



DOÑA ANA COUNTY
Department of Planning and Development
Intra-Departmental Memorandum

To: Extra-territorial Zoning Authority and Commission	Date: August 16, 2013
From: Steve Meadows, ETZ Planner	
Subject: Clerical Corrections of Sections 3.1.B.2.a, 3.1.I.1.b, 3.1.I.1.c, 4.1.E.1.c, and 9.13	

During the course of applying the ETZ Ordinance to specific issues staff has identified errors in the language (i.e. clerical errors and typo errors) in the ETZ Ordinance No. 88-02, as amended. The purpose of this memo is to correct those clerical errors and typos per Section 2.5.C/Administrative Corrections of Clerical Errors.

Per Section 2.5.C of the ETZ Ordinance staff is allowed to make corrections to the Ordinance that are clearly a clerical error such as typo errors, map boundary lines or any error that is clearly a clerical error and not a purported erroneous decision. "Staff may correct such errors administratively and shall report such correction immediately to the Extra-territorial Zoning Commission and to the Extra-territorial Authority."

The following Sections are subject to the clerical corrective actions: Section 3.1.B.2.a, 3.1.I.1.b, 3.1.I.1.c, 4.1.E.1.c, and 9.13. All instructions will be *italicized*, new language will be underlined, and deleted language will be denoted by ~~strikeouts~~.

3.1.B.2.a PURPOSE *(Add an s to make building plural to coincide with all other large lot zoning districts)*

The ER2 zoning district is intended as a residential district of single-family site-built homes on large size lots specifically designed for keeping certain livestock with not more than one (1) dwelling unit and customary accessory buildings upon one (1) lot. It is intended that the ER2 district meet the demand for those lifestyles that include the raising and keeping of animals in a rural atmosphere in areas where the impact of such activities on those who do not share this lifestyle is negligible.

3.1.E.1.c ER4M PERMITTED USES *(Delete Item #12 as it is required in Item # 9 under ER4M Special Use Permits)*

The following uses are permitted by right in the ER4M district:

1. Cluster developments in accordance with the Subdivision Regulations adopted by the ETZ Authority
2. Detached single-family site-built homes and mobile homes
3. Garage and yard sales or similar uses, limited to three (3) sales in a one (1) year period at a single address and each sale shall be limited to three (3) consecutive days
4. Greenhouses (non-commercial), garden and tool sheds. If detached from the main dwelling, the structures are subject to the provisions of Accessory Buildings under Article VII of this Ordinance.
5. Home occupations subject to Section 3.4 of this Article
6. Private swimming pools provided the provisions of Article 5 of this ordinance for fencing are met. The pool shall be no closer than five (5) feet from any property line and approval from all utilities is obtained to ensure overhead safety.
7. Recreational vehicles such as boats, trailers or similar uses, limited to a maximum of one (1) per dwelling unit in the front or side yard, and no limitations for the rear yard, provided there is at least a distance of five (5) feet from any property line
8. Residential type satellite dishes, television or receiving antenna, roof mounted, and not exceeding twenty (20) feet in height at the highest point on the roof
9. Septic tanks in accordance with the regulations of the New Mexico Environmental Improvement Division (EID) and Section 3.02 of this Article
10. Temporary real estate offices, when used in conjunction with a residential subdivision, provided such use is discontinued upon the completion of the development or within three (3) years from the date the building permit is issued, whichever is sooner
11. Keeping small animals subject to Article VIII of this Ordinance
- ~~12. Keeping large animals on lots of one (1) acre or greater size subject to Article VIII of this Ordinance~~

3.1.E.1.d ER4M SPECIAL USE PERMITS

The following uses require a public hearing pursuant to Section 2.1.G of this Ordinance and approval by the ETZ Commission:

1. All types of agriculture
2. Boarding houses and rest homes
3. Cemeteries

4. Community and publicly owned recreational centers, clubhouses and similarly used buildings and structures open to the public
5. Day care center or child care center for seven (7) or more children
6. Guest ranches
7. Parks, golf courses, churches, schools and other public or semi-public and open recreational uses
8. Public utility installations, substations and water wells
9. ***Keeping large animals and fowl on lots of less than one (1) acre in size***
10. Keeping wild or exotic animals and fowl
11. Sale of farm produce provided it is raised on the premises
12. Veterinary facilities
13. Wineries and/or wine tasting rooms

3.1.1.1.b DEVELOPMENT REQUIREMENTS *(Add development requirements table as it did not transfer over during the Word Perfect to Word document conversion)*

<u>Maximum density</u>	<u>15 dwelling units per acre</u>
<u>Minimum lot size</u>	<u>5,000 square feet</u>
<u>Minimum lot width</u>	<u>60 feet</u>
<u>Minimum lot depth</u>	<u>70 feet</u>
<u>Minimum front setback</u>	<u>20 feet</u>
<u>Minimum side setback</u>	<u>7 feet</u>
<u>Minimum rear setback</u>	<u>20 feet</u>
<u>Maximum height</u>	<u>45 feet</u>

b

3.1.1.1.c ER7 PERMITTED USES *(Renumber Section 3.1.1.1.b to 3.1.1.1.c)*

The following uses are permitted by right in the ER7 district:

Section 9.13 REPLACEMENT OF LEGAL NONCONFORMING MOBILE HOMES WITH SITE BUILT DWELLINGS *(Remove the word neither to correct the grammar)*

Legal nonconforming mobile homes may be replaced with site built dwelling, including duplexes, provided that ~~neither~~ the total number of dwellings or bedrooms is not increased