

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
WORK SESSION**

**Grant County Administration Center, 1400 Hwy 180, Silver City, NM
August 4, 2010, 2:00 PM**

Present: James R. Marshall, Mayor
Cynthia A. Bettison, District 1
Jamie K. Thomson, District 2
Simon Wheaton-Smith, District 3
Michael S. Morones, District 4

Also Present: Alex C. Brown, Town Manager-Finance Director
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney
Peter Russell, Community Development Director

1. Call to Order, Pledge of Allegiance, and Reading of Mission Statement. Mayor Marshall called the meeting to order at 2:00 PM and he read the Mission Statement.

2. Discussion to include, but not limited to the following: the draft of the revised Land Use Code. Mayor Marshall asked for public input and said he would like specific ideas on how to consider improving the Code. Andrea Sauer, from the Grant County Health Council's Healthy Kids Healthy Communities Program, said that part of the assessment of Healthy Kids was to look at public policy like the Land Use Code to determine the impact on public health, specifically childhood obesity. She distributed documents (copies attached to these Minutes) to the Council and commented on 5 recommendations for changes to the proposed Land Use Code. There was further discussion about vehicle traffic, standards in the Extra Territorial Jurisdiction, and bee keeping. Kathy Anderson distributed documents (copies attached to these Minutes) to the Council and gave 5 suggestions on night lights in Section 5.12 and billboards. There was further discussion about 60 and 90 degrees for lights, light shrouds, meters, issues with neighbors, etc. Jim Goodkind also commented on lights and said he would be in favor of the 60 degree angle. Nancy Cliff distributed documents (copies attached to these Minutes) to the Council and commented on off premises signs that were grandfathered and urged the Council to talk to the Town Attorney to get them removed. There was further discussion and Attorney Scavron commented on compensation and amortization; retroactive law; how the billboard industry was a national industry, etc.

Councilor Wheaton-Smith made a motion to recess at 3:05 PM, and Councilor Bettison seconded the motion. All were in favor, motion passed. Mayor Marshall called the work session back to order at 3:18 PM. Tony Morones distributed documents (copies attached to these Minutes) to the Council and commented about mobile homes and the Land Use Code's impact on manufactured housing in Silver City. There was further discussion about single-wides; grandfathering and how it runs with the land and not the owner; zone changes and variances; additions to single-wides; setbacks; zoning categories; public notice about changes to Land Use Code; etc. William Joseph suggested to the Council that they err on the side of regulation and he said that he supported an increase in regulation.

3. Adjournment. Councilor Wheaton-Smith made a motion to adjourn at 4:05 PM. Councilor Bettison seconded the motion. Peter Russell, Community Development Director, distributed to the Council some additional definitions on the issue of distinguishing junk yards from recycling centers (copies attached to these Minutes). Mayor Marshall said the next work session would also include public input. All were in favor of adjourning, motion passed.

_____/s/_____
James R. Marshall, Mayor

Attest:

_____/s/_____
Yolanda C. Holguin, Acting Town Clerk

MEMORANDUM

TO: PETER RUSSELL, TOWN OF SILVER CITY COMMUNITY DEVELOPMENT DIRECTOR
FROM: ANDREA SAUER, PROJECT COORDINATOR FOR HEALTHY KIDS, HEALTHY COMMUNITIES
SUBJECT: SILVER CITY LAND USE CODE
DATE: 8/4/2010
CC: JAMES MARSHALL, JAMIE THOMSON, CYNTHIA BETTISON, MICHAEL MORONES, SIMON WHEATON-SMITH, ALEX BROWN, PETER PEÑA, NICK SUSILLO

PURPOSE AND BACKGROUND

Healthy Kids, Healthy Communities (HKHC) is a national program of the Robert Wood Johnson Foundation (RWJF) to reduce childhood obesity through policy, environmental, and systems changes. In 2009, the Grant County Community Health Council received \$360,000 from RWJF over a four-year period to implement Healthy Kids, Healthy Communities in Grant County. The program began in 2010 and will continue through 2013. HKHC Grant County is spearheaded by Andrea Sauer, Project Coordinator, and a new Project Director, Dr. Don Johnson—a pediatrician with Hidalgo Medical Services and member of the Grant County Community Health Council.

Childhood obesity continues to be a major public health issue in Grant County. Silver Consolidated Schools began collecting body mass index (BMI) data on all Kindergarten, fourth, seventh and tenth grade students in 2006. The 2009-2010 school year data revealed that 26 percent of Kindergartners were overweight or obese—slightly under the national average of 33 percent. BMI's increased greatly among fourth graders, however, to 39 percent overweight or obese. Thirty-three percent of seventh grade students and 35 percent of tenth grade students in the Silver School District were found to be overweight or obese in 2009-2010. Initiatives such as Safe Routes to School and HKHC are working to reverse this trend through long-term change, such as addressing land use and transportation policy to create healthier environments for children to be physically active and eat nutritious foods.

One of the first efforts of HKHC Grant County was to review zoning and comprehensive plans to determine the impact of community design, land use, and transportation policies on public health. The review of the Silver City Land Use Code (LUC), with proposed amendments, focused on two key areas: 1) opportunities for physical activity or “active living”¹; and 2) access to nutritious food and drink or “healthy eating”². This memo offers suggestions for amending the LUC to improve public health outcomes affected by land use regulations in Silver City.

¹ HKHC defines “active living” as a way of life that integrates physical activity into daily routines. The goal is to accumulate at least 30 minutes of activity each day. Individuals may achieve this by walking or bicycling for transportation, exercise or pleasure; playing in the park; working in the yard; taking the stairs; and using recreation facilities.

² HKHC defines “healthy eating” as a way of life and is influenced by what we eat, how much we eat and how it is prepared. Healthy food should be moderate in calories and nutrient dense (rich in vitamins and minerals). Healthy eating includes eating appropriate portion sizes and balancing how often foods are eaten. And finally healthy eating involves choosing foods that are prepared using healthy cooking methods.

OUTLINE

This memorandum is divided into two sections with a total of four categories of recommendations:

Section I: Active Living

1. Multi-Modal Transportation
2. Trails and Open Space

Section II: Healthy Eating

1. Farmer's Markets
2. Community Gardens

In addition, each recommendation has two parts: proposed language and rationale. The proposed language is meant to offer suggestions on wording for the recommendation and the rationale is meant to provide local context, background, and specify need.

SECTION I: ACTIVE LIVING

Active living is defined as a way of life that integrates physical activity into daily routines. The Silver City LUC directs land use patterns and opportunities for physical activity afforded to residents through elements such as street design, placement of recreation centers and parks, planning for multi-modal transportation and preserving open space. Section I focuses on two major components in the LUC affecting active living opportunities: multi-modal transportation planning, and trails and open space.

1. Multi-Modal Transportation Planning

Recommendation #1: Add intent language accommodating all transportation users

Proposed Language [insert on page 124]:

5.2.1 The purpose of this Section is to ensure that the arrangement, design, character, extent, width, grade, and location of all streets: (1) shall conform to the Town's Comprehensive Plan; (2) shall be considered in their relationship to existing and planned streets, topographic conditions, public convenience, safety, and in their appropriate relation to the proposed uses of land immediately served by such streets and those areas outside of the subdivision which may need to be served by such streets in the future; and (3) provide safe, convenient, and comfortable routes for walking, bicycling, and public transportation that encourage increased use of these modes of transportation, enable convenient travel as part of daily activities, improve the public welfare by addressing a wide array of health and environmental problems, and meet the needs of all users of the streets, including children, older adults, and people with disabilities. To the maximum extent possible, local streets shall be laid out so as to discourage vehicular traffic through residential neighborhoods, while still providing adequate emergency service.

Rationale: Silver City encourages the inclusion of pedestrian and bicycle elements in road improvement projects. Recent improvements to Silver Street and Highway 180 attest to the shift in planning for multi-modal transportation. However, because pedestrian and bicycle design features are

not required elements of street design, these transportation modes always run the risk of getting cut from the final design and implementation of the road project. Adding intent language focusing on all modes of transportation paves the way for future initiatives, such as a neighborhood public works project or a complete streets ordinance, which would accommodate pedestrians and bicyclists in Silver City. Finally, this intent language parallels the goals outlined in the 2004 Silver City Comprehensive Plan.

Recommendation #2: Require analysis of alternate modes of transportation in Traffic Impact Analysis

Proposed Language [insert on page 32]:

Traffic impact analysis (TIA). A study performed by a qualified engineer or planner which assesses the impact of the proposed facility or development on existing motorized and non-motorized traffic flow (see Section 3.3.1(P)(1)(a)(ii)). Also referred to as a “traffic study”.

Proposed Language [insert on page 124]:

5.2.2. To provide information on the capacity of streets serving new development, the Community Development Department may require the applicant to conduct a traffic impact study or other infrastructure capacity analysis that assesses the impacts of the proposed use on existing roads, intersections, and vehicular, pedestrian, and bicycle circulation patterns, and that sets forth mitigation measures to eliminate or substantially reduce such impacts.

Rationale: Traditionally, traffic impact studies only take automobile traffic and circulation patterns into account but do not consider the affect of new development on non-motorized transportation. By inserting language requiring traffic impact studies to consider all forms of transportation, particularly pedestrians and bicyclists, this ensures planning for multi-modal transportation occurs at the very beginning of the development process.

