

## **AMENDMENT NO. 6 TO THE UNIFIED DEVELOPMENT CODE EXECUTIVE SUMMARY**

The Unified Development Code (UDC), Chapter 350 of the Code of Doña Ana County, is a living document that has been in effect since February 2017 and has previously undergone a total of five Amendments. Staff and the Planning and Zoning Commission (P&Z) have determined that additional changes to the UDC are necessary to help clarify and streamline the development process as they are in the public interest to improve the overall public health, safety and general welfare of county residents.

The P&Z held four Public Hearings to discuss this amendment at their regular meetings on August 22, 2024, September 12, 2024, September 26, 2024, and on October 10, 2024, and they unanimously recommended adoption to the BOCC by a vote of 7-0-0. The Development Review Committee also reviewed these Amendments at their regular meeting on August 15, 2024, and recommended approval to the P&Z for adoption.

The Board of County Commissioners reviewed this amendment at their Regular Meeting on October 22, 2024, and authorized proof of publication for a public hearing on November 12, 2024. Generally, Amendment No. 6 to the UDC Amendment corrects clerical errors or omissions from previous ordinances, updates and clarifies the following Sections of the UDC:

### **1. § 350-104 Administrative authority and duties.**

C. Planning and Zoning Commission. Clarification: Adding the phrase “submitted in conjunction with the preliminary plat” if requesting a modification or alternative design to the subdivision plat.

### **2. § 350-201 General public hearings.**

F. Limitations on rehearing. New section states that if an application is denied, the request cannot be applied for within one year from the date of the denial.

### **3. § 350-203 Zone changes.**

D. Decisional criteria for a zone change.

(12) Approval procedures and conditions, adding a sentence that if a zone change is granted conditional approval, this will be reflected on the official zoning map by a lower case ‘c’ following the new zoning designation.

### **4. § 350-210 Building permits and mobile home installation permits.**

Correcting title of section due to a previous amendment and adding a sentence that a building permit may be refused until compliance with all county codes and ordinances.

### **5. § 350-214 Expiration of land use applications and compliance with code violations.**

Adding if the property is undergoing any land use application and has zoning, code or building permit violations, the application may not be submitted until such violations are corrected or abated.

### **6. Table 5.1 Land Use Classification Matrix: Zoning Districts**

- Eliminating the Agricultural Assessment “A” and permitting “P” ag uses by right if use is existing for on-farm operations only and they meet the definition of that use \*\*, new uses or off-site uses will require an SUP, eliminating high density residential areas, see summary table below.
- Eliminating apartments and condos in D2 and D2L zone as these are considered high density, RV parks not permitted in D3 zone, mobile food vendors by SUP in T2, T3 and T4 zones, eliminating mobile food vendors in all residential zones
- Adding new uses Campground and Event Center
- Expanding categories of existing uses: adding boarding, training or riding facility to a commercial stable, adding RV and Boat storage to Ministorage unit category, and adding outdoor or enclosed storage to a construction yard, and adding storage only to wrecking service, specifying no dismantling.

**Legend\*\*** Permitted for existing on-site farm operations only; packaging, warehousing and processing of off-site products may be permitted; an SUP is required if not allowed by right.

Primary Use of Property	N	T2	T3	T4	T5	R5	R5L	D1	D1L	D2	D2L	D3	DM	MU	C1	C2	C3	I1	I2	I3
Agricultural packaging and warehousing**		P				P	P	S	S							P	P	P	P	P
Agricultural processing facility**		P				P	P	S	S								P	P	P	P
Farming and ranching		P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Grain Storage**		P				P	P	S	S									P	P	P
Livestock pen**		P	P			S	S	S	S									P	P	P

**7. § 350-502 Regulations general to all zones.**

**Table 5.2 Conditions for Transect Zones**

Deleting Lodging as the number of rooms or RV spaces are capped at 12 in the T4 zone and deleting seating requirements being capped at 40 for alcohol and food establishments.

**8. § 350-502 Regulations general to all zones.**

**B. General Use Standards**

(6) Eliminating travel trailers and recreational vehicles from approved mobile home parks and only allowing them in approved recreational vehicle parks

(8) Commercial vehicle parking. Deleting ambiguity and clarifying that ag vehicles can be parked on farms for on-site farm operations and adding the cab only maybe parked on properties that are larger than ¾ acre.

(10) Other structures. Clarify that accessory buildings shall not be allowed except where a primary building is permitted and exists prior to the construction of the accessory building, including shipping containers, which do require a building permit per the Building Code.

(12) Outdoor storage. Changing Outside storage to outdoor storage and clarifying that outdoor or enclosed storage is not permitted as a primary use in a residentially zoned area.

**C. Lots, driveways, and residential access.**

(6)a & (6) b. For reducing access requirements for all development, changing approval from Zoning Administrator to the County Engineer and eliminating the approval to one every five years.

**D. Principal building, accessory building, setbacks and building height.**

(6) Building separations. Adding phrase “unless otherwise specified in this Chapter”, as there are specific separation distances for accessory buildings listed in the Site Standard tables for the zoning districts

**9. Tables 5.4, 5.5 and 5.8**

Increase accessory dwelling size from 1,250 sf to 1,800 sf in the T2, R5 & R5L, T3, and D1 &D1L zones.

**10. §350-502 Regulations general to all zones.**

**G. Cannabis Establishments** (2) Clarifying that the shortest direct line measurement is measured from the actual limits of the licensed premises of a proposed cannabis establishment, cannabis consumption area, or cannabis courier rather than the real property and including from a residential area in this measurement.

**11. H. New section Regulating Mobile Food Vending Businesses**

**12. I. New section Regulating Campground and Recreational Vehicle Parks**

**13. J. New Section Regulating Recreational Outdoor Events**

**14. § 350-504 Regulations specific to use zones.**

H. Regulations specific to DM Zone. The DM Zone is primarily for Mobile and Manufactured homes as these are permanent structures and eliminating RVs and Campgrounds for this zoning district as these are temporary and not permanent structures.

**15. § 350-702 Glossary and § 350-703 Acronyms.**

Revisions to the Existing Definitions, added new definitions and EID added to 350-703

**17. § 350-800 Article VIII Appendices**

Adding the following diagrams:

**§ 350-831. Appendix EE. Standard Garden Wall Design**

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