

5.11.4 Keeping of Small Animals in Higher Residential Density Districts

In the D3 and DM residential districts, only small domestic animals, such as dogs, cats or birds may be kept per county ordinances.

5.11.5 Requirements for 4H and FFA Projects/Programs

When the youth are involved in a sanctioned 4H or FFA project/program and the animals are housed on the property on a temporary basis, they shall maintain proof of their involvement along with a beginning and ending date of each project/program.

a. Exemptions

- i. Youths who actively participate in 4H or FFA, shall not be required to obtain a special use permit (S) so long as the parcel is at least 0.75 acres in size for large animals and 0.50 acres for small animals. Youths shall be exempt also from the open property area and density (Section 5.11.1.c), corral size (Section 5.11.1.h.i) and box stall size (Section 5.11.1.h.ii) requirements of this Article.
- ii. All other zoning districts not listed or properties with a parcel size of less than 3/4 acre shall be required to obtain a special use permit (S).

5.11.6 Nothing in this section shall be construed to allow the violation of any other code, ordinance or statute.

5.12 AIRPORT DISTRICT

~~See Chapter 125 of the Doña Ana County Code.~~

5.12.1 Purpose.

~~The purpose of the EAO districts is to protect the operations of airports within Doña Ana County from encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth of the airports. Since the boundaries associated with this district are dependent upon the physical boundaries of specific airport features, the boundaries shall change as necessary with respect to any changes in these features.~~

~~5.12.2 The airport boundaries, uses, and restrictions for development within the 2.5-mile Area of Disclosure shall adhere to all applicable restrictions outlined in the Federal Regulations Title 14 Part 77 (Height Restrictions) and Part 150 (Noise and Land Use Compatibility).~~

~~a. All subdivisions within the 2.5-mile Area of Disclosure shall require disclosure of the land's proximity to an Operational Airport by any person or entity subdividing land within this 2.5-mile area. Disclosure of this information shall be required in the following documents.~~

~~i. Filed Plat and Disclosure Statement.~~

~~Shall include minimum required language and a detailed graphic indicating location of subject property and airport with the following minimum criteria: drawn on 8.5"x11", north arrow, location of airport runways, location of proposed subdivision, location of 2.5-mile Area of Disclosure, and~~

approximate distance from the end of closest runway to closest point of the proposed subdivision.) As shown in the manner set forth in Exhibit Z

ii. Aviation Easement.

The developer/owner of a subdivision within the 2.5-mile Area of Disclosure shall grant an aviation easement covering portions of said subdivision that are within the 2.5-mile Area of Disclosure, that easement to grant to all persons lawfully using the Las Cruces International Airport the right and easement to use the airspace above the 2.5 mile Area of Disclosure for the operation of aircraft for aviation purposes, and to create noise normally associated with the routine operation of aircraft. The grant of easement shall limit the exercise by the grantees of such rights to be only in the manner consistent with safe and proper flying procedures promulgated by agencies of the United States government and the State of New Mexico, specifically consistent with applicable Federal Aviation Regulations. The aviation easement shall be created and filed of record prior to the recordation of the subdivision plat. Each aviation easement shall be signed by the grantor(s). Reference to the aviation easement shall be included in the following:

- (a) Disclosure Statement.
- (b) Final Plat Notes indicating existence of aviation easement.

5.12.43 Any land within the Airport Zone of the Doña Ana County Jetport shall conform to Chapter 125, Airport.

5.12.24 Setbacks for loading facilities from railroad tracks or airport taxiways may be reduced to 0 feet.

5.13 WIRELESS COMMUNICATIONS FACILITIES

5.13.1 Purpose

The purpose of this Section is to encourage consistent and safe wireless communication infrastructure and accommodate reasonable and reliable access to communications facilities and networks, consistent with “Plan 2040”. This Section ensures the placement, construction or modification of wireless facilities complies with all applicable federal laws, including without limitation, Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1455(a) (“Section 6409”). This Section applies to all new communications facilities or new appurtenances to existing facilities except facilities utilized for law enforcement, fire, ambulance and other emergency dispatch functions.

5.13.2 Approvals Required for Wireless Facilities and Wireless Support Structures

Wireless Communications Facilities (WCF) and Wireless Support Structures (WSS) are permitted in locations depicted in the Land Use Classification Matrices in Table 3.5 and Table 5.1. The following sections outline the Classification Criteria, specific exemptions, types of zoning approvals, and permitting required for WCF.

5.13.3 Classification Criteria.

New WCF, WSS, and modifications to existing, permitted wireless facilities are classified as follows: