Illuminated signs shall not consist of a static image projected upon a stationary object.

9. Monument Signs. Developments or parcels with four (4) or more tenants may be allowed a detached monument sign to serve all businesses on location. The monument sign shall remain outside of the sight triangles and is not permitted in the right-of-way.

- a) The depth of the sign base shall be at least one-fourth the length of the width of the sign.
- b) The sign base shall consist of metal (rust and corrosion resistant) or a masonry or concrete substructure with an exterior consisting of durable masonry materials and include brick, split-face block, or natural or synthetic cementitious stone or brick. The sign base shall be composed of architectural features, forms, colors and materials consistent with the primary architectural elements and materials consistent with or used in the development or on the principal building.
- c) Individual signs are not to exceed six (6) square feet. Where more than four (4) tenants are present on a monument sign, individual signs are not to exceed four (4) square feet.
- d) Monument signs shall only display development or tenant names in two (2) directions.
- e) Mixed-use developments are permitted a monument sign regardless of number of first floor retail tenants.

C. Building Materials:

- 1. Intent. Buildings shall be attractive and durable. To ensure this, buildings shall be constructed of high-quality materials and require minimal maintenance. These standards shall apply to the first floor of mixed-use properties and commercial properties. Brick, stone, and other types of masonry or masonry veneer shall be detailed as masonry bearing walls, especially at openings. Proper masonry detailing allows the building to be more pleasing to the eye because masonry openings and corners appear to be structurally supported.
- 2. All buildings within the Entertainment District, including pad site buildings, shall be constructed of building materials and colors approved by the

Community and Economic Development Department as part of the development application. Applications shall include illustrations and examples of building materials and/or colors.

3. Permitted Materials. Exterior building materials are classified according to their visual weight; exterior building materials shall include, but shall not be limited to, the following:
  - a) Heavy:
    1. Stone;
    2. Cast stone;
    3. Brick;
    4. Integrally-colored split-face block.
  - b) Medium Materials:
    5. Stucco;
    6. Exterior Insulated Finishing System (EIFS).
  - c) Light Materials:
    7. High-quality solid wood;
    8. Cement board;
    9. Synthetic wood;
    10. Metal;
    11. Glass curtain wall.
4. Location.
  - a) Heavy materials shall be located below medium and light materials;
  - b) Medium materials shall be located below light materials.
  - c) Heavy materials shall extend to grade and not terminate at an exterior or interior corner.
5. Required Masonry. At least forty (40) percent of the total exterior wall area of each building elevation, excluding windows, doors, and related trim, shall be heavy materials. The balance of exterior wall area shall be medium or light materials.
6. Vertical Change of Materials. A vertical change of materials shall occur at an interior corner or shall not occur within two (2) feet of an exterior corner.
7. Materials Offset. Where there is a change in material on the same wall, there shall be a minimum offset of four (4) inches. The change in material is intended to apply to surface type such as masonry to stucco or wood siding.
8. Prohibited Materials. Unless approved by the Site Plan Review Committee, exterior building materials shall not include the following:
  - a) Split shakes;
  - b) Rough-sawn wood;
  - c) Board and batten wood;
  - d) Vinyl siding;
  - e) Smooth-faced gray or stained concrete block;
  - f) Painted concrete block;
  - g) Tilt-up concrete panels; or
  - h) Corrugated metal siding.

E. Building Modulation and Articulation:

1. Intent. Long, large buildings can be monotonous if they contain large or long expanses of surface area with no detailing or shadow lines; recesses and projections in building walls help to proportion and subdivide the massing of large buildings. Tall building walls with little detailing emphasize their height and dwarf human beings. Tall building walls shall have an apparent base, middle, and top.
2. Facade Modulation. Any facade exceeding thirty (30) feet in length shall include at least one change in wall plane such as projections or recesses, having a depth of at least three (3) percent of the entire length of the facade; this projection or recess shall extend over at least twenty (20) percent of the entire length of the facade. Mixed-use developments shall be exempt from the facade modulation standard.
3. Vertical Architectural Features. Columns, pilasters, piers, vertical changes in wall planes, or vertical changes in texture or material shall be considered vertical architectural features.
4. Building Base. A recognizable base shall include, but shall not be limited to:
  - a) Thicker walls, ledges, or sills.
  - b) Integrally textured, colored, or patterned materials such as stone or other masonry.
  - c) Raised planters which are integral to the building facade.

F. Gutters and Downspouts:

1. Intent. Building devices used to control rainwater shall be compatible with the roofing system and shall not dominate the facade of a building. Parapets and cornices shall not be interrupted by stormwater elements.
2. Exposed gutters are prohibited for use with flat roofs.
3. Exposed downspouts shall only be allowed at interior corners.
4. Gutters and downspouts shall be constructed of high-quality, commercial-grade metal.

