

**CITY OF ELEPHANT BUTTE
ORDINANCE NO. 152**

AN ORDINANCE OF THE CITY OF ELEPHANT BUTTE, NEW MEXICO, AMENDING SECTION 155.005 TO ADD ZONING DEFINITIONS AND AMENDING SECTION 155.033, CONCERNING THE COMMERCIAL ZONING DISTRICT INCLUDING THE REDUCTION OF SETBACK REQUIREMENTS, INCREASE LOT COVERAGE PROVISIONS, ADD "TEMPORARY MOBILE VENDING" AS A PERMITTED USE, AND CLARIFY LANDSCAPING AND OTHER PROVISIONS.

WHEREAS, Section 155.033 provides for a commercial zoning district in the city and specifies uses and development requirements; and

WHEREAS, the development requirements for setbacks and lot coverage and site plans have thus far been inconsistent and not universally achieved the intended development of commercially-zoned properties ; and

WHEREAS, the landscaping provisions have heretofore lacked clarity and specificity, resulting in a general lack of landscaping; and

WHEREAS, it is in the community's best interest to provide for landscaping of properties within the commercial district in order to enhance the appearance, ambience and livability of the community and to attract and foster greater tourism; and

WHEREAS, the code of ordinances has heretofore recognized a category of temporary retail vending but has not had adequate provisions for regulation of such vending; and

WHEREAS, the creation, definition and regulation of certain additional appropriate commercial uses have not been included as either permitted or conditional uses; 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 May 19, 2015 and the governing body did conduct a duly advertised public hearing on June 3, 2015.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Elephant Butte, that Sections 155.005 and 155.033 of the Code of Ordinances be amended as follows:

Section one. Section 155.005, Definitions, is amended by adding the following definitions:

§ 155.005. Definitions.

ACCESSORY DWELLING. A subordinate structure used, or capable of being used, as living quarters that is incidental to, but located on the same lot or parcel as the primary structure; the gross floor area shall be no larger than 50% of the gross floor area of the primary dwelling unit.

AGRICULTURE. Any use of land for the growing and harvesting of crops for sale for profit, or uses that are directly ancillary to the growing and harvesting of crops, which is the exclusive or primary use of the lot, plot, parcel, or tract of land; including processing crops to the generally recognizable minimum level of marketability; or the open range grazing of livestock; or irrigated pasture for grazing livestock.

AGRICULTURAL PACKING and WAREHOUSING. A facility used for the storing, sorting, cleaning, sacking, or shipment of agricultural products. This does not include processing functions. Sorting and cleaning means handling to the generally recognizable minimum level of marketability.

AGRICULTURAL PROCESSING PLANT. A facility used for the cooking, freezing, dehydrating, refining, bottling, canning, or other treatment of agricultural products that changes the naturally grown product for consumer use. It may include warehousing and packaging as secondary uses.

AIRPORTS, HELIPORTS, and LANDING FIELDS. Any area of land that is used or intended for the use of landing and taking off of aircraft; and appurtenant areas that are used or intended for use by airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located thereon.

APARTMENT. A building or portion thereof that provides living facilities, sleeping facilities, sanitary facilities, and a kitchen designed for occupancy by 3 or more families living independently in which they may or may not share common entrances and/or other spaces.

AUTO WRECKING YARD. The place where motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation: any land, building or structure used for the dismantling or storing of the motor vehicles or the parts thereof.

BED AND BREAKFAST. A residence built expressly for, or converted to, renting rooms to paying guests and providing breakfast to paying guests on a short term (daily, weekly basis).

The residential appearance of the structure is maintained. Definition does not include a hotel, motel or boarding house.

BOARDING HOUSE. A residence consisting of at least 1 dwelling unit with more than 2 rooms that are rented or intended to be rented to longer term residents on a monthly basis, as distinct from transient residents staying overnight or on a weekly basis.

BUFFER. An area of land including landscaping, berms, walls, fences and building setbacks that is located between land uses and intended to mitigate negative impacts upon adjoining property.

CEMETERY. A burial place or grounds.

DEVELOPMENT. A land use or construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for building or other purposes.

GARBAGE. Any animal or vegetable waste that is liable to decompose or rot resulting from the handling, preparation, cooking or consumption of foods, offal, scum, dregs, sediment, sweepings, trash, debris, remains, and dross.

GARBAGE DISPOSAL. The disposing and covering or incineration of garbage at a sanitary land fill site.

HOTEL. A building in which lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times.

