



**Ordinance Amendment**

**180**

Request for an Ordinance Amendment to Ordinance No. 155 Zoning

- Consistency with Dwelling Width for zones R-1-A, R-1-C, and R-3 Zones
- Use of vacant lot as storage, to be prohibited in R zones prior to dwelling.
- Commercially Zoned areas to not have residential area permitted,
- Storage Yards in Commercial Zoned areas are only permitted with a conditional use permit issued by the Zoning Administrator or the Planning and Zoning Commission.
- Additional regulation on age of manufactured home installation in the city limits.

**CITY OF ELEPHANT BUTTE  
ORDINANCE NO. 180**

**AN ORDINANCE OF THE CITY ORDINANCE OF ELEPHANT BUTTE, NEW MEXICO, AMENDING SECTIONS IN CHAPTER 155 AMENDING DWELLING WIDTH REQUIREMENTS IN RESIDENTIAL ZONES R-1-A, R-1-C, R-3, ADDITION OF STORAGE OF BOATS, RVS ON VACANT RESIDENTIAL LOTS, CONDITIONAL PERMITS REQUIRED FOR DESIGNATED TYPES OF BUSINESSES IN C2 ZONE, REGULATING STANDARDS FOR INSTALLATION OF MANUFACTURED HOMES IN DESIGNATED ZONES.**

**WHEREAS**, the City of Elephant Butte, New Mexico (the “City”) is a legally and regularly created, established, organized and existing municipality under the federal laws of the State of New Mexico; and

**WHEREAS**, Manufactured home construction is regulated by the National Manufactured House Construction and Safety Standards Act of 1974 and New Mexico State Statutes 3-21A-3 Manufactured housing; permissible regulations prohibits other governing bodies in the state from excluding Manufactured homes from a specific use districts where site built homes are permissible.

**WHEREAS**, New Mexico State Statutes 3-21A-3 *Manufactured housing; permissible regulations* authorizes governing bodies, such as the City of Elephant Butte, to regulate Manufactured housing to require that they meet all requirements, other than that of the original construction requirements, in ordinance as long as the requirements for manufactured homes is consistent with applicable history or aesthetic standards.

**WHERE AS**, Standards for Manufactured Home Standards shall be consistent with New Mexico State Statutes and define a maximum age for permitted manufactured homes in all zones with in the City Limits. This provides the City with a proper standard for installation that is pleasing to the eye and an improvement to the overall community aesthetics.

**WHERE AS**, The City has defined a Manufactured Home in Chapter 155.005 Definitions and references to the width of manufactured homes. Throughout the chapter, the measurements are inconsistent. The amendment to the regulation of Width of dwellings will be consistent with New Mexico State Statutes.

**WHERE AS**, The primary use of “R” Zones are designated at residential. In order to keep the intended character of the zone as residential, clarity is essential when defining the permitted use of storage of recreational vehicles, boats, and other non-dwelling structures other than accessory buildings.

**WHERE AS**, The City has an excess of Vehicle Storage in Commercial Businesses along Butte Blvd. Regulation of the limit of these type of properties and an addition of vehicle dealership sales is essential to maintain the Character and promote Economic growth within the City.

**WHERE AS**, Commercially Zoned properties in the City of Elephant Butte are allowed to have Residential Use of a dwelling to be on the property. This is problematic as the Character of the zone is altered from Commercial to Residential. Manufactured Structures are permitted for commercial structure and will only be permitted if they adhere to 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.

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Elephant Butte, that amendments and additions to Ordinance 155 Zoning, reinforces the City's Public Safety and protects the rights of the citizens of Elephant Butte.

**Section One.** Amending zones R-1-A, R-1-C, and R-3 to have dimensions for Manufactured Homes defined to be consistent with the Chapter 155.005 Definitions of Manufactured homes, which follows the New Mexico State Statute definition for the structures.

