

**CITY OF ELEPHANT BUTTE
ORDINANCE NO. 186**

**AN ORDINANCE OF THE CITY OF ELEPHANT BUTTE IMPOSING A SIX-MONTH
MORATORIUM ON ISSUANCE OF PERMITS FOR OPEN STORAGE LOTS IN THE
COMMERCIAL DISTRICT PURSUANT TO § 155.033(F)(5) & (G)(28) OF THE CITY
OF ELEPHANT BUTTE CODE OF ORDINANCES**

WHEREAS, Land Use Provisions contained in Chapter 155 of the Code of Ordinances for the City of Elephant Butte establish a commercial zone in section 155.033 and provide regulations for the use of property in that zone; and

WHEREAS, the Code provides at section 155.033(F)(5) that the use of property for “retails sales and service establishments, boat, RV and vehicle storage and repair” is a permitted use by right; and

WHEREAS, the Code provides at section 155.033(C)(2) that “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;” and

WHEREAS, it appears that numerous commercial storage lots are in use without the required structure; and

WHEREAS, the Code provides at section 155.006(E)(2)(c) for the submission of a site plan “consisting of a scaled drawing or map of the property showing the location of existing and proposed streets, driveways, parking and loading sites, pedestrian walks, structures, drainage improvements, landscaped areas, utility easements, setbacks, and location of the septic tank, if any . . . ;” and

WHEREAS, the specified requirements of a site plan do not provide adequate standards for the use of property for open storage of vehicles; and

WHEREAS, the Code provides at section 155.033(G)(28) the use of property for “vehicle, boat and RV storage facilities or storage lots, mini or self-storage facilities” is a conditional use; and

WHEREAS, the Code provides no standards by which to approve a conditional use of property for open storage of vehicles; and

WHEREAS, the conditional-use provisions of section 155.033(G)(28) appear to conflict with the permitted-use provisions of section 155.033(F)(5); and

WHEREAS, section 155.033(H) contains landscaping requirements for commercial properties but those requirements appear to be vague and uncertain of application in the absence of specified site-plan requirements or conditional-use requirements and it further appears that many numerous commercial storage lots are not providing such landscaping as is contemplated by section 155.033(H); and

WHEREAS, the city finds that there has been a proliferation of open storage lots that are not in compliance with the provisions of the Code; and

WHEREAS, the city further finds that the Code provisions applicable to open storage lots are vague, conflicting and confusing; and

WHEREAS, the city further finds that the proliferation of open storage lots with all of the deficiencies identified herein is having a detrimental effect on the commercial district by creating unsightly properties, by limiting the amount of commercial lots available for other commercial uses, and by creating an unbalanced use of commercial property that distorts the nature of the district and inhibits healthy economic growth of a broad-based commercial sector; and

WHEREAS, the Governing Body finds it to be in the best interests of the health, safety and welfare of the residents, visitors and businesses of the city to impose a temporary

moratorium on the issuance of permits for open storage lots in the commercial district in order to provide the Planning and Zoning Commission with adequate time to review the requirements and to recommend standards for the approval of open storage lots that will better serve the health, safety and welfare and the commercial, economic and aesthetic interests of the community;


NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Elephant Butte that:

Section One. A moratorium is placed on that portion of section 155.033(G)(5) of the Code that permits open or outdoor “boat, RV and vehicle storage” as a permitted use in the commercial district and on the provisions of section 155.033(F)(28) that permits open or outdoor “vehicle, boat and RV storage facilities or storage lots” as conditional uses in the commercial district.

Section Two. This moratorium shall remain in effect for a period of six (6) months from the effective date unless earlier rescinded by the Governing Body.

Section Three. *Effective Date.* This ordinance shall be effective five days following publication after adoption.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the City of Elephant Butte, New Mexico, this 2nd day of October 2019.


Edna Trager, Mayor Pro Tem

ATTEST:


Rani Bush, City Clerk-Treasurer



