

**CITY OF ELEPHANT BUTTE
ORDINANCE NO. 189**

**AN ORDINANCE OF THE CITY OF ELEPHANT BUTTE IMPOSING A
MORATORIUM ON ISSUANCE OF LICENSES FOR HOME-BASED BUSINESSES IN
ALL DISTRICTS PURSUANT TO §§ 155.005, 155.006(G), 155.026(F)(7),
155.027(F)(7), 155.028(F)(6), 155.029(F)(2), 155.030(F)(2), 155.031(G)(6) and 155.032(F)(6)
OF THE CITY OF ELEPHANT BUTTE CODE OF ORDINANCES**

WHEREAS, the City of Elephant Butte has been active since its incorporation in efforts to encourage the number of legal businesses which are beneficial to residents and visitors to the City and which promote needed economic development; and

WHEREAS, the existing code provides for the establishment and licensing of home-based businesses which are intended to be for the benefit of the homeowner and incidental to the residential nature of the premises; and

WHEREAS, the City has recently experienced a proliferation of home-based businesses that exceed the residential objectives for their respective districts and that may be more appropriate for the commercial district; and

WHEREAS, the existing land-use provisions do not adequately address the objectives for the residential and commercial districts or provide clear standards that can be applied in the consideration of applications for home-based business licenses; and

WHEREAS, the City is in the process of reviewing and revising its Comprehensive Plan and the Planning and Zoning Commission is tasked with studying and reviewing revisions to the Comprehensive Plan and the zoning ordinances and land-use regulations of the City; and

WHEREAS, the Governing Body finds that a moratorium on the approval and issuance of home-based business licenses will best serve the health, safety and welfare of the residents of and visitors to the City;

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

Section One. A moratorium is placed on the issuance of home-based business licenses pursuant to sections 155.005, 155.006(G), 155.026(F)(7), 155.027(F)(7), 155.028(F)(6), 155.029(F)(2), 155.030(F)(2), 155.031(G)(6) and 155.032(F)(6) of the Code of Ordinances, regardless of whether referred to as “home-based business,” “home-occupation,” “home-occupation de minimis,” or other nomenclature in the code.

Section Two. This moratorium shall remain in effect for a period for the remainder of FY 19-20 from the effective date of this ordinance unless earlier rescinded by the Governing Body, and the City shall not accept any applications for home-based business licenses during said period.

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

PASSED, APPROVED AND ADOPTED this 22nd day of January, 2020.

Edna Trager, Mayor

ATTEST:

Rani Bush, City Clerk