

**CITY OF ELEPHANT BUTTE
ORDINANCE NO. 218
AN ORDINANCE AMENDING THE ZONING COMMISSION AND FURTHER
AMENDING ORDINANCE 212 CONCERNING THE ESTABLISHMENT OF A
ZONING COMMISSION**

WHEREAS, pursuant to NMSA 1978, Section 3-21-1, municipalities are established as the zoning authority for its jurisdiction;

WHEREAS, NMSA 1978, Section 3-21-7 allows municipalities to delegate certain zoning powers to a commission to assist with the regulation and administration of municipal zoning codes;

WHEREAS, the City employs a Code Enforcement Officer and Land Use Administrator whose responsibilities include enforcement of the City's zoning code, administration of the City's land use requirements, and ensuring conformity with the City plan;

WHEREAS, in order to best promote the health, safety, morals, and general welfare of the City, the Governing Body of the City of Elephant Butte will appoint a Zoning Commission pursuant to NMSA 1978, Section 3-27-7(C) which shall recommend the boundaries of the various municipal districts and the regulations needed to enforce zoning restrictions;

WHEREAS, the Commission will be empowered to hold public hearings for requested variances, special use permits, and hear appeals of permits or licenses denied by the Land Use Administrator;

WHEREAS, within its advisory capacity, the Commission may further provide written recommendations to the City Council as to the approval, denial or modification of a request for annexation, proposed subdivision platting or re-platting, zoning, allotted time extension, amendment of this code, or any other land use consideration within the planning and zoning jurisdiction of the City based upon evidence received or information provided from City Staff and the public;

WHEREAS, it has been determined that the number of alternates needs to be adjusted from one (1) to two (2) to maintain a quorum at all times.

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

2. **Zoning Commission:** The Zoning Commission shall consist of 3 members and 2 alternates each to be appointed by the Mayor with the approval of the City Council. Each member of the Zoning Commission shall be a qualified elector within the city.

(a) *Terms.* Members shall serve staggered terms of 2 years each. The earliest appointed alternate shall fill the earliest vacancy. Incumbents who wish to remain on the Board must submit a letter of interest 1 month prior to the expiration of their term.

1. Any provisions of the City's Municipal Code that are inconsistent with this amendment are repealed and replaced.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the City of Elephant Butte, New Mexico, this 20 day of March 2024.

Phillip Mortensen, Mayor

ATTEST:

Lindsey Cobleigh, City Clerk

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