

1 CITY OF ELEPHANT BUTTE
2 ORDINANCE NO. 224

3
4 AMENDING THE PROVISIONS OF SECTION 155 ZONING – BEGINNING WITH
5 155.005 DEFINITIONS
6

7 WHEREAS, the Code of Ordinances of the City of Elephant Butte contains Zoning
8 Definitions under chapter 155.005.
9

10 WHEREAS, a review of the provisions of the ordinance and chapter has shown the need
11 for an amendment to the provisions relating to the Zoning Definitions to add clarification to
12 definitions; and

13 NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of
14 Elephant Butte that Section 155 Zoning – Chapter 155.005 Definitions be amended as follows:

15 *Section One.* That section 155.005.

16 § 155.005 DEFINITIONS.

17 (A) The words SHALL and MUST are mandatory, the word MAY is permissive. The word
18 PERSON includes a firm, association, organization, partnership, trust, or corporation as
19 well as individual.

20 (B) For the purpose of this chapter, the following definitions shall apply unless the
21 context indicates or requires a different meaning.

22 ALLEY. A public thoroughfare, which affords only a secondary means of access to
23 abutting property. An ALLEY is not to be used for through traffic or as primary access to
24 property. To be maintained by City of Elephant Butte once it has been accepted for
25 maintenance by and through the City of Elephant Butte.

26 ARTERIAL STREET. A major transportation route into which local routes flow and are
27 primarily used for faster and heavier traffic. To be maintained by City of Elephant Butte
28 once it has been accepted for maintenance by and through the City of Elephant Butte.

29 CLEARING AND GRUBBING. A crucial step in land development involves removing
30 vegetation and surface debris, including trees, stumps, roots, and other organic matter, to
31 prepare a site for construction or other purposes.

32 CODE ENFORCEMENT OFFICER. The person designated by the City Manager Mayor to
33 investigate compliance with city ordinances and to cite violators.

34 COLLECTOR STREET. Streets which carry traffic from minor streets to the major
35 system of arterial streets and highways, including the principal entrance streets of a
36 residential development and streets for circulation within a development. To be
37 maintained by City of Elephant Butte once it has been accepted for maintenance by and
38 through the City of Elephant Butte.

39 **CONDITIONAL/SPECIAL USE.** A use that is considered compatible to a permitted use
40 and is described as conditional in a specific district. For example, but not limited to,
41 childcare, adult day care, public utility structures excluding telecom (wireless) towers. All
42 conditional use/special use shall have conditions set forth by the Zoning Commission at the
43 time of the public hearing to approve the requested use.

44 **DEDICATED EASEMENT.** A public easement that is dedicated for public use and is
45 recorded as such in the office of the County Clerk. The dedicated easement provider is to be
46 responsible for the maintenance thereof. (See definition of EASEMENT.)

47 **DWELLING (MULTIPLE-FAMILY).** A building or portion thereof that provides living
48 facilities, sleeping facilities, sanitary facilities and a kitchen designed for occupancy by 3 or
49 more families living independently in which they may or may not share common entrances
50 and/or other spaces. This is specific to Zoning District R-3 – One, Two, and Three Family
51 Residential as well as the overlay zone specific to Unit 10 for up to Four Family Residential
52 Dwellings.

53 **EASEMENT(S).** That portion of a lot or lots reserved for present or future use by a
54 person or agency other than the legal fee owner(s) of that property. The EASEMENT may
55 be for use under, on or above the lot or lots. An EASEMENT may be either public or private
56 and may not be recorded with the Sierra County Clerk in every instance. EASEMENTS may
57 arise through both dedication, agreement between private landowners, or prescriptive
58 rights, all as more fully defined by New Mexico Law.

59 **FENCE.** A barrier, railing, or other upright structure, typically of wood or wire, enclosing an
60 area of ground to mark a boundary, control access, or prevent escape. (See Definition of
61 Solid Fence or Wall)

62 **FOOD TRUCKS.** Are restaurants on wheels, typically operated out of a converted van or
63 trailer. The interior is outfitted with the equipment needed to cook food, including grills,
64 griddles, fryers, ranges, microwaves, and any prep and storage space. All Food Truck
65 vendors shall have proper approval from the State of New Mexico to be a restaurant. (See
66 Mobile Retail Vendor)

67 **GARBAGE.** Any refuse, litter, ashes, leaves, debris, paper, combustible materials,
68 rubbish, offal, or waste, or matter of any kind or form which is uncared for, discarded, or
69 abandoned.

70 **GUEST DWELLING.** An accessory detached building designed exclusively for residential
71 purposes and without any cooking facilities; situated on the same parcel as a one-family
72 dwelling; for the use of visitors as nonpaying guests of the one-family dwelling. Guest
73 dwellings shall have proper sanitation services. Guest dwellings are specific to the R-3 One,
74 Two, Three Family Residential Zoning District, the overlay zone of Unit 10 allowing for up
75 to Four Family Residential, and within the Planned Unit Development – Turtleback
76 Mountain Resort.

77 **MOTEL.** A building or group of buildings which provide lodgings and in which the rooms
78 are usually reached directly from an outdoor parking lot.

79 **POTENTIAL HAZARD IMPACT AREAS ("RED LOTS")**. A lot or lots designated by the City
80 Council as drainage runoff, erosion or flooding zones when they have been determined that
81 drainage runoff, erosion or flooding conditions are present or there exists potential
82 impacts to the property itself, adjacent or downstream properties based upon criteria
83 established within Chapters 154 and 155. Such lots shall be identified on an official City
84 list/ map and be referred to as "Red Lots", having the same definition of "Potential Hazard
85 Impact Areas".

86 **STREET**. Any thoroughfare or public way, not less than 16 feet in width, which has been
87 dedicated or deeded to the public for public use. To be maintained by City of Elephant Butte
88 once it has been accepted for maintenance by and through the City of Elephant Butte.

89 **TEMPORARY/PORTABLE ACCESSORY BUILDING, STRUCTURE OR CONTAINER**. A
90 building or structure which is not attached permanently to a foundation, or trailers to
91 include a type of Recreational Vehicle, storage containers, waste-collection roll- off trailers
92 and similar trailers or portable structures, the use of which is incidental to construction on
93 the property and which may only be approved together with the zoning permit. The
94 approval of a Recreational Vehicle temporarily on an undeveloped lot approved for the
95 development of a dwelling shall not become a main use dwelling. The Recreational Vehicle
96 shall have proper storage and disposal of grey and black water tanks; there shall be no
97 disposal onto the lot or into the City's wastewater system. The approval shall not exceed
98 twelve (12) months from the date of approval of the zoning permit, provided, that for good
99 cause shown based on continuing construction activities on the property, the permit may
100 be extended for an additional 90-days if the zoning permit is administratively extended.

101 *Section Two.* All other provisions of the Zoning Definitions, chapter 155.005 not
102 specifically amended in section one herein shall remain unchanged and in full force and effect as
103 written.

104 *Section Three.* Effective date. This ordinance shall become effective five days
105 following publication of adoption.

106 PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Elephant Butte,
107 New Mexico, this ____ day of _____ 2025.

109 _____
110 Phillip Mortensen, Mayor

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112
113 Attest:

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117 _____
118 Lindsey Cobleigh, City Clerk