

CITY OF ELEPHANT BUTTE
ORDINANCE NO. 147

AN ORDINANCE OF THE CITY OF ELEPHANT BUTTE, NEW MEXICO
AMENDING SECTIONS 155.026, 155.027, 155.028 and 155.032 OF THE ELEPHANT
BUTTE CODE OF ORDINANCES, REGARDING ACCESSORY BUILDINGS
WITHIN THE R-1-A, R-1-B, R-1-C SINGLE-FAMILY ZONING DISTRICTS AND
THE R-3 ONE-, TWO- AND THREE-FAMILY ZONING DISTRICT.

WHEREAS, the code of ordinances currently limits the number of accessory buildings per lot to a total of three (3) as permitted and requires conditional use hearings beyond that number regardless of size or scale; and

WHEREAS, the City Planning & Zoning Commission has considered several of these cases recently and finds that amending the current regulations would streamline the process for both the City and applicants while maintaining the character of residential neighborhoods and would enhance control of potential run-off generated from accessory buildings; and

WHEREAS, amendments to the zoning code may be authorized upon review of the proposed amendments by the Planning & Zoning Commission and after the governing body has conducted a public hearing on the proposed amendments; and

WHEREAS, the proposed amendments were reviewed and favorably recommended by the Planning & Zoning Commission on October 7, 2014 and the governing body did conduct a duly advertised public hearing on December 3, 2014.

NOW THEREFORE, BE IT ORDAINED By The Governing Body Of The City Of Elephant Butte, that sections 155.026, 155.027, 155.028 and 155.032 of the Code of Ordinances of the City of Elephant Butte be amended as follows with **BOLD CAPITAL** lettering indicating new material:

Section one. Sections 155.026(E)(2) and (F)(8) are amended as follows:

§155.026(E)(2) *Accessory buildings and structures.* Accessory buildings or structures including, but not limited to, garages, storage sheds, and noncommercial greenhouses. Not more than ~~[three]~~ **SIX** accessory buildings or structures shall be permitted per lot ~~[except as a conditional use]~~. The combined square footage of all buildings and structures, including the principal building or

structure and all accessory buildings or structures, shall not exceed the limitations on lot coverage contained herein.

(a) THERE SHALL BE NO WATER RUN-OFF ON AN ADJACENT PROPERTY CAUSED BY AN ACCESSORY BUILDING STRUCTURE. SIDE GUTTERS MAY BE REQUIRED BY THE ZONING ADMINISTRATOR.

(b) ACCESSORY BUILDINGS SHALL BE NO LESS THAN TEN (10) FEET FROM MAIN USE OR STRUCTURE AND IN CONFORMANCE WITH THE FRONT SETBACK.

(c) UN-WALLED METAL CARPORTS MAY BE ADJACENT TO MAIN USE OR STRUCTURES AND NO CLOSER THAN FIVE (5) FEET FROM PROPERTY LINES IN YARDS OTHER THAN THE PRIMARY FRONT YARD. SUCH CARPORTS MAY NOT ENCROACH IN THE CLEAR-SIGHT TRIANGLE.

§155.026(F) *Conditional/special use.* The following uses may be allowed in this zone district only upon a special use permit being granted in accordance with this code. The Elephant Butte Planning and Zoning Committee may recommend this special use permit after a public hearing. Special uses include, but are not limited to:

~~[(8) Accessory buildings or structures in excess of the number permitted per lot.]~~

Section two. Sections 155.027(E)(2) and (F)(8) are amended as follows:

§155.027(E)(2) *Accessory buildings and structures.* Accessory buildings or structures including, but not limited to, garages, storage sheds, and noncommercial greenhouses. Not more than ~~[three]~~ **SIX** accessory buildings or structures shall be permitted per lot ~~[except as a conditional use]~~. The combined square footage of all buildings and structures, including the principal building or structure and all accessory buildings or structures, shall not exceed the limitations on lot coverage contained herein.

(a) THERE SHALL BE NO WATER RUN-OFF ON AN ADJACENT PROPERTY CAUSED BY AN ACCESSORY BUILDING STRUCTURE. SIDE GUTTERS MAY BE REQUIRED BY THE ZONING ADMINISTRATOR.

(b) ACCESSORY BUILDINGS SHALL BE NO LESS THAN TEN (10) FEET FROM MAIN USE OR STRUCTURE AND IN CONFORMANCE WITH THE FRONT SETBACK.

