

Amendment 2007-01 to the ETZ Zoning Ordinance No. 88-02

The ETZ Commission and Authority having considered the following amendment to the Las Cruces Extra-Territorial Zoning Ordinance No. 88-02 (as previously amended), and having found that approving and enacting this amendment to the current Ordinance is in the best interest of the public in order to protect the health, safety, and general welfare of the public, the following amendment is hereby approved. Additions appear underlined. These changes are to be incorporated into the codified Ordinance maintained and distributed through the County Community Development and Planning Office.

Article VIII KEEPING OF ANIMALS

Section 8.1 KEEPING OF LARGE ANIMALS

The following regulations are established for the keeping of large animals in ER1M, ER1, ER2M, ER2, ER3M, ER3 and ER3H zoning districts. The keeping of large animals within the ER3/4M, ER3/4, ER4M and ER4 districts shall be permitted by Special Use Permit only. When the youth are involved in a sanctioned 4-H and/or Future Farmers of America (FFA) program and the livestock are housed on the property on a temporary basis, parcels are exempt from the provisions of Sections 8.1.A through 8.2.G, however the property must have one of the above zoning designations. The minimum standards for the keeping of livestock shall follow the USDA'S Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching.

8.1.A All lots shall have a minimum of forty-three thousand five hundred sixty (43,560) square feet (one acre) for the keeping of large animals.

8.1.B Density per acre limitation for livestock is not applicable to young animals below weaning age or six (6) months of age, whichever is greater.

8.1.C One (1) acre or more- horses, mules, donkeys, swine, llamas, bovines and peacocks: minimum open lot area (not including dwelling unit) shall be nine thousand (9,000) square feet for the first animal and six thousand (6,000) square feet thereafter for each additional animal, provided the total number of such animals shall:

- not exceed a density of two (2) animals per acre on lots of less than two acres in size.
- not exceed a density of three (3) animals per acre on lots of two (2) acres and larger.

Mature stallions, bulls, buffalo and beefalo shall be prohibited from lots containing less than two (2) acres. Additional large animals will require a Special Use Permit. For animals not mentioned here, the density per acre limitation shall be determined by the Planning Director after consultation with relevant agencies.

No such animal shall be kept closer than thirty-five (35) feet to an adjoining dwelling.

8.1.D Keeping of animals shall not be permitted in the required front, side and street-side yard setbacks.

8.1.E No animal dwelling unit shall be kept closer than one hundred (100) feet to any private water well or closer than two hundred (200) feet to any public water well.

8.1.F The keeping of large animals shall be subject to the following development standards:

- 1. Corral size-** every corral to be provided shall have a minimum width or length of not less than twelve (12) feet and shall contain not less than two hundred forty (240) square feet of area.
- 2. Box stall-** every box stall to be provided shall have a minimum of twelve (12) feet of length and width.
- 3. Fencing-** fencing to be provided shall be subject to the following:
 - a. Materials and construction-** fencing may be constructed of wood, chain link, masonry, metal and materials with the structural integrity sufficient to contain animals.
 - b. Fence posts-** fence posts may be constructed of wood, metal, concrete or materials with the structural integrity sufficient to contain animals.
 - c. Fence height-** fences to be provided for enclosure shall be maintained not less than four and one half (4 1/2) feet in height. For use in conjunction with stud stalls, such fence shall be maintained not less than six (6) feet in height.
- 4. Shade-** corrals containing less than four hundred fifty (450) square feet of area shall have at least fifty-four (54) square feet of shade, provided by either roof, trees or other means.
- 5. Water facilities-** running water facilities shall be provided within fifty (50) feet of each stall and/or corral and each animal shall have access to fresh water.
- 6. Maintenance-** all stall and corrals shall be continuously maintained with preservatives, fasteners and other materials so as to maintain appearance and prevent deterioration and animal escape.
- 7. Containment devices-** substantial and acceptable locking or latching devices shall be provided and installed on all gates and doors to animal areas located thereon in such a manner so as to be inaccessible to animals and small children. This will prevent unauthorized entry and animal escape.
- 8. Dust control-** all areas used as arenas for exercising, training or exhibition of animals shall be maintained to abate dust by dampening (spraying water) or other acceptable means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties.

