

**ORDINANCE NO. 1174**

**AN ORDINANCE REPEALING ORDINANCE NO. 1017 AND ALL SUCCEEDING SUPPLEMENTS AND AMENDMENTS THERETO (1999 LAND USE CODE); RENAMING TITLE OF CHAPTER 8; DELETING CHAPTER 8, ARTICLE VI., SECTION 8-112 OF THE TOWN'S MUNICIPAL CODE; AND ADOPTING A REVISED LAND USE CODE TO BE ENTITLED "LAND USE AND ZONING CODE OF 2010" WHICH SHALL BE PLACED IN SAID MUNICIPAL CODE AS APPENDIX "C".**

**WHEREAS**, the last major revision of the Land Use Code occurred in 1999; and

**WHEREAS**, the Town Council recognizes deficiencies in the current code relating to buildings, land use, and zoning in the Town; and

**WHEREAS**, the Town Council wishes to correct those deficiencies; and

**WHEREAS**, the Town Council also wishes to implement policies recommended in the Town's Comprehensive Plan adopted in 2004; and

**WHEREAS**, the Town Council appointed a Task Force to review the Land Use Code and to recommend code amendments to the Planning and Zoning Commission; and

**WHEREAS**, the Town Council hired a consultant to guide the review and recommendation process of the Task Force; and

**WHEREAS**, the Task Force held more than 30 meetings that were open to the public to solicit public comment, to identify deficiencies, and to draft amendments to address the identified deficiencies over a period of two years; and

**WHEREAS**, the Task Force submitted a consensus proposal for an amended text of the Land Use Code to the Planning and Zoning Commission on July 29, 2009; and

**WHEREAS**, the Planning and Zoning Commission held 10 work sessions that were open to the public in order to consider the recommendations of the Task Force, to solicit public comment, and to consider additional deficiencies not previously identified; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on February 22, 2010 and unanimously made a formal recommendation to the Town Council for amendments to the Land Use Code; and

**WHEREAS**, the Town Council held 7 work sessions to review the recommended amendments brought forward by the Planning and Zoning Commission, to solicit additional public comment, and to further propose amendments to the Land Use Code; and

**WHEREAS**, the Town Council finds that the adoption of the “Land Use and Zoning Code of 2010” is necessary for the health, safety and welfare of the Town and its inhabitants; and

**WHEREAS**, The Town Council makes the following findings:

1. The proposed amendments are in substantial compliance with the Town’s Comprehensive Plan.
2. The proposed amendments will not adversely affect the implementation of the goals and policies of the Comprehensive Plan.
3. The proposed amendments will not adversely affect the public health, safety, or general welfare and will promote the original purposes of the Land Use Code.
4. The proposed amendments provide additional flexibility in meeting the objectives of the Land Use Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY THAT:**

1. Ordinance No. 1017 and all supplements and amendments subsequent and related thereto, commonly referenced as the “1999 Land Use Code” are hereby repealed.
2. Chapter 8 of the Town’s Municipal Code shall be renamed “BUILDINGS”.

3. Chapter 8, Article VI., Section 8-112 of the Town's Municipal Code is hereby deleted.
4. The "Land Use and Zoning Code of 2010" is hereby adopted and is incorporated into a newly created Appendix "C" of the Town's Municipal Code (LAND USE AND ZONING CODE OF 2010 ) as if fully set forth therein.

**PASSED, APPROVED, AND ADOPTED** this 14th day of December, 2010.

/s/

(Seal)

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James R. Marshall, Mayor

ATTEST:

/s/

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Ann L. Mackie, Town Clerk