(c) UN-WALLED METAL CARPORTS MAY BE ADJACENT TO MAIN USE OR STRUCTURES AND NO CLOSER THAN FIVE (5) FEET FROM PROPERTY LINES IN YARDS OTHER THAN THE PRIMARY FRONT YARD. SUCH CARPORTS MAY NOT ENCROACH IN THE CLEAR-SIGHT TRIANGLE.

§155.027(F) *Conditional/special use.* The following uses may be allowed in this zone district only upon a special use permit being granted in accordance with this code. The Elephant Butte Planning and Zoning Committee may recommend this special use permit after a public hearing. Special uses include, but are not limited to:

~~[(8) Accessory buildings or structures in excess of the number permitted per lot.]~~

Section three. Sections 155.028(E)(2) and (F)(8) are amended as follows:

§155.028(E)(2) *Accessory buildings and structures.* Accessory buildings or structures including, but not limited to, garages, storage sheds, and noncommercial greenhouses. Not more than ~~[three]~~ **SIX** accessory buildings or structures shall be permitted per lot ~~[except as a conditional use]~~. The combined square footage of all buildings and structures, including the principal building or structure and all accessory buildings or structures, shall not exceed the limitations on lot coverage contained herein.

(a) THERE SHALL BE NO WATER RUN-OFF ON AN ADJACENT PROPERTY CAUSED BY AN ACCESSORY BUILDING STRUCTURE. SIDE GUTTERS MAY BE REQUIRED BY THE ZONING ADMINISTRATOR.

(b) ACCESSORY BUILDINGS SHALL BE NO LESS THAN TEN (10) FEET FROM MAIN USE OR STRUCTURE AND IN CONFORMANCE WITH THE FRONT SETBACK.

(c) UN-WALLED METAL CARPORTS MAY BE ADJACENT TO MAIN USE OR STRUCTURES AND NO CLOSER THAN FIVE (5) FEET FROM PROPERTY LINES IN YARDS OTHER THAN THE PRIMARY FRONT YARD. SUCH CARPORTS MAY NOT ENCROACH IN THE CLEAR-SIGHT TRIANGLE.

§155.028 (F) *Conditional/special use.* The following uses may be allowed in this zone district only upon a special use permit being granted in accordance with this code. The Elephant Butte Planning and Zoning Committee may recommend this special use permit after a public hearing. Special uses include, but are not limited to:

~~[(8) Accessory buildings or structures in excess of the number permitted per lot.]~~

Section four. Sections 155.032(E)(2) and (F)(7) are amended as follows:

§155.032(E)(2) *Accessory buildings and structures.* Accessory buildings or structures including, but not limited to, garages, storage sheds, and noncommercial greenhouses. Not more than ~~[three]~~ **SIX** accessory buildings or structures shall be permitted per lot ~~[except as a conditional use]~~. The combined square footage of all buildings and structures, including the principal building or structure and all accessory buildings or structures, shall not exceed the limitations on lot coverage contained herein.

(a) THERE SHALL BE NO WATER RUN-OFF ON AN ADJACENT PROPERTY CAUSED BY AN ACCESSORY BUILDING STRUCTURE. SIDE GUTTERS MAY BE REQUIRED BY THE ZONING ADMINISTRATOR.

(b) ACCESSORY BUILDINGS SHALL BE NO LESS THAN TEN (10) FEET FROM MAIN USE OR STRUCTURE AND IN CONFORMANCE WITH THE FRONT SETBACK.

(c) UN-WALLED METAL CARPORTS MAY BE ADJACENT TO MAIN USE OR STRUCTURES AND NO CLOSER THAN FIVE (5) FEET FROM PROPERTY LINES IN YARDS OTHER THAN THE PRIMARY FRONT YARD. SUCH CARPORTS MAY NOT ENCROACH IN THE CLEAR-SIGHT TRIANGLE.

§155.032(F) *Special use.* The following uses may be allowed in this zone district only upon a special use permit being granted in accordance with this code. The Elephant Butte Planning and Zoning Committee may recommend this special use permit after a public hearing. Special uses include, but are not limited to:

~~[(7) Accessory buildings or structures in excess of the number permitted per lot.]~~

Section five. All other provisions of Sections 155.026, 155.027, 155.028 and 155.032 not specifically amended in this ordinance herein, shall remain unchanged and in full force and effect as written.

Section six. 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 3rd day of December, 2014.

BY:

Eunice Kent
Eunice Kent, Mayor

Attest:

Karen Rieth
Karen Rieth, City Clerk