

Proposed Land Use Code Changes

Existing Section 3.1.1 Rural (Ru) District. The Rural District is intended to provide for annexed areas that will accommodate agricultural, ranching, and natural resource uses and very low-density residential uses, until such time as other development is appropriate.

Revised Section 3.1.1 Rural (Ru) District. The Rural District is intended to protect existing rural land uses that are characterized by low density single-family residential uses on large lots and agricultural uses, including livestock for personal use within the guidelines of the Municipal Code. Limited commercial activity that is compatible with rural residences and agriculture is also permitted.

Revised Table 3.2: Uses¹

Category	Specific Use Type	Ru	RA	RB-1	RB-2	RC	MU	C-HD	C-Lt	C-Hwy	I	Use Specific Standard
RESIDENTIAL												
Household Living	Recreational Vehicle Parks	C	X	X	X	A	X	X	X	(C) to A	X	3.3.1(Y)
INSTITUTIONAL AND CIVIC												
Church/Religious Assembly		(C) to A	A	A	A	A	(C) to A					
COMMERCIAL												
Self-Service Storage	Mini Warehouse	X	X	X	X	X	X	X	(X) to C	A	A	
	Food Service, Mobile Unit	X	X	X	X	X	C	A	A	A	A	
Vehicle Sales		X	X	X	X	X	C	C	C	A	A	

Existing Section 3.3.1 AA (1) (b) Recycling Centers. Exterior Storage.: 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 in no more than 12 months; landscaping shall also remain opaque throughout the year.

Revised Section 3.3.1 AA (1) (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. Landscaping shall also be at least eight feet in height and of sufficient mass to be opaque or shall become in no more than 12 months; landscaping shall also remain opaque throughout the year.

¹ Sections of tables not shown remain unchanged.

Revised Table 3.4.2: Density and Dimensional Standards

<i>Table 3.4.2: Density and Dimensional Standards</i>								
Zone District	Specific Use, as allowed	Floor Area Ratio	Min. Lot Area (sq. ft.)	Min. Street Frontage (feet)	Minimum Setbacks (feet)			Max. Height (feet)
					Street	Side	Rear	
RA, RB-1, RB-2, RC	Single-Family Attached	N/A	2,500 per du	25	Set by street setback map	5*	(10) 5	35
	Single-Family Detached	N/A	5,000	50	Set by street setback map	5*	(10) 5	35
	Multi-Family and All Other Uses	N/A	5,000	50	Set by street setback map	5*	(10) 5	35
MU	Single-Family Attached or Mixed-use Attached	1	2,500	25	Set by street setback map	5*	(10) 5	35
	All Other Uses	1	5,000	50	Set by street setback map	5*	(10) 5	35
C-HD		N/A	N/A	(0) 10	Set by street setback map	0	0	35

Revised Table 5.9.2 Parking Regulations

<i>Table 5.9.2 Parking Regulations</i>		
Use Categories	Minimum Parking Requirements	
	Specific Uses	Minimum Number of Vehicle Spaces (see Section 5.9.3, Measurement Rules)
Commercial		
Gas Stations, Vehicle Sales, Service and Repair		1 space/300 sq. ft. service area and 2 stacking spaces/gas pumps/service bay/carwash stall and 1 space/750 sq. ft. vehicle display area

Add Section 5.9.6 Alternative Parking Plans.: Applicants for developments that are required to provide off-street parking pursuant to this section may request that the Community Development Department approve an alternative parking plan that does not meet the dimensional standards set forth above. The Community Development Department shall be authorized to approve such alternative parking plans if they provide sufficient evidence of adequate parking for the development.

Revised Table 5.10.2 Landscaping Requirements.

<i>Table 5.10.2: Landscaping Requirements</i>			
Requirement Development	Front Property Line	Parking Lots with 25 or (More) Fewer Spaces	Bufferyard

Table 5.12 Re-title – Residential Luminaires to Outdoor Luminaires

5.15 Signs.

(F) *Clear-sight Triangle*. To ensure traffic safety, signs shall not impede the clear-sight triangle (see section 2.2 Definitions).

Revised Section 6.2.3 Types of Permits:

(M) Moving Permit

Table 6.3.1: Procedural Chart/Administrative Procedures

	<i>Table 6.3.1: Procedural Chart/Administrative Procedures</i>				
<i>Procedure</i>	<i>Community Development Director or Designated Staff</i>	<i>Planning and Zoning Commission</i>	<i>Town Manager</i>	<i>Town Council</i>	<i>Design Review Committee</i>
Encroachment Permit	R		D	AH	
Moving Permit	D			AH	

R - Review and recommendation. D – Decision maker, final action. H – Public hearing, A – Considers appeal. (1) Building Permits are appealed to the Construction Industries Division.