2. Trails and Open Space

Trails and open space are a valued land use in Silver City. The following recommendation for the LUC strengthens the goals and policies outlined in the 2004 Comprehensive Plan for trails and open space.

Recommendation #3: Define “trails” under Article II of the LUC

Proposed Language:

XX) Trail means a marked path used for non-motorized transportation or recreation purposes.

Rationale: The draft Land Use Code does not contain a formal definition for trails that could be developed in floodplains. Developing language to discuss provisions and regulate trails could be added in Section 4.1 Floodplain Overlay District and/or in Article II Definitions.

SECTION II: HEALTHY EATING

The two main opportunities for the Town of Silver City to promote healthy eating in the Land Use Code include provisions for Farmer's Markets and Community Gardens. Each topic is addressed separately below.

1. Farmer's Markets

One way to promote healthy eating in Silver City is to support the Silver City Farmer's Market. The Silver City Farmer's Market provides fresh produce to community residents, supports small farmers, serves as a community gathering place, and revitalizes Downtown and local businesses.

Recommendation #4: Redefine "farmer's market" and associated definitions under Article II of the LUC

Proposed Language:

- **Farmer's Market.** An outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more Producers, at which (a) at least 75 percent of the products sold are Farm Products or Value-added Farm Products and (b) at least 75 percent of the vendors regularly participating during the market's hours of operation are Producers, or family members or employees of Producers.
- **Farm Products.** Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products), and fish.
- **Producer.** A person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.
- **Value-added Farm Product.** Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.

Rationale: Currently, "farmer's market and flea market" are a combined definition, when in fact, these two markets can promote very different activities. The proposed definition distinguishes a farmer's market from a flea market or other type of market, which may primarily sell crafts, furniture, or other non-food items or which may sell foods other than agricultural products. By requiring that a certain percentage (NPlan suggests 75%) of the products sold are farm produce or products made from farm produce, this clearly defines a farmer's market from other market activities.

Secondly, the proposed definition suggests that 75% of the vendors be Producers, but in communities such as Silver City with a shorter growing season and fewer local farmers, this number may need to be adjusted downward to 50 percent. The definition above requires this percentage be engaged in "direct marketing", that is, farmers directly selling to consumers the farm produce or products made from farm produce the farmers grew themselves. Direct marketing protects local producers from retail commercial sales, and benefits the consumer by having access to fresh-picked, quality produce purchased directly from local sources.

2. Community Gardens

Community gardens are places where neighbors and residents can gather to cultivate food. When successfully implemented, community gardens can also improve nutrition, physical activity, community engagement, safety, and economic vitality for a neighborhood and its residents, and provide environmental benefits to the community at large.

Currently, five community gardens exist within Silver City's town limits, two of which are school/community gardens: 1) 13th and Corbin St. garden, 2) Hudson St. garden, 3) Penny Park garden, 4) Guadeloupe Montessori School garden, and 5) WNMU student/community garden.

Recommendation #5: Define “community garden” under Article II of the LUC

Proposed Language [insert on page 16 of the amended draft LUC]:

Community Garden. Land used for the cultivation of fruits, vegetables, plants, flowers and herbs by multiple users. The land shall be served by a water supply sufficient to support the cultivation practices used on the site. Such land may include available public land to provide open space, recreation, education, social connections, economic development opportunities, and a local food source.

CONCLUSION

Each of the recommendations and language outlined in this memo have been thoroughly researched by reputable organizations (Robert Wood Johnson Foundation, National Policy and Legal Analysis Network primarily) and are compatible with the vision put forth in Silver City's Comprehensive Plan (2004). I highly encourage the Town of Silver City to consider each recommendation in turn and determine whether the proposed amendments are desirable and suitable for the public health outcomes. Healthy Kids, Healthy Communities offers its support and technical assistance to the Town of Silver City to promote healthy eating and active living for all Silver City residents and visitors.

Follow-up recommendations include 1) adding use-specific regulations for farmer's markets and community gardens, 2) adding provisions for the keeping of animals within Town limits, particularly chickens and bees, 3) considering a complete streets ordinance, 4) developing a street design manual depicting the guidelines, amenities, and features of streets, and 5) adopting an adequate public facilities ordinance (APFO) or Level of Service (LOS) standards for new development within Town limits and/or the ETJ.

LIST OF RECOMMENDATIONS

Recommendation # 1: Add intent language accommodating all transportation users

Recommendation # 2: Require analysis of alternate modes of transportation in Traffic Impact Analysis

Recommendation # 3: Define “trails” under Article II of the LUC

Recommendation # 4: Redefine “farmer’s market” under Article II of the LUC

Recommendation # 5: Define “community garden” under Article II of the LUC

From: Joyce Newman (keysjoyce@hotmail.com)
To: beadladyak@yahoo.com;
Date: Wed, August 4, 2010 4:49:26 AM
Cc:
Subject: Town Code Revisions

To: Council Members, Town of Silver City

From: Joyce C. Newman & George A. Benson
3902 W. Tom Lyons Drive, Silver City
534-0890

Date: August 4, 2010

RE: **Land Use Code Revisions; Billboards and Lighting**

In drafting revisions to our Town's Land Use Code, specifically those sections applicable to billboards and night lighting, our stance is very clear: **protect our residents and visitors from unsightly visual pollution**. We have strong feelings about how our Town should look, and we believe a *long-term perspective* should dictate today's decisions, irrespective of whose individual investment-based expectations might be adversely affected. Without question, long-term economic benefits accrue to our Town through restrictive billboard and night lighting regulations.

The overriding question should be: How do we want our Town to look in 2030 or 2040?

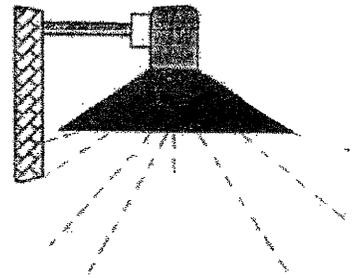
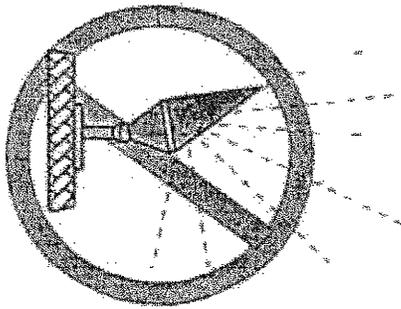
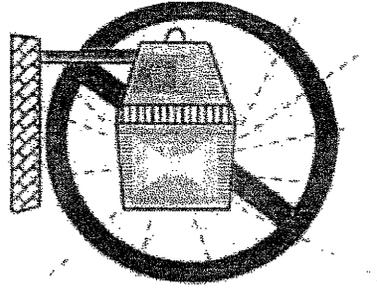
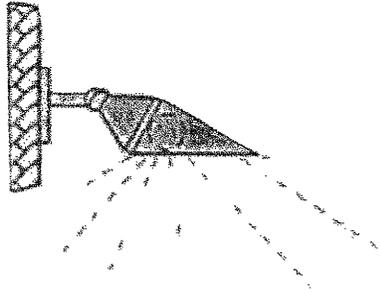
At several locations in the Historic District, we see unsightly billboards -- certainly those are in violation of existing regulations. Throughout Silver City we observe unpermitted, lighted signs that detract from our Town's character. And bright, unshielded security lights fly in the face of our Town's claims to "dark skies". Visitors to Silver City come for an experience apart from that which surrounds them in metropolitan areas, and it is through a quality visitor experience that we attract new residents who share our vision of quality of life.

Because we believe lax enforcement of regulations results from inexact language, it follows that any place the word "may" appears, that word should be replaced with "shall". This closes the gap of interpretive leeway and results in a level playing field for all.

In closing, we note that beneficial, restrictive regulations are irrelevant without strict, consistent enforcement. Thank you for this opportunity to submit our comments. We will follow with close interest as you take actions.

Received 8/4/10
By [Signature]

IDA Practical Guide



Fixture illustrations by Peter Talmage

Topic:

Residential Lighting (Good Neighbor Guide)

MANY OF US HAVE EXPERIENCED THIS SCENARIO: Your neighbors have installed a new light on their property. It is an unshielded fixture that casts a bright light with no control and lots of glare. The light trespass from this fixture produces light pollution and energy waste. Their new fixture is lighting up your yard or shining into your home, maybe even illuminating your bedroom and disrupting your sleep. Your neighbors cite safety as the reason for installing this light. The illumination gives them a newfound “feeling of security.”

What your neighbor may not know is that unshielded fixtures that create glare and splatter light everywhere may make a property less safe by not focusing the light where it is needed. Likewise, your neighbor also may not be aware of how you are affected by the light trespass coming off the property.

How do you talk to your neighbor about this situation? The International Dark-Sky Association suggests the following steps to educate your neighbor, and by extension your community, about the value of dark sky friendly lighting.



George Flecko
The glare from an unshielded light creates deep shadows.

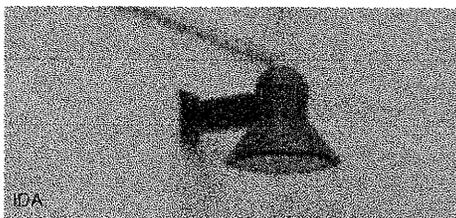


George Flecko
The glare from the light hid a possible attacker.

Don't hesitate to ask your neighbors for their advice or opinion in solving the problem. Goodwill goes a long way.



IDA
Fixture shields can be made from household objects. This shield is made from a rain gutter.