INDUSTRIAL, HEAVY. Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses, and manufacturing or other enterprises with produce external effects (such as smoke, noise, soot, dirt, vibration, odor, and the like), or which pose significant risks due to the use or storage of explosives or radioactive materials, or of poisons, pesticides, herbicides, or other hazardous materials in reportable quantities under the standards of the Environmental Protection Agency.

INDUSTRIAL, LIGHT. Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from processed or previously manufactured materials, including a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, fish tanks and supplies, food paper

products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, or any other product of a similar nature. **LIGHT INDUSTRY** is capable of operation in such a manner as to produce minimal if any external effects from the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, and the like.

KENNEL (COMMERCIAL). Any premises on which five or more dogs or five or more cats or any combination of eight or more dogs and cats four months of age or older are kept and/or where the business of buying, selling, breeding, training, or boarding of dogs and/or cats is conducted. This definition does not apply to veterinary hospitals, humane societies, animal shelters, or pounds approved by a governmental agency.

LANDSCAPING. An area that has been improved through the harmonious combination and introduction of trees, shrubs and ground cover. These areas may also contain natural topping materials such as, boulders, rock, stone, granite or other approved material. The area shall be void of any asphalt or concrete pavement except where walks are allowed.

MOBILE RETAIL VENDOR means [any person who engages in the sale of retail goods or services from any location other than a building that meets the requirements of the New Mexico Uniform Building Code, the International Building Code, or the New Mexico Manufactured Housing Act as applicable to commercial buildings.](#)

PAVEMENT STRUCTURE. The combination of sub-base, base course, and/or surface course placed on a sub-grade to support the traffic load and distribute it to the roadbed.

PRIMARY USE. A land use, which occupies the greater portion of a lot or parcel, or is the more intense use of 2 uses on a lot or parcel.

RECREATIONAL VEHICLE PARK (RV PARK) OR (CAMPER PARK). A parcel of land where travel trailers or other nonpermanent type of shelters are erected or maintained for temporary recreational camping activities. Permitted related building and facilities may include an office, delicatessen and/or grocery store, laundry facilities, showers, bathrooms, and playgrounds to be operated during operating hours of the park for the patrons of the park. Individual sites shall be no less than 600-square feet in area, not including any required roadways or walkways.

RETAIL. The sale of consumer goods directly to the user of the product; may include storage of goods sold in sufficient quantities to meet daily needs. May also include sale in large size packages used as pricing incentives.

SANITARY LANDFILLS. Locations where trash, garbage, organic materials are buried and maintained in accordance with local, state, and federal regulations.

SERVICE STATION. Any land, building, structure, or premises used for the sale of fuel for motor vehicles or installing or repairing parts and accessories, but not including replacing of motors, bodies, or painting of motor vehicles and excluding public parking garages.

SHOPPING CENTER. A group of commercial business establishments operated as a unit with off-street parking provided on the property, and related in locations, size and types of shops to the trade area that the unit serves.

STRUCTURAL CHANGE. Any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders.

VETERINARY CLINIC. A location for treatment of small or large animals. Animals may be kept overnight or for short periods of time for treatment.

WHOLESALE. The sale of goods to a person or company who may sell products to the ultimate consumer. Includes sale of products in bulk for further repackaging.

Section two. All other provisions of section 155.005, Definitions, not specifically amended in section one herein, shall remain unchanged and in full force and effect as written.

Section three. Section 155.033 is amended as follows:

§155.033. ESTABLISHMENT OF OFFICIAL COMMERCIAL ZONING DISTRICT MAP, ZONING DISTRICTS AND BOUNDARIES.

- (A) *Intent.* This zone district provides for commercial and light industrial enterprises. Heavy industrial and resource-extraction operations shall be excluded.
- (B) *Designation of Official Districts.* Commercial Zoning (C-2) applies to the itemized lots in the units and blocks listed below:
 - • •
- (C) *Building/development requirements.*
 - (1) Primary permitted use is to provide for commercial and retail uses which serve both local and transient trade. This district is intended for areas adjoining arterial and collector streets where a wide range of service facilities are appropriate as land uses. Limited single-unit residential uses shall also be deemed consistent with this zoning district. ~~All construction is to conform with IBC or HUD Code Zone II.~~
 - (2) ~~Permanent structures shall have a foundation perimeter wall. The foundation Perimeter Wall must be installed within 30 days of the Code Enforcement Officer's final zoning requirement inspection. Except as otherwise permitted for temporary mobile vending, all uses shall be conducted from a structure meeting the~~

requirements of the International Building Code for commercial structures, the New Mexico Uniform Building Code for commercial structures, or HUD Zone II manufactured homes as applicable to commercial structures. All site built or modular structures shall be affixed to permanent foundations. Manufactured homes meeting the requirements of HUD Zone II as applicable to commercial structures may be affixed to a permanent foundation or may be installed according to manufacturer's specifications, provided, that installation of any manufactured home shall include masonry or metal skirting around the entire structure, to be installed prior to issuance of an occupancy permit, and shall have access panels as required by any applicable fire code.

- (3) ~~All sign requirements shall conform to Chapter 152 of this code of ordinances and all of its subsequent amendments and versions.~~ Signs shall conform with the provisions of Chapter 152 and the corresponding City Sign Guidelines, and shall not otherwise be subject to the setback provisions contained herein.

- (4) Minimum setbacks ~~are:~~

- (a) ~~Standard Front setback: 50 feet to be maintained as off-street parking on all arterials or collectors whose right of way is 150 feet or less. 20 feet~~ except where a public right-of-way or easement along the front yard require additional structural setbacks. In no case may a structure encroach into a public-right-of-way.

~~F25 feet to be maintained as off-street parking on all arterials or collectors whose right of way is 150 feet or more.~~

- (b) Standard interior side and rear setbacks: 10 feet.

~~50 feet. A total minimum 10-foot separation between units, excluding un-walled metal carports, will be maintained except that buildings may be placed up to a lot boundary with written agreement from adjacent property owner and when build to IBC standard~~

- (c) Corner side setback: 15 feet. ~~Rear setback of 5 feet or 10 feet when abutting BLM or BOR land.~~

- (5) *Lot coverage.* The total of buildings, driveways, parking areas and impervious surfaces shall not exceed 70% of the area of the lot. Landscaping requirements contained within this chapter shall not be counted towards this coverage unless impervious in nature. ~~Lot coverage is limited to 50% of the lot~~

- (6) ~~Height.~~ All structures and parking lots must comply with all Americans With Disabilities Act, being 42 U.S.C. §§ 12101 et seq. requirements and its successors. Buildings and structures shall have a maximum height of 40 feet.

- ~~(6)(7)~~ Fences and walls. Fences and walls shall not exceed 6 feet in height. Front fences may be limited in height when obstructing a clear line of sight along a public right-of-way. Driveways connecting with the public right of way shall maintain clear sight triangles. Fences or walls may not be constructed within the public right-of-way. Concertina (razor wire) is prohibited. All lavatories and toilets shall be build indoors and connected with outside septic tank until the time as a sewer system shall be available, at which time the facility shall be connected within the time limit as established by the City of Elephant butte by ordinance.

~~Concertina (razor wire) is prohibited.~~

- i. The submission shall be considered as part of the entire application as required within Section 155.006(E) and its successors of this chapter. C-2 zoning district applications shall additionally address parking, driveway, traffic circulation and access points. Ingress and egress routes shall be limited to a total of two access points onto a lot and not exceed 28' in width for each access point. The site plan, parking plan and landscaping plan shall depict the location and dimensions of these access points and ensure they are defined and demarcated upon construction.

~~(D)~~ (D) *Clearing and grading requirements.* Applicant must comply with all requirements chapter 155 or any amendments or successor ordinances regarding the same subject matter.

- a. *Drainage improvement requirements.* Applicant must comply with all relevant requirements with Chapter 154 and its successors and include provisions for such drainage control and/or improvements as part of a site plan. At a minimum, it shall be the responsibility of both the property owner and applicant to contain, treat or channel associated runoff and drainage onsite.
- b. There shall be no water run-off on an adjacent property caused by any building structure.
- c. Side gutters, downspouts, channels, culverts, retention and detention ponds and/or any other means of control specifically authorized in Chapter 154 may be required by the zoning administrator or Planning and Zoning Commission.

(E) *Solid waste requirement.* Garbage must be stored in tightly covered containers. The garbage container capacity must be adequate to store the garbage from one collection date to the next to prevent a nuisance. Solid waste storage, collection and disposal shall be specifically addressed within each site plan application.

~~(D)~~

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~~(E)~~ (F) *Permitted uses.* By right the following uses are permitted in C-2 Districts.

Greenhouses

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- (13) Public parks, **public facilities** and accessory uses customarily incidental to that use;
 - (a) Special activities as designated by the City Council or City Manager shall be considered incidental uses, providing they meet all other applicable provisions in the city code, including the regulations set forth herein.
 - (b) Special activities shall also meet the requirements for temporary uses and shall obtain a temporary use permit from the Zoning Administrator upon satisfactorily meeting all provisions of the city zoning code.

(21) Residences located within Scotts Dale area must meet all requirements of the R-1-B Zone found in §§ 155.027 (C) through (I).

(22) Accessory buildings and structures. Accessory buildings or structures including, but not limited to, garages, storage sheds and noncommercial greenhouses. Not more than **five (5)** accessory buildings or structures shall be permitted per lot. 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. Accessory Dwelling. A subordinate structure used, or capable of being used, as living quarters that is incidental to, but located on the same lot or parcel as the primary commercial structure; the gross floor area shall be no larger than 50% of the gross floor area of a primary structure.
- B. A maximum of 1 accessory dwelling, shall be allowed per lot in compliance with the land use provisions of this chapter. An accessory dwelling shall be at a minimum 500 square feet in heated area but may not be situated on a lot where a primary structure is a residential dwelling unit.
- C. Separation of living quarters. The separation of the accessory living quarters within the buildable area from the principal dwelling unit shall be in compliance with the adopted Building Code.

(23) *Mobile Retail Vending.*

- (a) *Application.* An application for mobile retail vending shall be submitted by the owner of real property, or by a lessee of said property with written authorization by the owner.
- (b) *Permanent Site Plan.* The owner or lessee of real property may include provisions for mobile retail vending in the site plan for the property, to be approved according to the provisions for commercial site plan approval. The area designated for mobile retail vending shall be restricted to only that use at any time that mobile retail vending activities are conducted on the site. Upon receiving approval of a Permanent Site Plan shall, mobile retail vending uses shall not be subject to the time period provisions of Section 155.006(H)(2).
- (c) *Temporary Use.* In the absence of an approved site plan that includes provisions for mobile retail vending, the owner or lessee of real property may apply to the zoning administrator for approval of a temporary permit for mobile vending for a designated period of time, not exceeding five (5) consecutive days. A temporary use may only be issued once per vendor per lot within a twelve-month period. Additional requests must be included within an approved permanent site plan. The applicant shall present such diagrams or other materials as the zoning administrator may determine to be sufficient.

The zoning administrator shall have authority to approve or deny the application, subject to appeal as otherwise provided for actions of the zoning administrator.

(d) Only one mobile retail vendor may operate on a property at a given time unless a permanent site plan has been approved authorizing additional vendor spaces in accordance with this section. In no case may a mobile retail vendor occupy or temporarily obstruct public rights-of-way.

(e) *Standards.*

i. All activities shall be conducted entirely on the property of the applicant, and the goods, wares, merchandise or services shall be displayed in such a manner that will not encroach upon any public right-of-way.

ii. The goods, wares, merchandise or services shall be displayed in such a manner as not to impede motor vehicle traffic or pedestrian traffic, or that creates any hazard by obstructing the view of motor vehicle traffic.

iii. To create a safety zone for all employees and customers shopping at a vendor area, it shall be required of all vendors to create a visual barrier noting a stopping line for all vehicles approaching the vendor area. This barrier line is to be a minimum of 16 feet from the sales area and encompassing the entire vendor area (except where access may already be denied because of vendor location against a fence or existing building). No motor vehicle shall be allowed inside this safety zone area. The barrier line may consist of, but is not limited to, brightly colored or flagged rope, tape, cones, and the like and shall be visible to drivers at all times.

iv. Food truck standards. Food trucks are permitted as a mobile retail vendor and are subject to the standards contained within this section. Food trucks shall additionally provide a statement of how the provision of water and disposal of wastewater will be addressed and proof of inspection and approval by the New Mexico Environmental Department for health and food safety. Nothing in this section shall preclude a traditional "ice cream truck" type operation from making intermittent, non-permanent stops along non-arterial roads such stops shall provide for all reasonable efforts to minimize obstruction to passing motorists, bicyclists and pedestrians and shall in no case last more than fifteen (15) minutes in one location.

(f) *Business license required.* Each mobile retail vendor shall obtain a business license per the provisions of chapter 110. As part of the business license process, the mobile retail vendor shall provide proof that through a valid state-issued CRS number that it shall designate all required gross receipts tax

revenues to the City. Failure to pay the full requisite tax to the City shall result in the revocation of the temporary use and/or business license.