G. Windows:

1. Intent. Windows shall be vertically proportioned; this allows the window opening to appear to be structurally supported. Upper-story windows shall logically align with buildings bays and windows on the ground floor, so the upper floors look like they are part of the same building as the ground floor.
2. Proportions. Window panes shall be vertically proportioned.
3. Trim. Window openings on brick, stone, cast stone, or synthetic stone buildings shall not be trimmed. Lintels, sills, and arches are not considered trim. Window openings without trimming or molding shall have window frames at least two (2) inches wide when looking at the finished facade of the building.
4. Upper Story Windows. Windows located above the ground floor shall align with ground floor windows, ground floor doors, and the building modulation.

Glazing:

1. Intent. The primary facade of a ground floor of a building shall include transparent building materials. Ground floor transparency guarantees a visual connection to the passers-by and is usually necessary for most retail structures. By exposing the ground floor to the exterior, there is an invitation to participate with the activity inside.
2. Required Transparency. Primary facades shall provide a minimum of twenty-five (25) percent glazing or transparency. This calculation includes the area of a building on the same plane of the glazing material and not intended to include articulation or recessions.
3. Primary Facade. A primary facade shall be considered any front facade or facade that fronts onto a street, accessway, pedestrian walkway, or internal drive; alleys and service drives shall not be considered streets, accessways, or internal drives for the purposes of this requirement.
4. Pedestrian View Plan. The pedestrian view plane shall be defined as the exterior wall area located between two (2) feet and ten (10) feet above the exterior grade.
5. Transparency. Glazing shall be considered to be transparent if it is one hundred (100) percent transparent from both the exterior and the interior of the building.

H. Awnings:

1. Intent. Because they provide shade, protect buildings and pedestrians from sun, rain and snow, and add a more intimate scale to the building, awnings are encouraged but not required for use on the ground floor of a building with retail uses.
2. Length. Awnings shall be no longer than a single storefront and not intended to extend between multiple tenant spaces.
3. Height. The bottom of the awning shall not be higher than the top of the windows. The bottom of the awning shall generally be no higher than nine (9) feet above the average exterior grade.
4. Shape. Awnings shall fit the character and design of the building and be pedestrian-scaled. Awnings for rectangular openings shall be simple, shed shapes.
5. Material. Awnings shall be constructed of fabric, metal, or glass. Fabric awnings are encouraged; canvas awnings with a matte finish are preferred. Awnings with high gloss finish are discouraged. Illuminated, plastic awnings are prohibited.
6. Color. Awnings shall be constructed of fabric, metal, or glass. Fabric awnings are encouraged; canvas awnings with a matte finish are preferred. Awnings with high gloss finish are discouraged. Illuminated, plastic awnings are prohibited.

I. Building-Mounted lighting:

1. Intent. Building-mounted lighting shall be used to highlight the architectural features of the building and shall not completely light up the entire facade of the building.
2. Building-mounted lighting may be used only to highlight specific architectural features or primary customer or building entrances. General floodlighting of building facades is not permitted.

3. Building-mounted neon or LED lighting is allowed only when recessed or contained in an opaque cap or architectural reveal.
- J. Pedestrian Accommodations:
1. Walkways. Walkways shall directly connect each front door or entrance with surrounding sidewalks, walkways, or paths. In the Entertainment District, a sidewalk shall have a minimum width of ten (10) feet when directly adjacent to a public roadway and five (5) feet elsewhere. All properties and tenant spaces shall provide a means of ADA access between the storefront and to the public sidewalk network and/or parking fields where applicable.
  2. Crosswalks. Pedestrian crossing zones shall be highlighted by the use of white traffic marking paint to delineate the crossing path. The area may be striped in, linearly with the crossing, or in boxes as 'continental stripping'. To shorten the crossing distances for pedestrians, and protect on-street parking, bump outs should be utilized to extend the sidewalk area and narrow the roadway.
- K. Landscaping:
1. Intent. The intent of this section is to provide greenery to visually soften paved areas and buildings; to establish optimum environmental conditions by providing shade, air purification, oxygen regeneration, utilization of groundwater, retardation of stormwater runoff, and abatement of noise, glare and heat; to ensure the replenishment of the local stock of native trees by utilizing plant materials that are generally native or hearty to the region; to preserve existing trees; to screen certain unsightly equipment or materials from the view of persons on public streets or adjoining properties; and to buffer uncomplimentary land uses and generally enhance the quality and appearance of developed properties within the city.
  2. General Requirements. All land area which are to be unpaved or not covered by buildings shall be brought to finished grade and planted with turf or native grass or other appropriate ground cover. In addition to the minimum number of trees required to be planted by this section, an appropriate number or amount of shrubs, ground cover and/or turf area plantings shall be included within each project. Street trees are required along all streets and roadways. Street trees provide continuous shade as well as a physical and visual barrier between pedestrians on the sidewalk and vehicles in the roadway. For the purpose of this standards, alleyways and service drives shall not be considered a street or roadway.
  3. Minimum Tree Requirements. Each parcel or development shall provide a minimum of one tree per forty (40) feet of public or private street frontage. Street trees shall be spaced a minimum of fifteen (15) feet and a maximum of forty (40) feet for the full length of all streets and roadways. Where not allowed within the public right-of-way, street trees shall be planted on the private lots along the right-of-way.
  4. Minimum Planting Requirements shall be as follows:
    - a) Medium and large deciduous shade trees - two (2) inch caliper as measured six (6) inches above ground.
    - b) Small deciduous or ornamental trees - six (6) feet in height.

