

This Ordinance is being re-recorded

to correct typographical errors on pages 19, 23, 24 and 26.

DOÑA ANA COUNTY ORDINANCE NO. 317-2020

AN ORDINANCE AMENDING CHAPTER 350, THE UNIFIED DEVELOPMENT CODE, OF THE COUNTY OF DOÑA ANA, AMENDMENT NO. 2. This amendment repeals and replaces the following sections: Section 350-104 (Administrative Authority and Duties); Section 350-105 (Administrative Committees and Department Directors); Section 350-202 (Specific Land Use Application Procedures); Section 350-203 (Zone Changes); Section 350-207 (Variances); Section 350-208 (Detailed Site Plan Review Process); 350-209 (Legal Nonconforming Uses and Lots); Section 350-210 (Building Permits, Mobile Home Installation Permits, and Elevation Certificates); Section 350-211 (Subdivision Authority and Conformance); Section 350-212 (Subdivision Procedures); Section 350-405 Public Lighting; Section 350-407 (Subdivision Data Requirements); Section 350-501 (Zoning Districts); Section 350-502 (Regulations General to all Zones); Section 350-504 (Regulations Specific to Use Zones); Section 350-507 (Landscaping, Buffering, and Fencing); Section 350-508 (Signs); Section 350-510 (Home Occupation Permits); Section 350-511 (Keeping of Animals); Section 350-604 (Flood Damage Prevention); Section 350-608 (Clear Sight Triangle Drawings); Section 350-702 (Glossary); and Section 350-800 (Appendices).

WHEREAS, on December 13, 2016 the Board of County Commissioners ("BOCC") approved and adopted Ordinance No. 287-2016, the Unified Development Code for Doña Ana County ("UDC"), which has been codified as Chapter 350 in the Code of Doña Ana County; and

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

WHEREAS, County Staff has administered the UDC since its effective date of February 2, 2017 and Amendment No. 1 to the UDC was adopted by the BOCC on November 14, 2017, which corrected and clarified provisions to minimize variance applications and improve the code to make it more user and development friendly; and

WHEREAS, based on daily usage of the UDC and input received from County Building Services, Engineering, Flood, Fire, Legal and the Utility Departments, Staff has identified additional areas that need change and has developed recommendations now incorporated into Amendment No. 2; and

WHEREAS, the Development Review Committee also reviewed and discussed these amendments on September 24 and October 1, 2020 and recommended approval of the proposed Amendment No. 2 to the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission reviewed and discussed Staff's proposal at numerous work sessions and meetings, voting unanimously (6-0-0 of those present) on October 22, 2020 to recommend the proposed UDC amendments for adoption to the BOCC, with the exception of the street lighting proposal, which passed by a vote of 4-2-0; and

WHEREAS, County Staff, the Planning and Zoning Commission, the Development Review Committee and the Board of County Commissioners have determined this amendment is in the public interest and is necessary to improve the overall public health, safety and general welfare of its residents.

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

