

**City of Elephant Butte**

**ORDINANCE NUMBER 128**

**An Ordinance Amending Ordinances 88, 91, 92 and Ordinance 114  
Providing for Approval of Amendments to the  
TURTLEBACK MOUNTAIN RESORT PLANNED UNIT DEVELOPMENT**

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ELEPHANT BUTTE, THAT:**

**SECTION 1. TITLE**

This Ordinance shall be known as the third amendment to Turtleback Mountain Resort Planned Unit Development, Ordinance 88, 91, 92 and 114.

**SECTION 2. PURPOSE**

The purpose of this Ordinance is to document the Elephant Butte City Council approval of changes to the Turtleback Mountain Resort Planned Unit Development.

Ordinance 88 provides the conditions on which a PUD overlay zone can be amended. Ordinance 91 along with Ordinance 92 approves and adds to the PUD, the Turtleback subdivisions of Tierra Verde, Villa Tuscano, Sierra Vista, and Mesa Grande; and Ordinance 114 approves and adds to the PUD Turtleback subdivisions Aguila Vista and Canon del Luna.

The Turtleback Mountain Resort has submitted changes to the Canon del Luna Subdivision and wishes to amend the already approved subdivision.

**SECTION 3. STATUTORY AUTHORITY**

The authority for this Ordinance is found in Sections 3-19-5, 3-19-6, and 3-20-1 through 3-20-16, of the NMSA 1978.

**SECTION 4. MUNICIPAL AUTHORITY**

This Ordinance is created and adopted pursuant to the City of Elephant Butte Ordinance #88, the Planned Unit Development Ordinance and all amendments hereto.

**SECTION 5. REFERENCE**

The fourteen (14) sheet Turtleback Mountain Resort PUD document as amended in the above listed Ordinances is a part of this Ordinance by reference, and carried the same legal rights as the herein written document.

**SECTION 6. AMENDMENTS**

- A. Ordinance 88;  
Section 3 Definition Purpose and Use of Terms

Add: Neighborhood Development Plan - is defined as a neighborhood, subdivision, or other multiple lot split within the PUD in which lots are individually sold or have separate ownership. Neighborhood Development Plans must be amendments to the overall PUD overlay zone after required subdivision review, except as provided in Section 4 (H).

Section 4 Planned Unit Development Overlay Zone;

Subsection H. FINALIZATION OF DEVELOPMENT PLAN – Once the neighborhood development plan is finalized and the developer receives approval to begin construction, the development plan will become an Ordinance for posting and passage by the City Council of the City of Elephant Butte. Any changes to an existing previously approved neighborhood development plan, whether minor or major revisions, will be allowed to take place through regular planning and subdivision process. No public hearing and Ordinance amendment will be required except for those specified in the associated subdivision language. However, if changes in an existing specific neighborhood development plan are made that effect the overall PUD such as off site traffic circulation, and off site drainage, then the changes must be made to the overall PUD and amended by Ordinance.

**B. Ordinance 114; Section 5. AMENDMENTS**

H. Canon del Luna development plan is amended by Re-Plat on July 6, 2011, to reconfigure lots and to add three (3) lots to the overall development. The approved, signed plat of the re-plat is the official approved plat and replaces the Canon del Luna original plat.

**SECTION 7. SEVERABILITY**

Should a court of competent jurisdiction, hold any section, paragraph, clause, or provision of this Ordinance invalid or unenforceable, it shall not affect any of the remaining provisions of this Ordinance.

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall take effect five days after it is passed, approved, and adopted.

**PASSED, APPROVED, AND ADOPTED THIS 6<sup>th</sup> DAY OF JULY, 2011.**

  
**Mayor Eunice Kent**

**ATTEST:**

  
**Mary Ann Dix, Municipal Clerk**