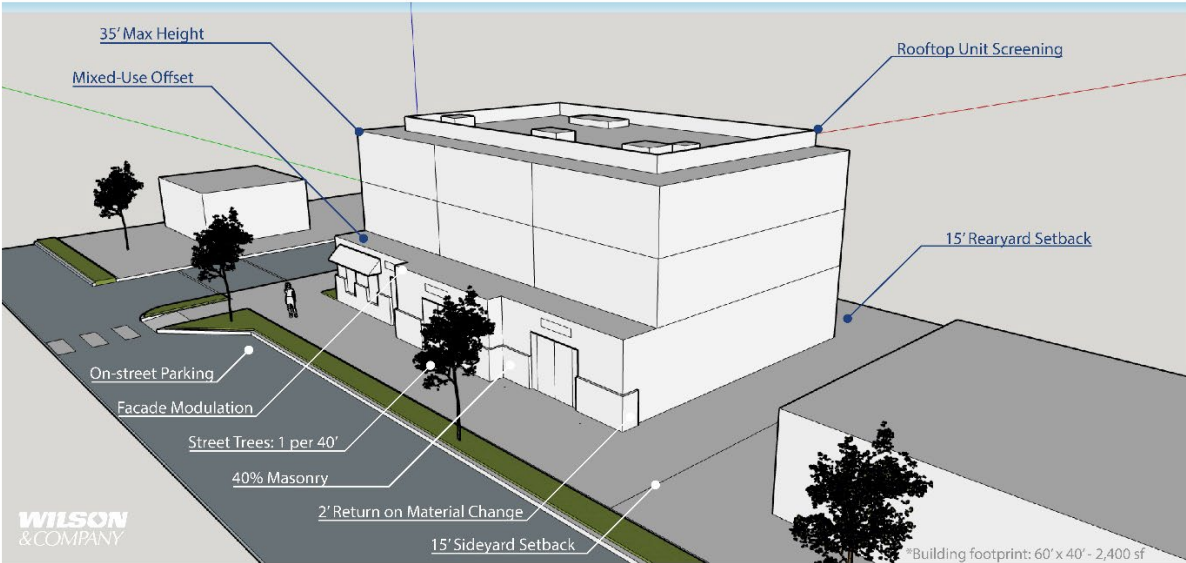
- c) Conifers - five (5) to six (6) feet in height.
  - d) Upright evergreen trees - four (4) feet in height.
  - e) The size of deciduous and conifer shrubs, including spreader and globe tree forms, shall be determined by the applicant.
  - f) Ground cover plants, whether in the form of crowns, plugs or containers, shall be planted in a number as appropriate by species to provide fifty (50) percent surface coverage after two growing seasons.
- L. Screening Requirements. Plans for all residential projects containing multifamily dwellings, all non-residential projects, and all commercial projects shall provide screening of utility units by use of landscaping or architectural elements.
1. Trash containers, trash compactors, roll-off recycling containers, and groupings of three or more recycling containers and/or recycling containers larger than ten (10) cubic yards shall be screened from public view on all four sides with a solid wall constructed of masonry and a gate constructed of compatible, durable, low-maintenance materials, and shall be appropriately landscaped.
  2. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture.
  3. For purposes of this section, the phrase "screened from public view" means not visible from any adjoining properties or any street right-of-way. (Ord. 2022-2, 1-4-2022)

#### 10-4-17.10 Illustrations

Illustrations of the design standards and the dimensional standards contained within this chapter are reflected in the figures below:



*Application of Dimensional and Building Standards 1*



*Application of Dimensional and Building Standards 2*

#### 10-4-17.11 Supplemental Nature

- A. The Entertainment District Overlay Zone supplements but does not replace the base zoning of the property within the Entertainment District's boundaries. In the case of a conflict between the provisions of the Entertainment District Overlay Zone's standards and those of the base zoning or any other zoning regulation, the Entertainment District Overlay Zone's provisions shall prevail.
- B. Exception. The standards and restrictions contained within Sections 10-20-5 through 10-20-10 of this chapter shall not apply to properties within the Entertainment District which are zoned R-1 Single Family Residential." (Ord. 2022-2, 1-4-2022; amd. Ord. 2022-8, 6-21-2022)

#### 10-4-17.12 Zoning Map Amended

The Official Zoning Map for the city is hereby amended to reflect the adoption of the Entertainment District Overlay Zone.  
(Ord. 2022-2, 1-4-2022)



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