IDA
Fully shielded lighting casts light on your porch, not your neighbor's yard.

Practical Actions:

1. **Make friends, not enemies.** Your neighbors probably don't realize the light is bothersome.
 - Always approach people in a friendly, non-threatening way.
 - Don't argue. Be tactful and understanding about their right to light their property.
 - Don't dismiss their need to feel safe.
 - Suggest alternatives to their current fixture. Ask them to move the light, shield it or add a motion sensor.
2. **Be informative.** Talking to your neighbor is an exciting chance to be an advocate for good lighting and share knowledge on an important issue.
 - There are many reasons to use dark sky friendly lighting. IDA sound bites can help to convey the benefits.
 - » Dark sky friendly lighting does not mean dark ground.
 - » Safety is important, but brighter does not mean safer.
 - » A starry sky is a natural resource.
 - The topics of safety, energy savings, cost, wildlife are addressed briefly in this document. Additional articles and brochures from the IDA Web site are downloadable and free for use.
 - » Print off free materials from the IDA Education tab and present this information to your neighbor.
3. **Do your homework and be prepared to address the real issues.**
 - It is useful to know the local costs of electricity (cents per KWH), and the local lighting control ordinances. This information is available on most city Web sites, from your regional utility company, and on your utility bill.
 - You may also want to compile a list of local businesses with good quality lighting as an example of effective security measures that are dark sky friendly.
 - A list of shielded light fixtures to provide as alternatives to your neighbor's current light is also recommended. A comprehensive list of dark sky friendly fixtures and devices is available on the IDA Web site in the Fixture Seal of Approval section.
 - If there are any further questions, call us +1 520 293 3198, or e-mail us at ida@darksky.org. IDA will answer!
4. **Stay positive.** Don't let bad lighting create a feud in your residential area.
 - Remember that home is a place where everyone wants to feel relaxed and safe.
 - Accept your neighbors' need to feel secure and politely ask them to accept your need to enjoy the nighttime environment in your own yard.
 - Explain that light trespass is a form of light pollution, but never threaten to sue. The idea of a lawsuit can create bad feelings among the whole neighborhood.
 - Remember that everyone wants the same thing: a chance to relax in their own environment. Work together to create an atmosphere that benefits the community.

What you and your neighbors should know about dark sky friendly lighting

Safety

Studies have indicated that there is no conclusive correlation between night lighting and crime*. Most property crime is still committed during the day, or inside lit buildings. Outside illumination can draw attention to the building or facility and help a criminal see what they are doing. Lights triggered by motion sensors are much more effective in indicating the presence of an intruder.

IDA believes that outdoor lighting should provide real security, not just the feeling of safety. Effective security lighting starts with determining and illuminating target areas such as entry points. Using shielded fixtures is beneficial in two ways. First, glare is decreased or eliminated. Uncomfortable or temporarily blinding, a glaring light can distract the eye and cast harsh shadows that create easy concealment opportunities for a trespasser. Second, shielded fixtures help you control both the placement and the amount of light. Entrances, windows, and gates can be the focal points of a lighting scheme that does not over illuminate, but allows adequate and uniform visibility that dissipates shadows.

"Crime is not reduced by sending light upward into the sky or by sending glare into your eyes."

—Maggie Tracey,
IDA Nevada Section Leader

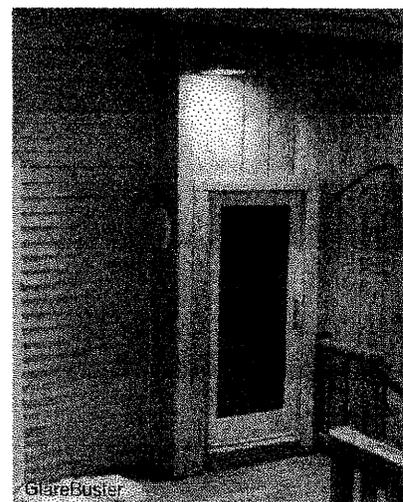
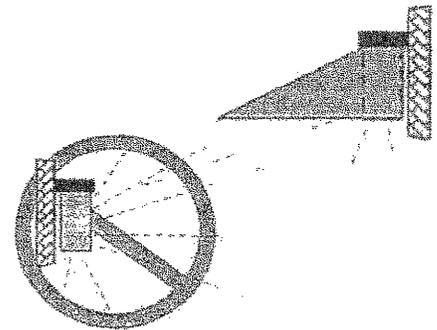
People can see more in soft lighting than they can in spotlights because they can see beyond the point of illumination. Our eyes can take up to 20 minutes to adjust to the dark—longer for aging eyes. Fully shielded lighting provides enough illumination to see your surroundings while reducing excess light harmful to your night vision.

Safety lighting for your home includes being able to see where you are walking. However, you do not need a floodlight or a single harsh lamp to create enough light. Shielded foot lamps along paths provide an alternative to harsh illumination. A smart lighting plan directs the light where you need it, so you don't have to choose between security and the preservation of the night sky.

Lights do not need to be bright to be effective. Effective lighting produces uniform coverage of the area, while glaring points of light can attract criminals by creating shadows in which to hide.



This fully shielded lighting with motion sensors safely lights the walkway with a pleasant ambiance.



Shielding reduces glare and points the light where it will do the most good.

* Sherman, Lawrence W., et al. "Preventing Crime: What Works, What Doesn't, What's Promising" A Report to the United States Congress Chapter 7. 1997—<http://www.ncjrs.gov/works/chapter7.htm>

Energy and cost savings



A floodlight run amok!



Southern AZ Section of IDA

By shielding the light (right side), the bulb was reduced from 60 watts to 40 watts, a 33% savings.

Dark sky friendly lighting fixtures can be less expensive to operate than traditional outdoor lights. Shielding the fixture so no light escapes above a 90 degree angle concentrates the light exactly where it is needed. In their Consumers Guide to Home Energy Savings, the American Council for an Energy-Efficient Economy (ACEEE)[†] endorses IDA approved outdoor fixtures that can “save energy as well as light pollution that can keep your property safe without disturbing dark hours.”

The downward concentration of light created by fully shielded fixtures typically requires a lesser wattage lamp than traditional lighting because every bit of illumination is directed where it can make a difference. A lesser wattage lamp can now be used effectively because you aren't lighting the sky or your porch roof as well as your steps. Cost savings on your utility bill will pay for the fixture within the year. Switching from a 75-watt incandescent bulb (cost: \$0.75) to a 20-watt compact fluorescent (CFL) bulb (cost: \$4.00) can save money the first year if it is used only two hours every day. Switching to a CFL that is on for up to 12 hours a day can save over \$200.00 over five years[‡]. Why pay for light that is not being used? Approximately 30% of the energy produced by every unshielded bulb is used to illuminate the sky. This wasted energy costs \$2.2 billion annually in the United States alone.

Additional energy savers include putting timers, dimmers, and motion sensors on outdoor lighting. These features allow you to use the light when you need it without constant use “just in case” you need it.

Use of compact fluorescent lighting in homes

- CFL bulbs contain mercury, but did you know that they contain only 4 milligrams? Compare that amount to the 500 milligrams in a traditional thermometer[†].
- The largest source of mercury in the air comes from coal burned to produce electricity. Because CFLs use less electricity than traditional bulbs, their use contributes to a reduction in net mercury emissions.
- Recycling your CFLs is easy. Many cities accept these in their recycling program, otherwise you can find a mail-in recycling program through the EPA at: <http://www.epa.gov/epawaste/hazard/wastetypes/universal/lamps/index.htm>
- Many CFLs do not work well in cold weather, taking time to “warm up.” Make sure to purchase a CFL with a cold-weather ballast if you are in an area that is consistently cold.
- Use a CFL with a built in reflector for outdoor fixtures. CFLs distribute their light differently than incandescents, so using a bulb with a built in reflector allows you to maximize lamp output.
- Try to purchase lamps with a color temperature of 2700 to 3000K[§]. The ENERGY STAR program is proposing that all new qualified lamps include this number on the packaging. If the correlated color temperature (CCT) is not listed, look for one advertised as being Warm White or Soft White. This range of CCT is also the most nighttime friendly for wildlife and stars.

A bright idea for dimmer lights

The Lighting Research Center is currently experimenting with the cost savings of dimmer switches and daylight sensors on LED streetlights. Automatic dimmers are becoming increasingly popular in residences too, because they are affordable, reliable, and relatively easy to program. Motion sensors offer another way to ensure lights go on when they are needed and turn off when they are not.

[†] Values according to the American Council for an Energy-Efficient Economy (ACEEE):

<http://www.aceee.org/consumerguide/lighting.htm>

[‡] http://www.energystar.gov/ial/partners/promotions/change_light/downloads/Fact_Sheet_Mercury.pdf

[§] http://www.energystar.gov/index.cfm?c=cfls.pr_cfls_color

Fixture Seal of Approval

IDA's certification program, called the Fixture Seal of Approval, was created in 2005 to promote environmentally responsible outdoor lighting. The Fixture Seal of Approval provides objective, third-party certification for luminaires that minimize glare, reduce light trespass, and don't pollute the night sky. IDA evaluates the photometric data of any luminaire submitted by its manufacturer. Fixtures that do not emit any light above a 90 degree angle earn the FSA certification.

