

ORDINANCE NO. 1142

**AN ORDINANCE AMENDING THE TOWN'S OFFICIAL ZONING MAP
BY REZONING FROM RESIDENTIAL B TO COMMERCIAL 6.04 ACRES OF THE SW1/4
NE1/4 OF SECTION 36, T17S R14W N.M/P.M. OF THE TOWN OF SILVER CITY
(UNADDRESSED)**

WHEREAS, on December 31, 2007, Gerald and Rhonda Billings filed an application with the Community Development Department requesting a rezoning of their property from Residential B to Commercial; and

WHEREAS, on March 4, 2008, the Planning and Zoning Commission of the Town of Silver City heard a request to rezone the tract of land described above from Residential B to Commercial; and

WHEREAS, the Planning and Zoning Commission recommends approving the rezoning of the requested area to Commercial; and

WHEREAS, the Council accepts such recommendation;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, THAT:

A 6.035± acre tract of land being situated in the SW1/4 NW1/4 of Section 36, Township 17 S, Range 14W, N.M.P.M., Grant County, New Mexico, being described more particularly as follows:

Beginning at the Northwest Corner of the Zone Parcel here in described, from whence the Northwest Corner of said Section 36 bears N 00°21'39" W, 1332.16 feet distant; Thence S 90°00'00" E, a distance of 529.59' to Corner #2; Thence S 00°00'00" E, a distance of 357.28' to Corner #3; Thence 87°20'30" E, a distance of 47.26' to Corner #4; Thence S 51°16'40" W, a distance of 243.08' to Corner #5; Thence N 90°00'00" W, a distance of 383.86' to Corner #6; Thence N 00°22'08" W, a distance of 511.54' to the Point of Beginning of the tract herein described, containing an area of 6.035 Acres (262,871 sq. ft.), more or less.

is hereby zoned Commercial according to the provisions of the 2005 Code of Ordinances of the Town of Silver City, Title XV, Chapter 151, Section 151.092 (B), based on at least one of the following Findings:

Findings

1. The proposed amendment is in substantial compliance with the Town's Comprehensive Plan;
2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan;

3. The proposed amendment is justified in order to correct a mistake in the Town's Comprehensive Plan;
4. The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code;
5. The proposed amendment responds to changed conditions, such as changes in assumptions on capital investments, road locations, population trends, land committed to development, density, use or further studies that have been completed since adoption of the Land Use Code;
6. The proposed amendment is necessary in order to respond to State and/or Federal legislation;
7. The proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code.

PASSED, ADOPTED, AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 22nd day of April 2008.

(SEAL)

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk