



**CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION
SPECIAL MEETING - OPEN TO THE PUBLIC**

Tuesday, September 17, 2019 - 9:00 am

Minutes

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman LaFont called the meeting to order. Commissioners led the pledge.

2. ROLL CALL

Chairman LaFont called roll:

Chairman Nathan La Font – Present
Vice Chairperson Cathy Vickers – Present
Commissioner Sheridan Fuss - Present
Commissioner Charles Looney – Present
Commissioner Patsy Barnett – Present
Alternate Commissioner Rick Harrison – Absent

City Clerk-Treasurer Rani Bush declared a quorum was present.

3. DECLARATION OF CONFLICT OF INTEREST & STATEMENT OF OPEN MEETINGS ACT

**The Open Meetings Act is in effect and there is a three-minute limit per speaker on all non-agenda items.*

4. APPROVAL OF AGENDA

Commissioner Looney made a motion to approve the agenda as presented. Commissioner Fuss seconded. 5-0. Motion Carried.

5. PUBLIC INPUT – None

6. REGULAR ITEMS

a. Discussion/Possible Action: Ordinance 180 - Residential Dwelling Width

Chairman LaFont started the discussion on this proposed Ordinance 180 which addresses the residential dwelling width requirements which has been re-drafted by City Attorney Charles Rennick. Chairman LaFont went over the definition of a residential dwelling as it is stated currently in the code book on page 85. As per the current definition it does not specify dimensions, only minimum square footage as a requirement. Vice Chairperson Vickers stated that she did not feel comfortable with the new revision not stating the dimensions. Chairman LaFont stated that per the state statute a manufactured home is 864 square feet, as a City we can then add our requirements to the state mandated minimum. Vice Chairperson Vickers stated that the definition for manufactured home and mobile homes do differ due to their size. The Commissioners discussed that R1B, R1D, and R1P should all be regulated by a minimum square footage requirement of 864 and R1A, R1C, and R3 should be regulated by a dimension of 24'x36'. As it sits now, in R3 a property owner could bring in two 540 square foot tiny homes and place them on one lot and they are within the code. The Commissioners had a lengthy discussion on each current zone and the requirements for each zone within Elephant

Butte. The Commission discussed the issue of mother in-law quarters or second homes on a property, you can not have someone in the home more than 30 days consecutively and no more than 90 days in one calendar year. This option would be available in all zones within the City. The Commissioners discussed the current setbacks between buildings is 10' and they are wanting to drop this to 5' which still abides by the fire code, this would be for all zones. Chief Boone phoned into the meeting and suggested that the Commissioners do not change the setbacks between buildings from 10' to 5'. As the Commissioners read through the proposed Ordinance 180, they struck through items that they wanted removed, changed verbiage, and added clarification to different areas.

Commissioner Fuss made a motion to table Ordinance 180 - Residential Dwelling Width until the next scheduled P&Z meeting on October 1, 2019 to review a clean copy with all revisions that were made by the Commissioners. Commissioner Looney seconded. 5-0. Motion Carried.

b. Discussion/Possible Action: Ordinance 173 – Nuisance

Chairman LaFont started the discussion on Ordinance 173 – Nuisance, stating the intent was to include multiple nuisances into one Ordinance for ease rather than having multiple Ordinances. This Ordinance had been passed by P&Z but never made its way to City Council for final review and public hearing.

Commissioner Barnett made a motion to postpone this Ordinance 173 for further review by Legal Council and the proposed new Land Use Administrator. Vice Chairperson Vickers seconded. 5-0. Motion Carried.

c. Discussion/Possible Action: Ordinance 174 – Storage Containers

Chairman LaFont started the discussion on Ordinance 174 – Storage Containers, this Ordinance was also approved by P&Z and never made its way to City Council for final review and public hearing.

Commissioner Fuss made a motion to approve Ordinance 174 – Storage Containers as submitted. Vice Chairperson Vickers seconded.

Further discussion was had on the definition of what a storage container is stated as within the Ordinance. Commissioner Barnett stated that she would like City Attorney Charles Rennick to review this Ordinance. Commissioner Fuss stated that he thought it was ok to have them in Commercial but they need qualifications. Commissioner Looney said no new but possible. Vice Chairperson Vickers stated they serve a purpose but no new ones. Commissioner Barnett stated there would be trouble monitoring, a flat no. Chairman LaFont stated he is in support of them but only in limited numbers. Commissioner Barnett does not want to add any more clutter to the City.

Vice Chairman Vickers withdrew her second to the motion for approval.

Commissioner Fuss withdrew his motion to approve this Ordinance.

Commissioner Fuss made a motion to table Ordinance 174 until the scheduled October 1, 2019 meeting for further review. Vice Chairperson Vickers seconded. 5-0. Motion Carried.

7. ADJOURNMENT

Commissioner Fuss made a motion to adjourn. Vice Chairperson Vickers seconded. 5-0. Motion Carried.

Minutes approved and adopted at the Planning and Zoning meeting on October 1, 2019.

Rani Bush

Rani Bush
City Clerk-Treasurer