Previously open exclusively to industrial lighting fixtures, certification has recently been extended to residential lighting fixtures for outdoor use. The criteria of not emitting light above a 90 degree angle remains stringent, ensuring dark sky compliance. The FSA page on the IDA Web site (under the Policy/Programs tab) provides a list of approved fixtures and manufacturers, as well as vendors who distribute dark sky friendly fixtures.



Wildlife

From bird feeders to firefly chases, many people like to experience wildlife in their backyard. But bright light throughout the night can have calamitous effects on animals, insects, and plants. As humans expand into more rural areas, our light pollution produces a continual state of "twilight" in the habitats around us. This twilight affects the mating habits, feeding patterns, and navigational skills of mammals, birds, amphibians, reptiles, and insects. Even certain trees are induced to shed their leaves out of cycle, disrupting the basis of the food chain. Scientists and researchers are only now beginning to understand the long term impacts of artificial light at night on ecosystems. Smart lighting choices can help restore the environmental balance in your neighborhood.



Alexi Pace

Insects are attracted to the white light of floodlights.

Upon discovering the magnitude of fatal bird collisions, some cities are initiating mitigation procedures. The Lights Out Toronto campaign established in 2006 in Toronto, Canada calls for residents to turn out any unnecessary lights for the protection of migratory birds. In addition, the city has issued bird friendly development guidelines for all new buildings, which include the control of unnecessary artificial light. In September 2008, Boston, MA, USA began a two-month initiative to conserve electricity by shutting off lights at 34 city skyscrapers. A stated purpose of this project was the protection of migrating birds. Chicago, IL and New York, NY USA also participate in a "Lights Out" during migration season.

As awareness of the danger of artificial light to sea turtles grows, an increasing number of communities are restricting coastal illumination. Countries all over the world have passed ordinances that control the amount and type of light used in coastal environments. As the list grows, hatching sea turtles are starting to be able to find the sea without the help of human volunteers to guide them. Learn more about local and regional action by visiting www.seaturtle.org.



US Fish and Wildlife

Sample letter to neighbor:

Putting your thoughts in writing is good way to avoid a miscommunication. IDA has prepared a sample letter of issues you may want to convey to a neighbor if a lighting nuisance ever arises.

Dear (insert name),

Allow me to introduce myself, I am your neighbor (insert name) and I would love to talk to you about good outdoor lighting. I have noticed that you have installed outdoor lights on your property, and I applaud your desire to help improve our neighborhood.

At this time your lights are a bit too bright and they are shining in (pick areas as they apply: our bedroom window, the backyard, into our house etc.), and interfering with our (sleep, hobbies, view of the sky, etc). I'm sure you weren't aware of this and I wanted to bring it to your attention as soon as possible to avoid any misunderstanding. Let me be clear, I am not asking you to remove the lights, but perhaps they can be re-directed onto the ground where they will do the most good.

In addition, we could work together to shield the lights so that they are even more effective. Shielding a lamp usually requires a lesser wattage bulb, which is a big money saver within just a year's time. Shielding reduces glare which can be blinding and produces fewer harsh shadows where the "bad guys" can hide. Dark sky friendly lighting provides real security, not just an illusion.

There are other ways to save money and still be safe. When lights have motion sensors, they provide an alert if someone is in your yard after dark and they save you money by keeping the lights off when they aren't needed. Timers are another money saver because they can turn off your lights when you will not be using the yard; for instance, when you retire for the night.

Thank you so much for your time and understanding. I would love to talk with you about the advantages to using dark sky friendly lighting and how it benefits your safety, your budget, and the night sky.

Sincerely,
Your Neighbor

A Word document of this letter is available by contacting IDA.

Referenced Material:

American Council for an Energy-Efficient Economy—www.aceee.org

Consumers Guide to Home Energy Savings—<http://www.aceee.org/consumerguide/lighting.htm>

ENERGY STAR®—http://www.energystar.gov/ial/partners/promotions/change_light/downloads/Fact_Sheet_Mercury.pdf

The Facts About Mercury in CFLs, Press Release, October 1, 2007, Released by Focus on Energy and Energy Star—http://www.focusonenergy.com/data/common/dmsFiles/K_MK_MKPR_PR_2048118480.pdf

Sherman, Lawrence W., Denise Gottfredson, Doris MacKenzie, John Eck, Peter Reuter, and Shawn Bushway. "Preventing Crime: What Works, What Doesn't, What's Promising" A Report to the United States Congress. Prepared for the National Institute of Justice. 1997. <http://www.ncjrs.gov/works/>

U.S. Environmental Protection Agency—<http://www.epa.gov/epawaste/hazard/wastetypes/universal/lamps/index.htm>

Related Practical Guides and Web Links:

Crime Prevention Through Environmental Design—www.cpted.net

FLAP—Fatal Light Awareness Program—www.flap.org

ENERGY STAR®—http://www.energystar.gov/index.cfm?c=cfls.pr_cfls_color

"PG1: What is Light Pollution"—www.darksky.org

"PG2: Effects of Artificial Light at Night on Wildlife"—www.darksky.org

For information on IDA membership and donations, visit our Web site at www.darksky.org.

CHOOSING ILLUMINANCE ACCORDING TO THE APPLICATION

Excessive illuminance constitutes light pollution and a waste of energy. It is always preferable to produce a moderate yet uniform illuminance. This allows the eye to adapt to ambient light levels while ensuring the required visibility.

Minimize illuminance

Table 4 indicates recommended illuminance levels for the main types of exterior lighting applications. These recommendations for rural and urban milieus have been approved by the IESNA and correspond to regulations adopted by the region of Mt. Megantic and the City of Sherbrooke to preserve research activities at the Observatory.

Extinguish lights when not in use

Darkness is incorrectly associated with crime. Artificial lighting, especially when very intense, creates a false feeling of security.

For this reason, non-residential lighting should be switched off after 11 p.m. or when not in use. Public spaces that are frequented at night, however, should stay illuminated.

AVERAGE MAINTAINED ILLUMINANCE (LUX)

LIGHTING APPLICATION	Rural or semi-rural situation	Urban situation
Commercial display areas		
Automobile dealerships	50 à 75	100
Other sales areas	40	60
Storage areas	10	15
Loading, handling or work areas		
Loading, handling or work areas	40	50
Pedestrian and cycling zones	4	6
Building entrances	40	50
Roadways* (According to use)	4 à 12	6 à 17
Parking lots	10 à 15	15 à 25
Service stations		
Pumping areas	50	100
Surrounding areas	20	30

*No road should be lighted outside city limits, except at intersections.

Table 4. Recommended illuminance for main exterior lighting applications.

01

02

03

04

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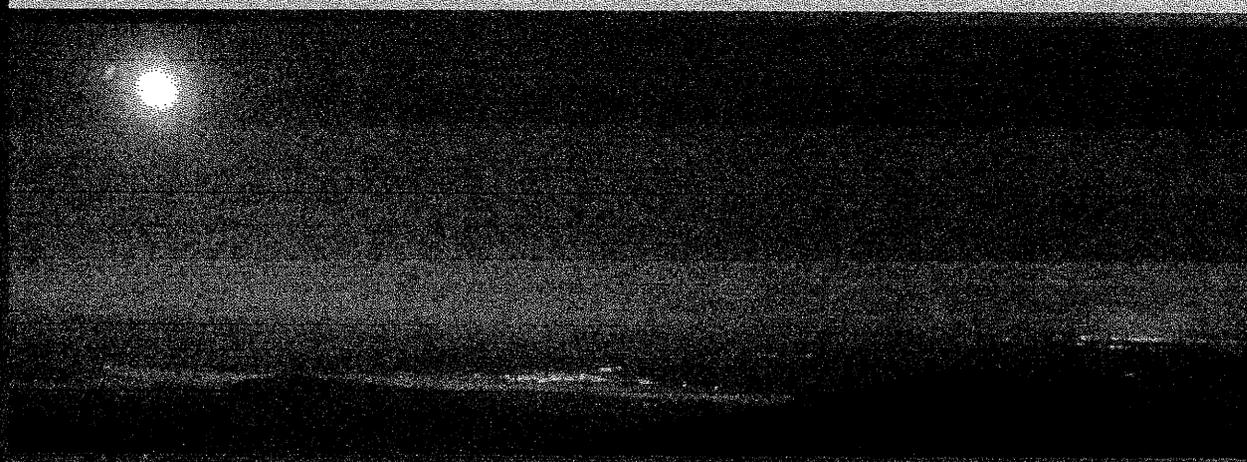
17

18

19

The full moon provides very low but uniform illumination (~0.1 lux) that does not generate glare.

Source: Éric Ladouceur





International Dark-Sky Association

"... to preserve and protect the nighttime environment and our heritage of dark skies"

3225 North First Avenue
Tucson, AZ 85719, USA
tel +1 520.293.3198
fax +1 520.293.3192
www.darksky.org
ida@darksky.org

Press Release: **FOR IMMEDIATE RELEASE**

Contact:

Pete Strasser

Managing Director, International Dark-Sky Association

pete@darksky.org

1-520-293-3198 x 405

Blue Light Threatens Animals and People

07 October 2009 – The rapidly expanding use of bluish-white outdoor lighting threatens visibility at night and jeopardizes the nocturnal environment worldwide.

This surge is fueled by the promise of energy savings and reduced lighting maintenance. The demand for energy efficient lighting is a laudable imperative. This effort has resulted in a new generation of electric light sources such as LEDs and induction lamps that emit a cold, bluish white light. The blue tone of the light is a result of how the light source operates and it is not visually necessary. The blue portion of the color spectrum produces only a small percentage of light that is useful to the human eye.