**Section Two:** Clarification of storage of recreational vehicles, boats, etc. to not be permitted as storage in a Residential Zone on a lot/property until the construction of a permitted dwelling

**Section Three:** Restrict the property use to only commercial business, and no longer permit the Residential Use of dwellings in the Commercial zone.

**Section Four-** Storage Yards will no longer be a permitted use in Commercial Zoned areas without a Conditional Use Permit issued by the Zoning Administrator or Planning and Zoning Commission.

**Section Five-** An addition of a Manufactured Home Standards Ordinance, which sets a standard for the age, condition, and inspection of the installation process of the structures

#### Section One

##### § 155.026 R-1-A SINGLE-FAMILY RESIDENTIAL.

- (C) Building/development requirements.
- (4) Building width. Dwellings shall have a minimum building width of ~~22 feet~~ 24 feet

##### § 155.028 R-1-C SINGLE-RESIDENTIAL.

- (C) Building/development requirements.
- (17) *Building width. Dwellings shall have a minimum building 14 feet*

##### § 155.032 R-3 ONE-, TWO-, AND THREE-FAMILY RESIDENTIAL.

- (C) Building/development requirements.
- (15) *Building width. Dwellings shall have a minimum building width of 24 feet*

#### Section Two

##### § 155.026 R-1-A SINGLE-FAMILY RESIDENTIAL.

- (E) *Permitted uses.* By right, the following uses are permitted in R-1-A Districts.
  - (3) *Storage.* Storage of a boat, camper, trailer or other recreational vehicle provided it is not used as additional living quarters and is not permanently connected to utilities. *No storage of boats, campers, trailers, or other recreational vehicles is permitted on vacant lots until the time as a house is on the lot.*

##### § 155.027 R-1-B SINGLE-FAMILY RESIDENTIAL.

- (E) *Permitted uses.* By right the following uses are permitted in R-1-B Districts.

(3) *Storage.* Storage of a boat, camper, trailer or other recreational vehicle provided it is not used as additional living quarters and is not permanently connected to utilities. *No storage of boats, campers, trailers, or other recreational vehicles is permitted on vacant lots until the time as a house is on the lot*

**§ 155.028 R-1-C SINGLE-RESIDENTIAL.**

(E) *Permitted uses.* By right, the following uses are permitted in R-1-C Districts.

(3) *Storage.* Storage of a boat, camper, trailer or other recreational vehicle provided it is not used as additional living quarters and is not permanently connected to utilities. *No storage of boats, campers, trailers, or other recreational vehicles is permitted on vacant lots until the time as a house is on the lot*

**§ 155.029 R-1-D SINGLE-FAMILY RESIDENTIAL**

(E) *Permitted uses.* By right, the following uses are permitted in R-1-P Districts.

(3) *Storage.* Storage of a boat, camper, trailer or other recreational vehicle provided it is not used as additional living quarters and is not permanently connected to utilities. *No storage of boats, campers, trailers, or other recreational vehicles is permitted on vacant lots until the time as a house, RV or trailer is on the lot*

**§ 155.030 R-1-P**

(E) *Permitted uses.* By right, the following uses are permitted in R-1-P Districts.

(3) *Storage.* Storage of a boat, camper, trailer or other recreational vehicle provided it is not used as additional living quarters and is not permanently connected to utilities. *No storage of boats, campers, trailers, or other recreational vehicles is permitted on vacant lots until the time as a house, RV, or trailer is on the lot*

**§ 155.032 R-3 ONE-, TWO-, AND THREE-FAMILY RESIDENTIAL.**

(E) *Permitted uses.* By right, the following uses are permitted in R-3 Districts.

(3) *Storage.* Storage of a boat, camper, trailer or other recreational vehicle provided it is not used as additional living quarters and is not permanently connected to utilities. *No storage of boats, campers, trailers, or other recreational vehicles is permitted on vacant lots until the time as a house is on the lot.*

**Section Three**

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

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

(22) *Accessory buildings and structures.* Accessory buildings or structures including, but not limited to, garages, storage sheds and commercial greenhouses. Not more than five 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.