- 9. Compliance with health regulations-** the keeping and maintenance of large animals, as provided for in this Section, shall comply with all regulations and provisions of the Health and Sanitation laws of the state Environment Improvement Department and the county. All premises and facilities upon which animals, poultry or fowl are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread at least once a week so as not to constitute a nuisance and all premises and facilities shall be treated weekly with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents which in any way can be considered a clear and present nuisance or detriment to the health, safety, comfort, welfare, peace and/or tranquility of the general public.

Section 8.2 KEEPING OF SMALL ANIMALS IN LOWER DENSITY DISTRICTS

The following regulations are established for the keeping of small animals such as goats, sheep, miniature horses and the like and very small animals such as rabbits, poultry and fowl in the ER1M, ER1, ER2M, ER2, ER3M, ER3, ER3H, ER3/4M, ER3/4, ER4M and ER4 zoning districts. For animals not listed here, the density per acre limitations shall be determined by the Planning Director after consultation with relevant agencies.

8.2.A The following are the minimum areas required and the maximum density of very small and small animals allowed on a single lot.

1. Very small animals- minimum area of open lot area (not including front and side setbacks or dwelling unit) shall be six (6) square feet for each very small animal, providing that the total number of animals does not exceed the number calculated by this formula:
 - multiply the size of the lot or parcel, expressed numerically in acres carried to two decimal places, by a factor of eighty (80) [ex. 2.5 acres * 80 = 200 very small animals]
2. Small animals- minimum area of open lot area (not including front and side setbacks or dwelling unit) shall be two thousand (2,000) square feet for each small animal, providing that the total number of animals does not exceed the number calculated by this formula:
 - multiply the size of the lot or parcel, expressed numerically in acres carried to two decimal places, by a factor of eight (8) [ex. 0.65 acres * 8 = 5.2, or 5 small animals]

8.2.B No such animal shall be kept closer than thirty-five (35) feet to an adjoining dwelling.

8.2.C Keeping of such animals shall not be permitted in the required front, side and street-side yard setbacks.

8.2.D All small animals shall be provided with adequate enclosures to contain them within the boundaries of the owner's property.

8.2.E No animal dwelling unit shall be kept closer than one hundred (100) feet to a private water well or two hundred (200) feet from a public water well.

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

8.2.G The keeping and maintenance of small animals, as provided for in this Section, shall comply with all regulations and provisions of the Health and Sanitation laws of the state Environmental Improvement Division and the County.

Section 8.3 KEEPING OF SMALL ANIMALS IN HIGHER DENSITY DISTRICTS

In the ER5M, ER5, ER6M, ER6, ER7M and ER7 zoning districts, only small domestic animals, such as dogs, cats or birds may be kept as per county ordinances.

Adopted and approved by the Las Cruces Extra-territorial Zoning Authority at the monthly meeting of its' membership, held on November 14, 2007.

THE EXTRA-TERRITORIAL ZONING AUTHORITY




Gil Jones, Chairperson (aye)



William J. McCamley, Vice Chairperson
(aye)

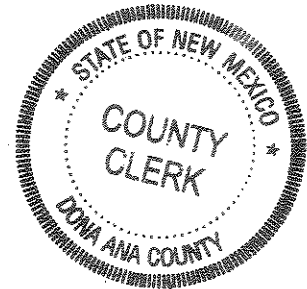
José V. Fietze, Member (absent)



Karen G. Perez, Member (aye)



D. Kent Evans, Member (aye)



COUNTY OF DONA ANA)
STATE OF NEW MEXICO) ss

ORDER/DAC
PAGES: 5

Hereby Certify That This Instrument Was Filed for
Record On The 27TH Day Of November, 2007 at 09:41:53 AM
and Was Duly Recorded as Instrument # 0739226
of The Records Of Dona Ana County

Witness My Hand And Seal Of Office
Rita Torres
Deputy County Clerk, Dona Ana, NM