Unfortunately, bluish light produces high levels of light pollution with significant environmental impact. These lights are known to increase glare and compromise human vision, especially in the aging eye. Short wavelength light also increases sky glow disproportionately. In addition, blue light has a greater tendency to affect living organisms through disruption of their biological processes that rely upon natural cycles of daylight and darkness, such as the circadian rhythm. For only a modest improvement in outdoor lighting efficiency, these new sources dramatically escalate the environmental damage caused by artificial lighting.

Some manufacturers and government agencies are misrepresenting the visual effectiveness of these bluish-white light sources and the environmental impacts are not being considered. IDA discourages the use of bluish-white lamp sources with a Correlated Color Temperature above 3000 Kelvin. Developers of light sources should be required to refine their products to limit blue light at wavelengths shorter than 500 nm.

IDA encourages government and other concerned parties to support additional scientific research on this subject. This research will help to understand fully the impact of bluish white light and guide the evolution of lighting technology to protect human health and the nocturnal environment while providing safe and efficient outdoor lighting.

IDA Offices

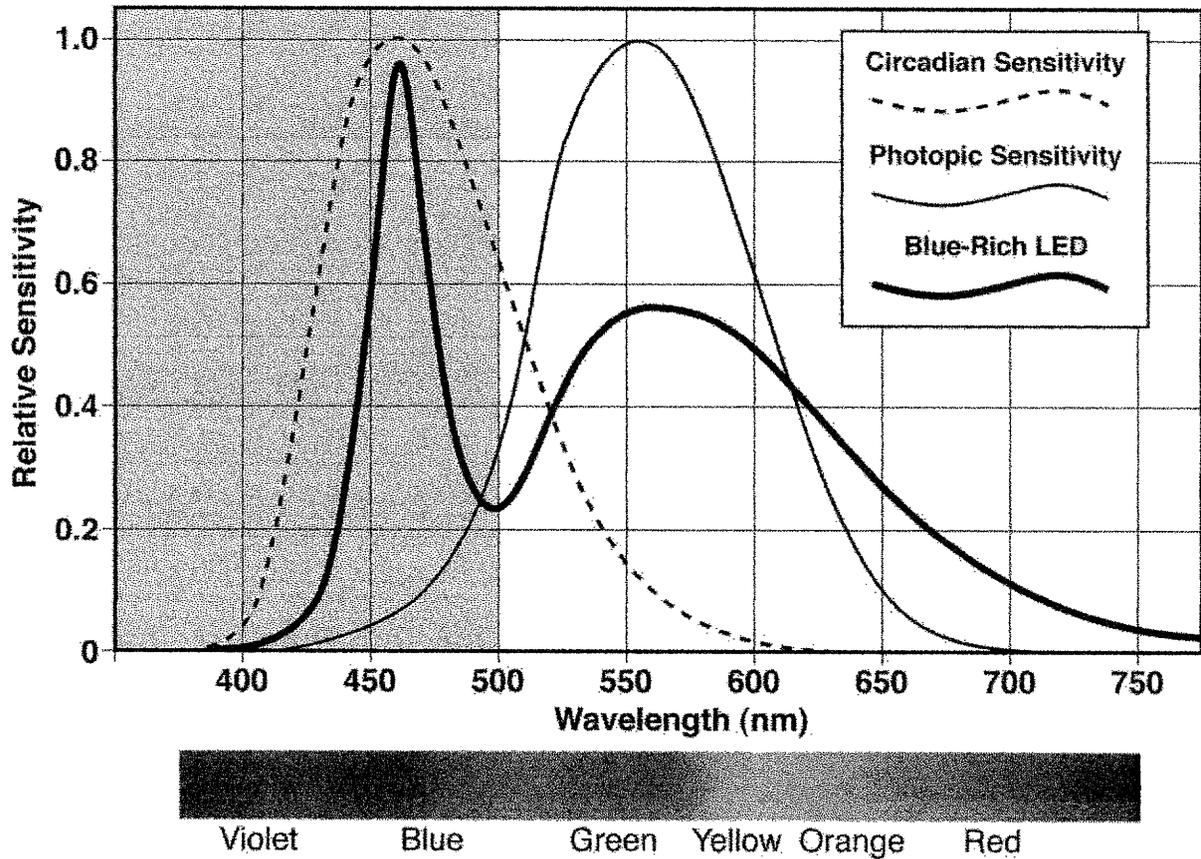
Washington, DC, USA | Hever, Belgium | Turrumurra, New South Wales, Australia



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Human visual sensitivity is primarily in the green and yellow part of the spectrum and is depicted by the thin solid line. Circadian rhythms are controlled by light emitted within the dashed curve. The color of light emitted by a typical bluish-white 5500 Kelvin LED is depicted by the bold line. A large portion of light emitted by this light source falls outside of the human photopic vision range, and falls within the circadian rhythm curve. IDA recommends limiting blue light emitted below 500 nm, as indicated by the shaded section of the graph.

About the IDA

The IDA is a 501 (c) (3) not-for-profit organization whose mission is to preserve and protect the nighttime environment and our heritage of dark skies through environmentally responsible outdoor lighting. The information above was developed by the IDA Technical Committee using published research and input from professional members of the environmental, astronomical and lighting design communities.

IDA Offices

Washington, DC, USA | Hever, Belgium | Turrumurra, New South Wales, Australia

Environ Health Perspect. 2007 Sep;115(9):1357-62.

Meeting report: the role of environmental lighting and circadian disruption in cancer and other diseases.

Stevens RG, Blask DE, Brainard GC, Hansen J, Lockley SW, Provencio I, Rea MS, Reinlib L.

Department of Community Medicine, University of Connecticut Health Center, Farmington, Connecticut 06030-6325, USA. bugs@uchc.edu

Abstract

Light, including artificial light, has a range of effects on human physiology and behavior and can therefore alter human physiology when inappropriately timed. One example of potential light-induced disruption is the effect of light on circadian organization, including the production of several hormone rhythms. Changes in light-dark exposure (e.g., by nonday occupation or transmeridian travel) shift the timing of the circadian system such that internal rhythms can become desynchronized from both the external environment and internally with each other, impairing our ability to sleep and wake at the appropriate times and compromising physiologic and metabolic processes. Light can also have direct acute effects on neuroendocrine systems, for example, in suppressing melatonin synthesis or elevating cortisol production that may have untoward long-term consequences. For these reasons, the National Institute of Environmental Health Sciences convened a workshop of a diverse group of scientists to consider how best to conduct research on possible connections between lighting and health. According to the participants in the workshop, there are three broad areas of research effort that need to be addressed. First are the basic biophysical and molecular genetic mechanisms for phototransduction for circadian, neuroendocrine, and neurobehavioral regulation. Second are the possible physiologic consequences of disrupting these circadian regulatory processes such as on hormone production, particularly melatonin, and normal and neoplastic tissue growth dynamics. Third are effects of light-induced physiologic disruption on disease occurrence and prognosis, and how prevention and treatment could be improved by application of this knowledge.

PMID: 17805428 [PubMed - indexed for MEDLINE]PMCID: PMC1964886Free PMC Article

I'm Nancy Cliff. My husband and I have owned our house on W. 12th Street for more than 16 years. Because I want Silver City to maximize its assets, I am opposed to visual blight.

After I moved here in 1998 I became aware of the Town's ordinance governing off premises signs, in particular, the provision that required removal after a 10-year amortization period. I even calendared the sunset date, and following procedures set out in the Land Use Code, wrote to Peter Russell shortly thereafter -- in January of this year. I requested enforcement of Sec. 151.079(F)(4) of the current Code. At Section 5.15.6(D) (2) the revised Land Use Code being considered today restates the language and intent of this provision.

The Town Attorney responded to the effect that because State law preempts local law the Town would have to compensate an owner for removal, and that in his opinion this would be cost-prohibitive.

As you can see on the aerial shot of downtown, attached, there is one prominent off premises billboard right in the middle. The sign is visible quite a distance from its location at roughly College & Texas.ⁱ It is grandfathered; that is, it was non-conforming prior to the effective date of the Land Use Code. According to a reliable source this sign has been in place for nearly 50 years.ⁱⁱ All other off premises billboards in downtown have been eliminated.

The surface area of this billboard is more than 450 sq ftⁱⁱⁱ; the top is about 30 feet above finish grade at the posts. It is huge.

The sign is located in the Silver City Historic District. According to both the original and revised Land Use Codes, signs in the historic district cannot be more than 40 sq ft in area and/or 12 feet in height (Sec. 4.2.6 (I) rev.). The Town's guide to investing in Silver City's Historic Districts explains that "this provision protects the historic character of the area from being overwhelmed by signage." I would argue that one oversized off premises billboard is overwhelming. In particular tourists and other visitors cannot help but be struck by the incongruity of tolerating this massive billboard with local pride in our scenic beauty and stated interest in protecting the historic character of downtown.

At Sec 3.1.6 rev. the downtown commercial district is said to "encourage a high level of vitality through diverse activities conveniently accessible to pedestrians." The disproportionate scale of the whole structure is more appropriate to high speed highway traffic, not to downtown slower street speeds and the attention of pedestrians. Note that in the photo pedestrians are dwarfed by the sign.