(24) Single-family residential unit - One residential dwelling unit is permitted within this zoning district, whether as a primary single-family residential dwelling or an accessory dwelling or live/work facility. A primary structure shall include a minimum of 1,000 square feet of heated area, but may not be placed on a lot that contains an accessory dwelling. A residential use may be combined with other primary commercial or subordinate commercial uses otherwise allowed within this chapter, unless conflicting with adopted IBC, UBC or Fire Code provisions.

(25) Live/Work facilities - An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

- a. Complete kitchen space and sanitary facilities in compliance with the adopted Building Code; and
- b. Working space reserved for and regularly used by 1 or more occupants of the unit.

(26) Bed and Breakfast - A residence built expressly for, or converted to, renting rooms to paying guests and providing breakfast to paying guests on a short term (daily, weekly basis). The residential appearance of the structure is maintained. Definition does not include a hotel, motel or boarding house. A bed and breakfast shall be considered a primary residential use of a property within this zoning district, thus no additional residential units may be present any lot with an operational bed and breakfast use.

(H) *Landscaping.*

- (1) *Purpose and intent.* The purpose of this section is to improve the appearance, quality and quantity of landscaping visible from public right-of-way and adjacent properties.
- (2) *Applicability.* A minimum of 10% of the lot shall be landscaped. Landscaping of the front and corner sides of the lot shall take precedence over other areas. The standards of this section apply to all new and all re-development within this zoning district.
- (3) *Landscaping plans.* A landscaping plan shall be submitted in conjunction with any required site plan, and shall be reviewed and approved, denied or modified in conjunction with the site plan. In addition to the requirements of this chapter, the landscaping plan must be found to be consistent with the goals, recommendations and illustrative diagrams and plans within the Comprehensive Plan.

(a) Up to 1/3 of the required landscaping may be located in the public right-of-way if approved by the Commission.

(b) Each landscaping plan shall indicate the type, size, and location of landscaping, along with existing and proposed topography and proposed irrigation systems. The scale of the landscaping plan shall be as recommended by the Zoning Administrator/Code Enforcement Officer.

(c) No zoning permit or certificate shall be approved by the City for those developments requiring a landscaping plan unless said plan is reviewed and approved as part of the application process.

(4) *Parking area interior landscaping.* Landscaped areas shall be distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety, and delineate pedestrian walkways and traffic lanes. A required landscaped area shall be no less than 64 square feet. Parking lots shall have interior landscaping at intervals of not greater than ten (10) parking spaces in order to visually reduce the expanse of parking areas.

(5) *Required landscaping adjacent to public rights-of-way.* Off-street parking areas, loading areas, or vehicle use areas shall provide a landscape strip of at least 10 feet in width when adjacent to a right-of-way (except an alley). The required landscaping may include a combination of vegetative screens, earth berms, changes in grade, or masonry walls, which will form a permanent year-round buffer between the off-street parking, loading, or vehicle use area and the public right-of-way, except in required sight visibility areas.

(6) *Types of landscaping.* Indigenous or drought-tolerant plants and xeriscaping are recommended. Landscaping may include any and all of the following, provided that bare rock, gravel, sand or dirt alone shall not qualify as landscaping. At least 25% of the landscaping requirement shall be met by trees, shrubs and/or cacti species.

a. Trees, shrubs, hedgerow, ground cover and other plantings;

b. Lawn or grass areas;

c. Decorative rock and gravel;

d. Benches, tables, planters or other similar outdoor furniture;

e. Berms or mounds;

f. Water features;

g. Decorative lighting.

a-h. Decorative public art, monument or mural provided that these items are used to complement and not replace the use of landscaping materials.

(7) Landscaping shall be installed in accordance with the following guidelines:

(a) *Yard location.* Of the total area required to be landscaped, at least 1/2 shall be located within the front yard.

(b) On corner, double-fronting, or triple-fronting lots, at least 1/4 of the required landscaped area shall be located on each frontage

(8) *Landscape screening.*

Landscape screening shall be opaque from the ground to a height of at least six (6) feet.

- (a) Specific uses which are contiguous with residential zones or authorized as conditional uses may be required to include a landscaped screen on that perimeter contiguous to the residential zone as prescribed elsewhere in this chapter or as required by the Planning & Zoning Commission.

(9) *Irrigation and maintenance.*

(a) Adequate provision of water, in keeping with drought condition sensitivity, shall be made for planted materials. The owner of the landscaped property shall be responsible to maintain landscaping or screening in a healthy, neat, and clean condition. Dead plant material shall be replaced with new plant material immediately.