Existing Section 6.3.9 Encroachment Permit.

A) *Purpose*. An Encroachment Permit authorizes the applicant to encroach upon the public right-of-way with a building or structure under certain conditions.

B) *Review Procedures*.

- 1) The Community Development Director shall have responsibility for reviewing applications for Encroachment Permits and making a recommendation to the Town Council to either approve or deny the request.
- 2) The Town Council shall conduct a public hearing in accordance with the notification and hearing procedures of this Code on the request and at the close of the hearing shall render a decision to approve, conditionally approve, or deny the request.
- 3) Approval of the request shall be in the form of a resolution.

C) *Criteria*. The Town Council may approve an Encroachment Permit if it finds that:

- 1) The requested permit conforms to the Town's Comprehensive Plan, the Land Use Code, and any relevant policies adopted by the Town, and
- 2) The proposed encroachment does not endanger the health, safety or general welfare of the community, and
- 3) The proposed encroachment is the minimum necessary to make reasonable use of the applicant's property.

D) *Removal of Encroachment*. The Town may require removal of all or part of any encroaching structures or use after 90 days written notice to the property owners.

Revised Section 6.3.9 Encroachment Permit.

- A) *Purpose.* An Encroachment Permit authorizes the applicant to encroach upon the public right-of-way with a building or structure under certain conditions.
 - B) Review Process. The review shall include the following elements:
 - 1) The Community Development Director shall have responsibility for reviewing Encroachment Permits and making recommendation to the Town Manager to either approve, approve with conditions or deny the request. Documents necessary to review the application shall include a survey of the proposed or existing encroachment, proof that the applicant owns the property adjacent to the encroachment, and a paragraph explaining the reason for the encroachment request.
 - 2) The Town Manager shall render a decision to approve, approve with conditions or deny the request.
 - C) Approval/Denial Process: An approval or denial shall include the following elements:
 - 1) Approval of the request shall be in the form of a permit.
 - 2) Denial requires the reasons be given to the applicant in writing within 15 days of the Town Manager's decision.
 - 3) The Town Manager's decision may be appealed to the Town Council using the procedure outlined in Section 6.3.9.
 - D) Approval Criteria. The Town Manager may approve an Encroachment Permit if it is found that:
 - 1) The requested permit conforms to the Town's Comprehensive Plan, the Land Use Code and any relevant policies adopted by the Town, and
 - 2) The proposed encroachment does not endanger the health, safety or general welfare of the community, and
 - 3) The proposed encroachment is the minimum necessary to make reasonable use of the applicant's property.
 - E) Terms of the Permit. The permit shall include the following terms:
 - 1) The Permit may be terminated by the Town upon 90 days' notice to the permittee. Notice of termination shall require the removal of all encroaching structures or use.
 - 2) The permit shall never ripen into an easement, use or claim of ownership by the applicant.
 - 3) The Town shall not be liable for any injury or damage incurred on the area of the encroachment.
 - 4) The applicant shall indemnify and hold the Town harmless against any claims made against the Town consequent to the encroachment.
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6.3.23 Moving Permit

- A) *Purpose.* A moving permit is required prior to moving a mobile, manufactured or modular home onto a lot within Town limits.
- B) Review Procedures
 - 1) The Community Development Director shall have responsibility for reviewing applications for Moving Permits, obtaining approval from the appropriate departments and rendering a decision to grant or deny such a permit.
 - 2) The Community Development Director's decision may be appealed to the Town Council.
- C) The Community Development Director shall issue a Moving Permit unless he or she finds that:
 - 1) The requested permit is not in compliance with:
Tables 3.2, 5.9.2 and 3.4.2
Section 3.3.1.



AGENDA

Silver City Planning & Zoning Commission

Tuesday, May 5, 2015

6:00 PM

Grant County Administration Building
Commissioners' Meeting Room
1400 Hwy 180 East, Silver City, NM

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes

April 7, 2015 Regular Meeting

Old Business

None

Public Hearings

TA 15-01: A request for a recommendation of an amendment to the text of the Land Use Code of 2010 to the Town Council.

New Business

None

Community Forum

None

Reports from Staff

Reports from Commission

Community Input

Adjournment