If it were **not** located in the historic district the size and height restrictions would still be prohibitive. See Sec. 5.15.6 (A) rev. ("free-standing signs shall not have a total height greater than 20 feet") and Sec. 5.15.6(B) rev. ("no off-premise sign shall have a sign area exceeding 200 square feet"). To summarize, the billboard at College & Texas is over the height limit by 10 feet and more than doubles the allowable surface area -- for the historic district it is more than 10 times the limit.

As to the revised Land Use Code a specific recommendation would be to include the word "sign" to Section 8.6, Declaration of Nuisance and Abatement. Regarding any compensation, there are recognized valuation methodologies for outdoor advertising. I urge the Council to direct the Town Attorney to talk with the owner of this billboard, and come to an agreement resulting in its removal.

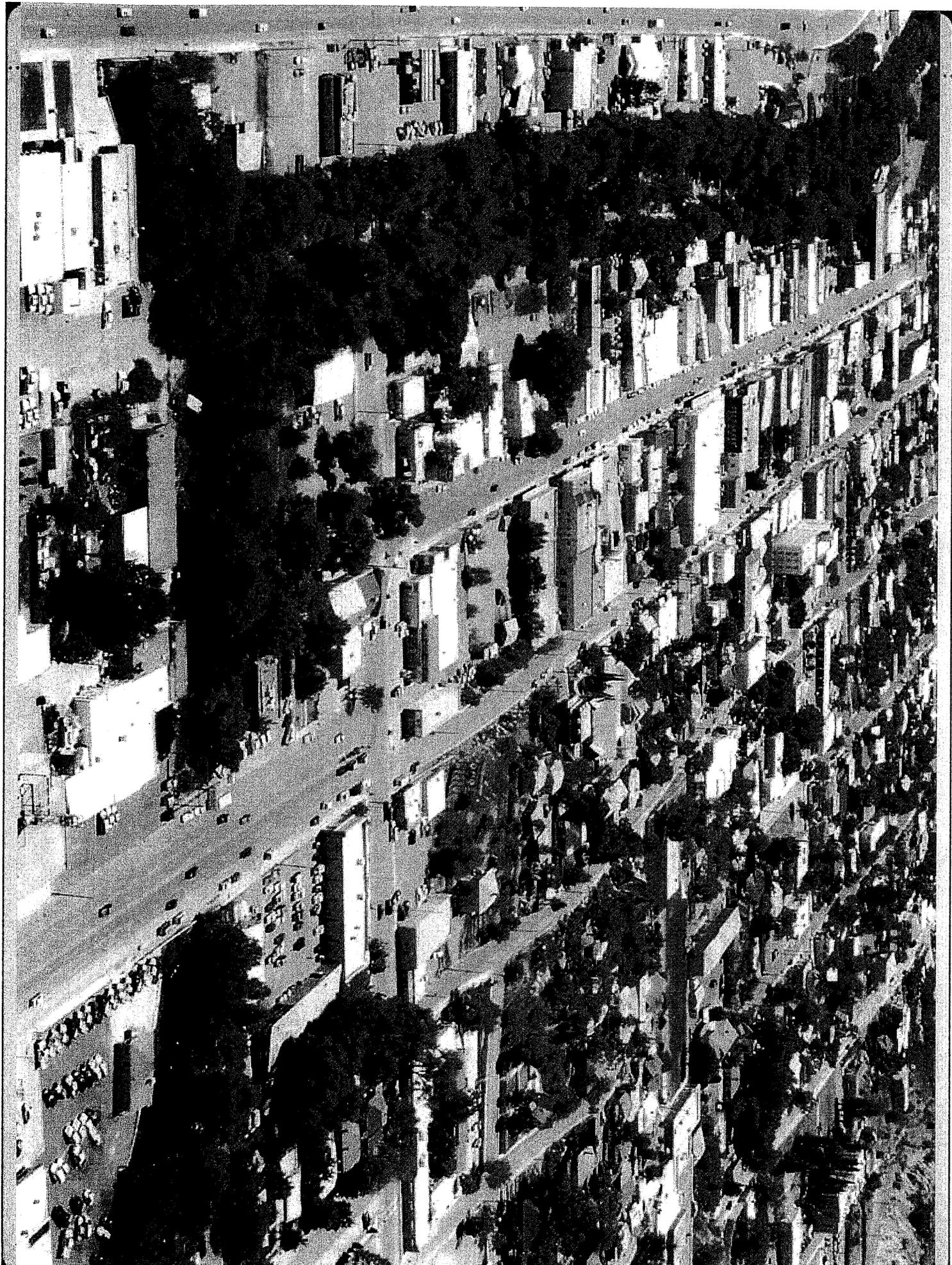
Thank you.

ncliff49@gmail.com 313-3750

ⁱ <http://www.downtownsilvercity.com/PDF/SC-Workshop-Friday-night.pdf> [pp 12 and 26 show the billboard. Both of these photos were included in the recently presented downtown action plan.]

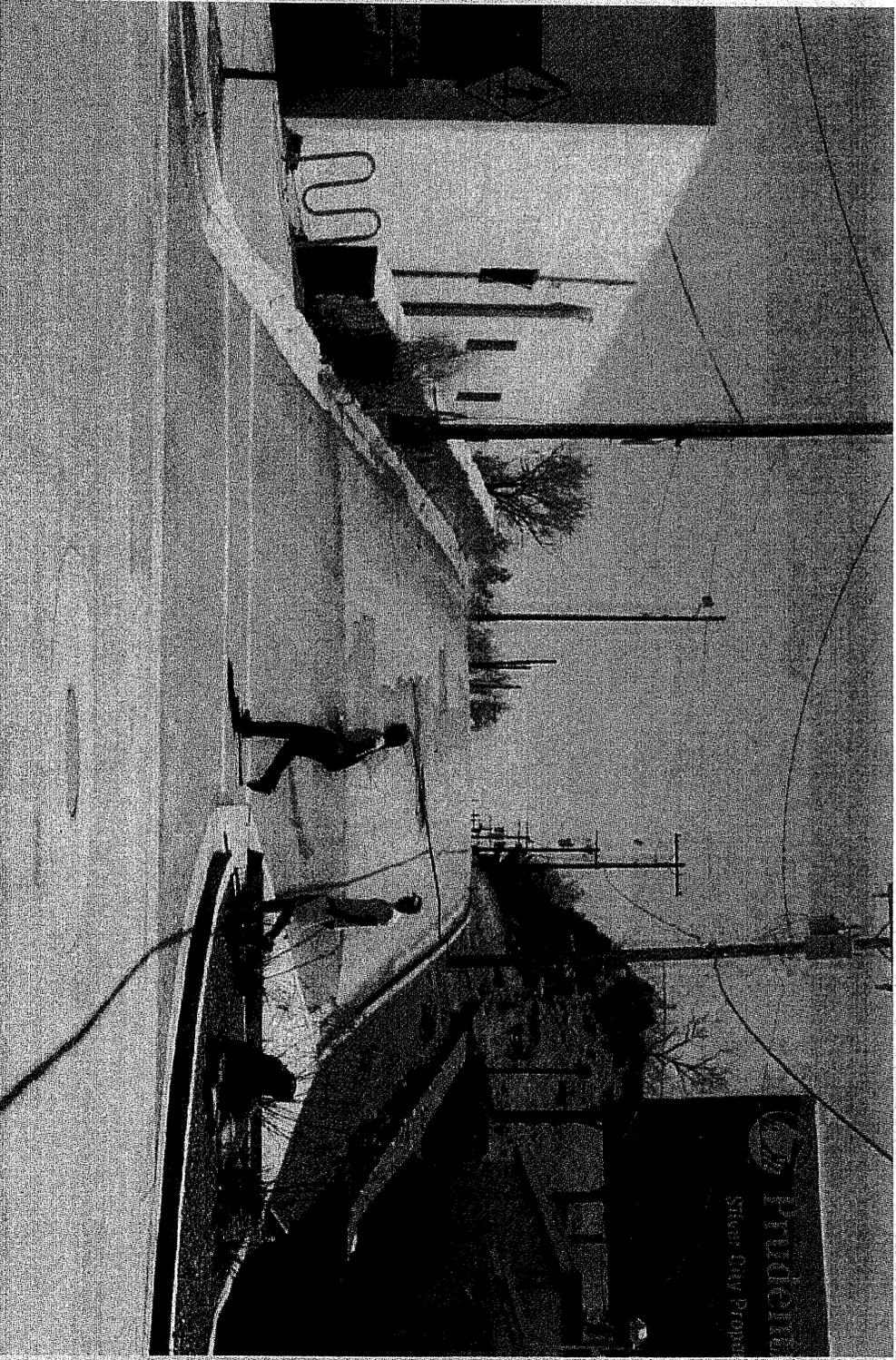
ⁱⁱ For depreciation purposes the IRS indicates that the useful life of a billboard sign structure of wood construction is about 25 years.

ⁱⁱⁱ The actual dimensions are 16 x 30 or 480 sq. ft.



Transportation

Traffic Calming



Fwd: Open House/Thank You

From: **tony morones** (tonyandbecke@gmail.com)
Sent: Mon 2/22/10 3:22 PM
To: richm1415@hotmail.com

----- Forwarded message -----

From: **tony morones** <tonyandbecke@gmail.com>
Date: Feb 22, 2010 2:20 PM
Subject: Fwd: Open House/Thank You
To: richm1415@hotmail.com

----- Forwarded message -----

From: **Luan Mitchell** <cddsec@qwestoffice.net>
Date: Feb 22, 2010 11:17 AM
Subject: RE: Open House/Thank You
To: tony morones <tonyandbecke@gmail.com>

Mr. Morones,

I am sending you a reply from Peter Russell, below. As he says in the letter, we apologize for not getting back to you sooner, but I was out of the office all last week.

