

**CITY OF ELEPHANT BUTTE
ORDINANCE NO. 142**

**AN ORDINANCE OF THE CITY OF ELEPHANT BUTTE, NEW MEXICO
TO CHANGE THE ZONING DESIGNATION OF SEVERAL LOTS SITUATED NORTH OF
WARM SPRINGS BOULEVARD AND EAST OF YAPLE CANYON ROAD MORE
SPECIFICALLY DEFINED HEREIN
AND FURTHERMORE AMENDING SECTIONS 155.031 AND 155.033 OF THE CITY CODE
TO REFLECT THE CORRESPONDING DESIGNATION CHANGES.**

WHEREAS, THE Governing Body of the City of Elephant Butte did duly adopt Ordinance Number 94 on August 3, 2006 establishing an official Residential-Agricultural Zoning District Map, Zoning District and Boundaries, since codified as Section 155.031 of the City Code; and

WHEREAS, the establishment of Ordinance Number 94 extended the boundaries and regulations of the R-Ag "Residential-Agricultural" zoning district to certain properties within the city limits, including Unit 29 Block 14 of Elephant Butte Estates Lots 1-4 and Unit 29 Block 15 of Elephant Butte Estates Lots 1-12 (herein referenced as "the properties"); and

WHEREAS, the City Council of Elephant Butte (hereafter the "Council") is in receipt of Re-zoning Application #RZ-13-01 submitted by the owner of the aforementioned properties, Bell Revocable Trust, in the care of Mr. Steve Bell, requesting a zone change from an R-Ag to a C-2 zoning designation for those said properties; and

WHEREAS, in accordance with Section 155.006(K) of the City Code, the City of Elephant Butte Planning and Zoning Commission conducted a duly advertised public hearing regarding Case #RZ-13-01 on November 5, 2013, after which it made findings of fact and, per Section 155.006(J)(4)(a), unanimously recommended that the Council consider changing the zoning designation to C-2 for the subject properties; and

WHEREAS, the Council conducted a duly advertised public hearing to consider this ordinance on November 20, 2013 in accordance with Section 155.006(K) of the City Code; and

WHEREAS, pursuant to Sections 155.006(C)(4) of the City Code, the Council makes the following findings relative to the zone change of the properties:

1. The properties would form a contiguous tract of land with properties already designated as C-2, are adjacent to and are situated within a transitional transect of land uses in which commercial uses would be compatible and thus would not constitute a spot zone;
2. The zone change may have the potential to increase values of surrounding properties by allowing commercial uses and would not impair an adequate supply of light and air to adjacent properties;
3. The existing and planned infrastructure for the properties is satisfactory to afford zone changes at this time since the properties are undeveloped and infrastructure enhancements may be required to be addressed as part of future subdivision and/or development proposals;
4. The zone change would not unreasonably increase the traffic in public streets provided that future improvement standards and conditions be met in accordance with the prevailing codified City subdivision and site development standards;
5. The zone change would be harmonious with adjacent properties and promote orderly growth and development patterns within the city and as such would not increase the danger of fire or impair public health, safety or general welfare in the city;
6. The zone change would be consistent with the goals and objectives of the City of Elephant Butte Comprehensive Plan. Specific sections within the Comprehensive Plan that support the zone change include the encouragement of commercial land uses along Highway 171 (Ch. 2.E.1: Goal 1, Obj. 1), achieving economic stability, diversity and growth to serve visitors and residents (Ch. 6.C.1: Goals 1 & 2, Obj. 2) and expanding a healthy commercial sector and potential development sites (Ch. 6.C.1: Goal 2, Obj. 3).

NOW THEREFORE, BE IT ORDAINED By The Governing Body Of The City Of Elephant Butte, that the zone district designation be changed to C-2 "Commercial Zoning District" for the properties legally described herein as Unit 29 Block 14 of Elephant Butte Estates Lots 1, 2, 3 and 4 in addition to Unit 29 Block 15 of Elephant Butte Estates Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

Section one. The official City of Elephant Butte Zoning Designation Map is hereby amended to include and depict the aforementioned properties as being contained within the C-2 zone.

Section two. Section 155.031(B) of the City Code is amended by deleting the aforementioned legal description of the properties from the list in the "Designation of Official District".


Section three. Section 155.033(B) of the City Code is amended by adding the aforementioned legal description of the properties to the list in the "Designation of official district".

Section four. All other provisions of Sections 155.031 and 155.033 of the City Code not specifically amended by this ordinance, shall remain unchanged and in full force and effect as written.


Section five. Effective date. This ordinance shall become effective five days following publication.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Elephant Butte, New Mexico, this 20th day of November, 2013.

By:


Kim Skinner, Mayor Pro-Tempore

Attest:


Rose Garretson, City Clerk