## Section Four

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

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

(5) *Retail sales and service establishments, boat, and RV and vehicle storage and repair;*

(G) *Conditional uses.* All conditional uses shall be subject to buffering and screening requirements as determined by the Planning and 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. *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*

(28) *Vehicle, boat and RV storage facilities or storage lots, mini or self-storage facilities*

#### **The Following is information to be considered by the Elephant Butte Planning and Zoning Committee when considering recommendation for a special use permit**

1. *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.
2. A maximum of one 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.
3. *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.
4. *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.
5. *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:

6. Complete kitchen space and sanitary facilities in compliance with the adopted Building Code; and working space reserved for and regularly used by one or more occupants of the unit.

## Section Five

### § 155.038 MANUFACTURED HOME INSTALLATION STANDARDS

- A) **Purpose and Intent:** *The City of Elephant Butte encourages the installation of well-constructed aesthetically pleasing manufactured homes in the Districts in which they are permitted. The City realizes that most such installations will be more or less permanent, and will provide a permanent housing source for residents of the City. Therefore, proper standards are created for manufactured home installation, which are pleasing to the eye and lend to the improvement of the overall community. The purpose is to present minimum standards for the installation of manufactured homes in appropriate Districts*
- B) **For all Districts:** *Homes must be on a permanent foundation as specified by the New Mexico Manufactured Housing Division Regulations (MHD 93-1) as now adopted and hereafter amended.*
- C) **MANUFACTURED HOMES ON INDIVIDUAL LOTS.** *The following provisions apply to manufactured homes placed on individual lots.*
  - a. **Placement in R-1-A Zone-**
    - i. *One dwelling unit. One dwelling unit per lot, site-built, multi-section or single section manufactured, or modular.*
    - ii. *Manufactured homes located in R-1-A shall conform to specific standards of the Zone.*
    - iii. *Width- Home must be a minimum of one thousand, (1,000) square feet in heated area and twenty- four (24) feet in width.*
    - iv. *Home must meet the definition for manufactured home as defined in this Code and for Manufactured Housing as defined in the New Mexico Manufactured Housing and Zoning Act of 1987, and shall not be a home build on a permanent chassis for towing.*
  - b. **R-1-B**
    - i. *One dwelling. Only one dwelling is permitted per lot. Guest dwellings are not a permitted use.*
    - ii. *Heated area. Dwellings shall have a minimum of 800 square feet of heated area exclusive of, but not limited to, garage, workshop and/or storage.*
    - iii. *Width. Dwellings shall have a minimum building width of 14 feet.*
    - iv. *Height. No structure shall exceed 18 feet in height.*
  - c. **R-1-C**

- i. *One dwelling. Only 1 dwelling is permitted per lot. Guest dwellings are not a permitted use.*
  - ii. *Heated area. Residence must have a minimum of 600 square feet of heated area exclusive of garage, workshop and/or storage.*
  - iii. *Height. No structure shall exceed 18 feet in height.*
  - iv. *Width. Dwellings shall have a minimum building width of 14 feet.*
  
- d. *R-1-D*
  - i. *One dwelling. Only 1 dwelling is permitted per lot whether a recreational vehicle, site built, manufactured or modular, or mobile.*
  - ii. *Height. No structure shall exceed 18 feet in height.*
  - iii. *Roof. Dwellings shall have a flat roof with parapets, or a pitched roof including but not limited to gable, hip, gambrel or shed roof designs. This does not apply to recreation vehicles.*
  - iv. *Width. Manufactured homes, site built, shall have a minimum building width of 14 feet.*
  
- e. *R-1-P*
  - i. *One dwelling. Only 1 dwelling unit per lot, site built, manufactured or modular home is permitted. Guest dwellings are not a permitted use.*
  - ii. *Heated area. Dwellings shall have a minimum of 500 square feet of heated area exclusive of, but not limited to, garage, workshop and/or storage.*
  - iii. *Height. No structure shall exceed 26 feet in height.*
  - iv. *Width. Dwellings shall have a minimum building width of 14 feet.*
  