Luan Mitchell

Planner, Community Development

575-534-6374

cddsec@qwestoffice.net

To: Tony Morones

From: Peter Russell

Re: Questions in E-mail Dated February 13, 2010

Date: February 22, 2010

Please accept my apology for this late response. I only received the e-mail today since it was sent to Luan Mitchell and she was out all last week.

In regard to your questions, I have the following observations.

1. If a SWMH is currently in place with an approved variance or is otherwise “grandfathered,” the SWMH may be replaced with a newer model so long as it meets the relevant site criteria—setbacks, etc.
2. Additions to all SWMH may be performed so long as the additions are approved the NM Manufactured Home Division and possibly other pertinent inspectors such as the state electrical inspector, the state plumbing inspector, and possibly the Town’s Building Inspector. The level of review will depend on the nature of the additions. If, for example, NMMHD inspects the addition, the Town inspector will defer to that agency. If NMMHD declines to inspect or only inspects a portion of the addition, the Town’s inspector will inspect. In addition, there are two other considerations: a) the Town’s site plan criteria must be met and b) any structures, including SWMHs, that are “grandfathered” can only be increased in size 25% beyond their current size without an additional variance.
3. Double and triple-wide mobile homes are permitted in all rural and residential zones, but in the Historic overlay districts there are some additional restrictions regarding the kinds of construction and finishing materials that can be used. These materials are listed in Section 151.051(E)(3) subsections (a) through (c). SWMHs are not allowed in the Residential A Zone regardless of the Historical district classification.
4. If the Town Council approves the RB1 zoning category, the zoning map will still not be changed. In order to amend or change the zoning map, at least two public hearings would need to be held (one before the Planning Commission and one before the Town Council) with full public notification to all affected residents. The process for amending the zoning map is explained in Section 151.092(B). The adoption of the zoning category does not trigger a specific rezoning or amendment of the zoning map. If a map amendment is actually approved by the Town Council, uses and structures lawfully existing at the time of rezoning will be “grandfathered.” As mentioned in answer no 1., a “grandfathered” SWMH could be replaced with a newer model. If the zoning map is amended through council action, however, a resident may not opt out of the new zoning classification.
5. An accessory dwelling unit is a use that accommodates a smaller, additional dwelling on a parcel in zones where only a single-family dwelling is allowed per parcel. Since SWMHs may not be placed in the Residential A zone, they would not qualify as an accessory structure. Residential B and C zones allow more than one dwelling unit per parcel so accessory dwelling units are not an issue. While Residential B and C zones do allow SWMHs, two SWMHs on the same parcel would by the existing zoning definitions constitute a mobile home park and would therefore have to meet the mobile home park design standards, including the parcel size requirement that is one acre. A SWMH could be placed on a single parcel that is otherwise vacant or that is currently occupied by a multiple unit manufactured home or by a site-built structure.
6. I am glad to have cleared up your concerns
7. If you have more questions, please call or come by.

From: tony morones [mailto:tonyandbecke@gmail.com]
Sent: Saturday, February 13, 2010 8:59 AM
To: cddsec@qwestoffice.net
Subject: Open House/Thank You

Mr. Peter Russell/Luann Mitchell Good morning, We wish to express our appreciation for the opportunity to review, comment on, and ask some questions of this 2009 LUC Draft. Your attention to detail, time you both spent at our table, and your professional and courteous approach was positive and productive, "Thank You"! Since we also were seeking clarification for others, please indicate if our conclusions are correct; 1.) SWMH's in A residential, Variance approved, property owners are permitted to replace their older SWMH with a newer SWMH, with approved Site Plan. 2.) Additions to older SWMH's permitted, even if older than 1976, provided NM Manufactured Home Division(Shad Goldman)is ok with it, and Site Plan submitted with no "Load Bearing Construction" additions to SWMH. 3.) Double/Triple wide Manufactured Homes are permitted in all residential zones, including any of the four overlay Historic Districts, providing exterior design is compatible with the charactor of surrounding structures and permanent foundation standards are completed on install, "Real Property". Single wides in Historic, gray area, year of manufacture, design of SWMH and exterior will be taken into consideration prior to approval of Site Plan. 4.) RB1 and Land Use Right; B residential property owners who choose not to adopt RB1 to their lands, will have the right to Exemption "Grandfather"protection, and will be permitted continued prior land use right, "What is now, will remain as is" and will be permitted to install SWMH with approved Site Plan. 5.) SWMH's/Accessory Dwellings; A residential; Two structures are permitted, one as the "Primary and the other as secondary, primary must be occupied by owners, secondary may be a SWMH (Only one permitted), and may be utilized as rental. In B residential zones, no more than two SWMHs are permitted for rentals, SWMHs should be in good shape, serviceable, HUD approved and all new installs will have permanent foundations/new install standards will apply. Type/Construction of Permanent Foundations will be determined by the NM Manufactured Home Division/Manufacturer's Install Manual. 6.) Dimensional Adjustment, "thanks" for clearing that up for us! 7.) Variance, 8 of 8 and Appeals Process, can we talk a bit more about this process? 8.) Open House approach, to get the citizen and government together, in a informal setting, was a great idea, please continue to provide avenue/opportunity to promote/encourage this type of open communication, we believe it works. Let's talk some more, some time. We all care about our town, homes and families and actually have much in common, and we may disagree on some issues, but we can exchange views, productively. Good day and "Thanks" to all who put this open house together.

Silver City Land Use Code Update

New Zones

Reform
New Zoning Design Concept

Introduction and Purpose

The purpose of creating new zone districts is to better protect neighborhood character. The limited number of existing zones is a "one size fits all" approach that does not respect distinct neighborhoods or commercial districts. Excessive conditional uses and variances were therefore used to remedy ill-fitting code provisions, creating uncertainty and inefficiency. The development of new zones was as follows:

From Residential B (RB), two zones were created.

From Commercial (C), four zones were created.

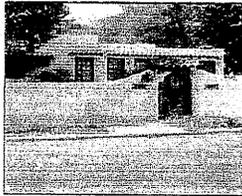
A new Open Space (OS) zone was created for public open space.

The new zone districts will be mapped through a series of public meetings to take place after the zoning code text is adopted.

Residential Zones

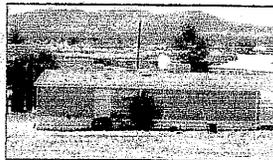
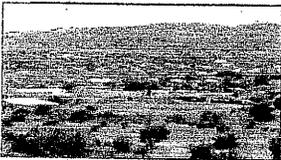
RB-1 District

The Residential B-1 District is intended to accommodate low, medium, and moderate-density single-family, two-family, and multi-family residential development containing no more than 10 dwelling units, not including single-wide mobile homes, and to provide land-use protection for areas that develop in such a manner.



RB-2 District

RB-2 District is intended to accommodate low, medium and moderate-density single-family, two-family, and multi-family residential development, and to provide land-use protection for areas that develop in such a manner. Mobile homes in RB-2 must have skirting, be placed on a permanent foundation, have a main entrance consisting of a choice of site-built stairs, deck or porch, or have an attached garage, carport or addition.



Large Lot Overlay Zone

The zoning map shall designate Large Lot Overlay Zoning Districts, requiring 32,670 s.f. (3/4 acre).



Street Setback Overlay Zones

The zoning map shall indicate street setbacks in the street setback map according to the following overlay zones:

- 50' street setback
- 20' street setback
- 10' street setback
- 0' street setback

Commercial Zones

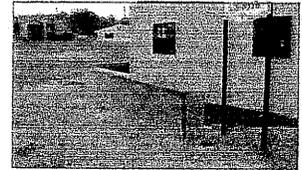
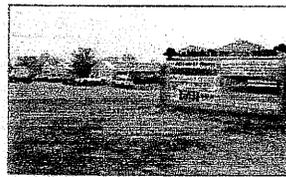
Historic Downtown District

The Historic Downtown Commercial (C-HD) District is intended to accommodate a mix of commercial uses serving residents and visitors, mixed-use buildings, and residential buildings in the historic central business core, and to provide a variety of building sizes compatible with the character of the Silver City.



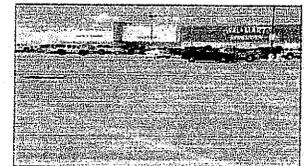
Light Commercial District

The Light Commercial (C-Lt) District is intended to accommodate a mix of commercial uses largely serving residents of neighborhoods and the region, including retail commercial, government, financial establishments, professional offices, and medical facilities. Commercial and institutional uses, mixed use and higher density residential buildings may generate more intense traffic, noise and lights than in the historic downtown commercial districts.



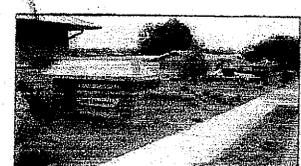
Highway Commercial District

The Highway Commercial District is intended to accommodate a broad mix of commercial uses serving residents and visitors, including businesses that are highly accessible for vehicles. This district is intended for employment activities and uses that may create more intense traffic, noise, and lights than in the historic downtown commercial and light commercial districts. Higher density residential buildings and mixed-use buildings containing residential units that do not front on the highway are appropriate.