(b) All landscaped and screened areas shall be controlled by pruning or trimming so as to not interfere with the installation, maintenance, or repair of any public utility, restrict pedestrian or vehicular traffic, or constitute a traffic hazard.

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(G) Conditional Uses – All conditional uses shall be subject to buffering and screening requirements as determined by the Planning & Zoning Commission which must be incorporated into the required site plan and associated landscaping plan. Such buffering and screening requirements shall be in addition to other landscaping requirements contained within this chapter and shall be in addition to the 10% required landscaping area unless determined by the Commission that the buffering and screening requirements substantially meet the intent of the 10% requirement and are not within the public's interest.

1. Solar Collection Array System or Farm
2. Wind Turbine Collection System of Farm
3. Vehicle, boat and RV storage facilities or storage lots, mini or self-storage facilities
4. Recreational Vehicle Parks (RVPs).

A. PURPOSE. A conditional use permit is required for all RVP developments and is intended to provide for the development of recreational vehicle parks at standards consistent with health, safety, and welfare of the community.

B. DEVELOPMENT REQUIREMENTS. A site plan, landscaping plan and a drainage plan must be approved by the Planning & Zoning Commission for any RVP.

C. DESIGN STANDARDS.

1. Swimming pools are permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than fifteen (15) feet from any property line, and approval from all utilities is required to insure overhead safety. The pool must otherwise comply with all applicable safety and construction standards as adopted by the state Construction Industries Division.

2. A landscaping concept shall be approved by the Planning & Zoning Commission for all areas not covered by structures or paved.

3. Screening the perimeter of a recreational vehicle park by a wall and/or other approved landscaping material shall be required in accordance with the landscaping standards contained within this chapter.

4. There shall be an active, usable recreational area for tenants comprising five percent (5%) of the gross site area, which shall not include required setback areas or similar areas not usable for recreational activities. Within this recreational area, a building containing a restroom with 24-hour guest access shall be provided. Provision of said restrooms within an optional community building - regardless of its location relative to the recreational area - shall meet the requirements of this section.

5. If a community building or buildings are constructed to provide for the recreational and service needs of guests, it shall include restrooms, showers, and a laundry. No dry-cleaners shall be permitted in the RV Park. The community building or buildings may not be included as part of the required recreational area.

6. Adequate refuse collection facilities shall be provided, constructed, and maintained in accordance with all municipal health regulations, and shall be screened and designated to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.

7. Lighting shall be provided to illuminate access ways and walkways from the safe movement of vehicles and pedestrians at night and be consistent with the outdoor lighting and night skies requirements contained elsewhere within the Code.

8. A means for emptying sewage holding tanks shall be provided and approved by the health department.

D. STREETS AND ACCESS STANDARDS.

1. All RVP's shall have vehicular access from an arterial or collector street.
2. Each RV space when occupied shall have direct access to an internal street. Direct access to exterior public streets shall be prohibited.
3. Street layout shall be designed for preservation of natural features and to follow topography to the greatest extent possible and to encourage the orientation of homes in such a manner as to permit the use of solar energy systems.
4. No street within a recreational vehicle park shall dead end, except for cul-de-sac streets, which shall have a minimum turning radius of fifty (50) feet at the termination point.

. . .

(K) *General restrictions.*

~~(2)~~ (1) No commercial lot less than 1.5 acres in size and without access and connection to a sewer line may be subdivided for any purpose other than to increase the size of an adjacent lot.

(2) All lavatories and toilets shall be built indoors and connected with outside septic tank until such time as a sewer system shall be available, at which time said facility shall be connected thereto ~~within 12 months~~; within the time limit as established by the City of Elephant Butte by ordinance.

~~(3)~~ (3) No basement, tent, shack, garage, or other outbuilding may be used as a primary temporary or permanent. No tent or non-structural cover may be used as a permanent accessory building.

~~(4)~~ (4) No vehicle may remain parked on a public right of way for more than 3 consecutive permitted in the public right-of-way.

(5) No livestock including but not limited to pigs, goats, rabbits, poultry or other wild or domesticated fowl, shall be kept or permitted to remain on any of the land or part thereof. ~~Garbage must be stored in tightly covered containers. The garbage container capacity must be adequate to store the garbage from one collection date to the next to preven~~

Section four. All other provisions of section 155.033, Establishment of Official Commercial Zoning District Map, Zoning Districts and Boundaries, not specifically amended in section three herein, 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 ____ day of _____, 2015.

Eunice Kent, Mayor

Attest:

Karen Rieth, City Clerk

Recommended