- f. *AG*
  - i. *One dwelling. Only one dwelling is permitted per lot. Guest dwellings are not a permitted use.*
  - ii. *Dwellings shall have a minimum of 1000 square feet of heated area exclusive of, but not limited to, garage, workshop and/or storage.*
  - iii. *Width. Dwellings shall have a minimum building width of 14 feet.*
  - iv. *Height No structure shall exceed 26 feet height.*
  
- g. *R-3*
  - i. *Primary permitted use. Primary permitted use is 1-, 2-, and 3-family residences built to UBC or HUD Code Zone II or their successors.*
  - ii. *Heated area. Single-family residence must have a minimum of 800-square feet of heated area and a multi-family unit is a minimum of 540-square feet of heated area per unit, exclusive of, but not limited to, garage, workshop and/or storage.*
  - iii. *Height. No structure shall exceed 26 feet in height*
  - iv. *Dwelling units. A maximum of 3 dwelling units per lot site built, manufactured or modular;*
  - v. *Width. Dwellings shall have a minimum building width of 24 feet.*
  
- h. *COMMERCIAL*
  - i. *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.*

- D) MANUFACTURED HOUSING PERMIT REQUIRED.** *In addition to any permits required by the state for moving and placement, or foundation/other construction, a Manufactured Housing Permit must be obtained from the City before placement of a manufactured home within the City limits. Permit application forms may be obtained from the designated Zoning Administrator's Office. The applicant shall submit such surveys, site plans and other documents as deemed necessary by the Administrator to assure compliance with the provisions of this chapter. For placement of mobile homes or recreational vehicles, the applicant shall obtain a final approval from the administrator prior to occupancy. The Administrator shall be satisfied that placement, grading and utility connections are in compliance with applicable provisions of this code prior to final approval.*
- E) GENERAL CONDITIONS.** *All manufactured homes within the City are required to be set up on permanent foundations in accordance with the State Manufactured Housing Division Rules and Regulations.*
- a. **Wheels to be removed:** Since Manufactured homes are considered to be permanent housing units; the City requires that the wheels of the manufactured home, if present, shall be removed during the installation process.*
  - b. **Perimeter wall.** Dwellings shall have a masonry or concrete foundation perimeter wall. The foundation perimeter wall must be in place within 30 days of completion of construction and/or placement. Any home that is built, or set, with a space between the pad and the flooring shall include no less than 2 access panels/doors to provide for firefighter access. The access panels are to be located on opposite sides of the structure from each other at the points furthest apart from each other.*
  - c. **Damaged Units:** The City will not allow damaged units to be installed within the City limits.*
  - d. **Maintenance:** All manufactured housing units shall meet all existing City Codes related to proper appearance and maintenance of buildings and properties.*
  - e. **Standards:** All Manufactured housing units shall be constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401. et seq. as amended or carry NMBC state approval.*
    - i. Additionally, all Manufactured housing units that are installed at any particular location within the City limits shall not be twenty (20) years or older at the time of installation. Any unit to be used for non-residential purposes shall meet all NMBC standards and shall be in full compliance with requirements for access to the disabled as required by State Rule MHD 90-1 as amended.*
  - f. **OTHER CONSTRUCTED IMPROVEMENTS.** All porches, patios, permanent steps, accessory buildings, additional to a manufactured housing unit and any other*



*constructed improvements shall be required to comply with the New Mexico Building Code, New Mexico Construction Industries Division, and the zoning permit obtained in accordance with City ordinances.*

- g. **OTHER REQUIREMENTS.** All other requirements not covered herein shall be as required by the State Manufactured Housing Act and Regulations.*

PASSED, APPROVED, AND ADOPTED by the Governing Body of the City of Elephant Butte, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_, 2018

BY:

\_\_\_\_\_  
Eunice Kent, Mayor

ATTEST:

\_\_\_\_\_  
Rani Bush, City Clerk