Mixed Use Commercial District

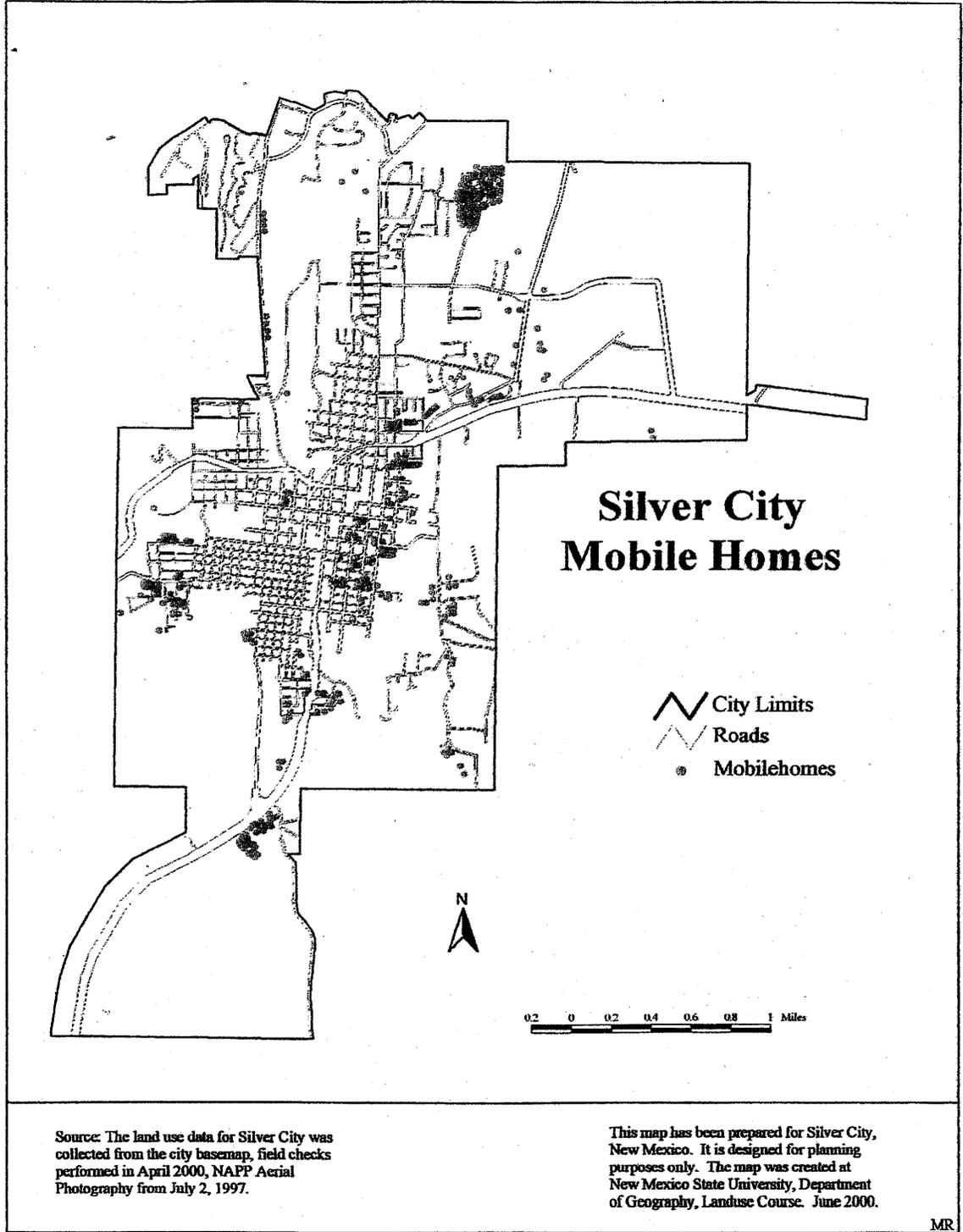
The Mixed Use Commercial (C-MU) District is intended to accommodate a mix of small-scale commercial and residential uses and to provide a transition between commercial and surrounding residential neighborhoods. Reinvestment, limited expansion of existing residential and commercial buildings and new mixed use and residential and commercial uses are encouraged.



TOWN OF SILVER CITY

Note: Code provisions are summarized here. For complete and exact text, please refer to the draft amended Land Use Code.

Architectural Research Consultants, Incorporated



Map 4 Mobile Homes

P) *Manufactured Homes, Modular Homes and Mobile Homes*

- 1) Skirting is considered integral to the manufactured home, modular home and mobile home. All manufactured homes, modular homes and mobile homes within the incorporated limits of the town, shall be fully skirted within 90 days from the date of installation or relocation, according to the standards in the Manufactured Housing Act and Regulations for ground level installation (if applicable). All materials used for skirting must be fire-resistive, which may include masonite, cinderblock, rock, vinyl or sheet metals such as corrugated tin and aluminum, and shall enclose the space between the lower (floor) elevation of a manufactured home, modular home or mobile home and the ground, and shall completely conceal the undercarriage portion of such homes.
- 2) Relocation of, or addition to, a mobile home older than 1976 within the Town is prohibited unless the owner provides written proof from a licensed electrician that the mobile home does not contain any aluminum wiring.

Q) *Mobile Home Parks*

- 1) *Site conditions.* Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health and safety of the occupants.
- 2) *Minimum area of tract.* The tract for a mobile home park must be at least one acre in size.
- 3) *Subdivision procedure.* Mobile home parks shall be approved in accordance with the subdivision process set forth in Section 6.3.16, except that in the event of any conflict between dimensional standards applicable to subdivisions in general and those applicable to mobile home parks, the latter shall govern.
- 4) *Access to the site.* Direct vehicular access to the park shall be provided by means of an abutting approved public street or improved and permanently maintained private street or way which is protected by a permanent easement, but not by an alley. The width and construction of the access streets or ways shall be suitable for the vehicular traffic requirements of the properties served.

Draft Definitions and Use-Specific Standards for Amended Land Use Code:

Definitions

Junkyard. Outside location for the temporary or long-term storage, collection or sorting, of waste materials; or, the outside storage of materials or items not integral to the primary use of the land in quantities or for time periods not typical of the surrounding neighborhood. Waste materials are stored until they are either transferred to a permanent disposal site such as a landfill or sold to a customer, where the customer is seeking a particular item and initiates the sale at the junkyard itself.

Recycling Collection Point. An incidental use that serves as a public drop-off point for temporary storage of recoverable, non-hazardous resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools, and would generally use impermanent collection bins such as roll-off dumpsters.

Recycling Collection and Transfer Center. A facility in which recoverable, non-hazardous resources such as newspapers, magazines, books, and other paper products; glass; metal cans, scrap metal, and scrap wiring; and other household consumption products are collected, sorted, and transferred to a recycling processing center. This facility does not act as a point of sale for retail customers.

Recycling Processing Center. A facility in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans, scrap metal, scrap wiring, and scrap vehicles; used vegetable and other cooking oils; scrap home furnishings including washer/dryers, water heaters, stoves, refrigerators, and other household appliances; and other products, are recycled, reprocessed, and treated to produce secondary materials such as plastic pellets, metal bars, particle board, or biofuel that are later used in production at other facilities. This facility does not act as a point of sale for retail customers.

Use-Specific Standards

Category	Specific Use Type	Ru	RA	RB-1	RB-2	RC	C-MU	C-HD	C-Lt	C-Hwy	I	Use-Specific Standard
Waste-Related Use	Recycling Collection Point	x	x	x	x	x	C	C	A	A	A	
	Recycling Collection and Transfer Center	x	x	x	x	x	x	x	C	A	A	3.3.1(ZA)
	Recycling Processing Center	x	x	x	x	x	x	x	x	C	A	3.3.1(ZA)

3.3.1 Use Specific Standards

ZA) Recycling Centers

1) Exterior Storage

- a) Shall allow for short-term storage (no more than 30 days) of any recoverable, non-hazardous resources in dedicated bins.
- b) Any exterior storage shall be fenced, screened, or landscaped to reduce the visibility of such storage from adjacent properties and the street frontage. Fencing and screening must be at least eight feet in height and of sufficient mass to be opaque. A chain link fence with slats shall not constitute acceptable screening or fencing for the purposes of this provision. Landscaping shall also be at least eight feet in height and of sufficient mass to be opaque or shall become opaque in no more than twelve months; landscaping shall also remain opaque throughout the year.
- c) Shall not include long-term storage (more than 30 days) of any recoverable, hazardous, or non-hazardous resources.

2) Type of Processing and Materials

- a) Recycling Collection and Transfer Center:
 - i) Shall allow for light disassembling and sorting of materials, that which would require hand-held tools and manual labor, but shall not allow for heavy disassembling of materials, that which would require heavy machinery, industrial separators, or other industrial equipment to disassemble materials.
 - ii) Shall not include the collection of hazardous waste products, including tires, waste oils, grease or other flammable, toxic, or other hazardous materials; shall not include the collection of cars, trucks, recreational vehicles, motorcycles, or other fuel-powered vehicles.
- b) Recycling Processing Center:
 - i) Shall allow for heavy disassembling of materials, that which would require heavy machinery, industrial separators, or other industrial equipment to disassemble or process resources, to be performed in an enclosed structure.
 - ii) Shall allow for short-term storage (no more than 30 days) of any hazardous resources or byproducts produced during processing in an enclosed structure, which must follow all applicable Town, County, and State safety laws and procedures.