

ORDINANCE NO. 1189

AN ORDINANCE AMENDING APPENDIX C (LAND USE AND ZONING CODE OF 2010), ARTICLE VI (ADMINISTRATION), SECTION 6.1.1 (PLANNING AND ZONING COMMISSION) OF THE TOWN OF SILVER CITY MUNICIPAL CODE

Sponsored by Mayor James R. Marshall

WHEREAS, in Ordinance No. 1174, dated December 14, 2010, the Town Council adopted a Land Use and Zoning Code (“LUZC”) which was incorporated in the Town’s Municipal Code and identified as Appendix “C” thereto; and

WHEREAS, upon recent review, the Town Council finds that significant provisions relating to the membership and organization of the Planning and Zoning Commission (“P&Z Commission”) which existed in the Town’s prior Land Use Code were inadvertently omitted from the current LUZC; and

WHEREAS, the Town Council finds that amending the LUZC to incorporate those omitted provisions is necessary to the health, safety and welfare of the Town; and

WHEREAS, the Town’s prior Land Use Code provided for a P&Z Commission consisting of seven members, all of whom shall be appointed by the Mayor with the advice and consent of the Town Council; and

WHEREAS, in addition to correcting said omissions, the Town Council finds that certain modifications of provisions existing in said prior Land Use Code are appropriate, the most significant of which addresses the residency qualification of Commissioners that constitute the P&Z Commission.

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

APPENDIX “C”, Section 6.1.1 is hereby deleted in its entirety and replaced with the following:

Section 6.1.1 Planning and Zoning Commission.

(A) There shall be a Planning and Zoning Commission consisting of seven (7) members, all of whom shall be appointed by the Mayor with the advice and consent of the Town Council, and shall reside within the Town.

(1) Commission members shall be appointed for terms of two years, but may continue to serve until their successors have been appointed. Appointment of commissioners shall take into account equal representation from all voting districts. A vacancy in the membership of the Commission shall be filled for the remainder of the unexpired term.

(2) The Commission shall elect its chair from among its members for a term of one year with eligibility for re-election, and may fill such other of its offices as it may create in a manner prescribed by the rules of the Commission.

(3) The Commission shall hold at least one regular meeting each month and shall adopt rules for transaction of its business and keep records of its resolutions, transactions, findings and determinations which shall be public records. However, for good cause, the Commission may postpone or cancel an upcoming regular meeting. Good cause shall include a lack of business on an agenda.

(4) Members of the Commission shall be required to attend more than 75 percent of all regular meetings held during each year of a member’s term. Failure to attend any three of 12 meetings shall be considered just cause and grounds for removal of that member.

(5) The Mayor, with the approval of the Town Council, may remove a member of the Commission for cause stated in writing and made part of the public record.

(6) A member of the Commission having a financial interest in the outcome of any policy, decision or determination before the Commission shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature

of his or her financial interest in the issue and shall be disqualified from participating in any discussion, decision or vote relating to that issue.

(7) Members of the Planning and Zoning Commission shall not:

(a) Communicate, directly or indirectly, with any party or his or her representatives in connection with the merits of any issue before the Commission; or

(b) Use or rely upon any communication, reports, staff memos or other materials prepared in connection with a public hearing unless it is made part of the record; or

(c) Inspect the site at issue with any party or his or her representative, except as part of publicized and organized visit involving the entire Commission, the public, and any other parties.

(8) The Commission shall have those powers and duties provided herein and by state law (§ 3-19-4 NMSA 1978 or as subsequently amended). Among other things, the Commission may:

(a) Adopt a hearing schedule outlining submittal deadlines and staff review periods, and identify other timetables and requirements;

(b) Make studies, and recommend to the Town Council, plans, goals and objectives relating to the growth and development of the Town and the surrounding ETJ planning area;

(c) Develop and recommend to the Town Council policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

(d) Render final decisions on applications for conditional use permits and variances for major projects;

(e) Make recommendations to the Town Council concerning amendments to the text or map of this Land Use and Zoning Code, annexations, Planned Unit Developments (PUDs), and preliminary and final plats;

(f) Consider and decide appeals taken from administrative decisions made by staff;

(g) Enter upon any land which is the subject of an application or enforcement proceeding to make examinations and surveys and place and maintain necessary monuments and markers;

(h) Coordinate planning and development review processes in the Town's ETJ with its counterpart in Grant County;

(i) Possess all such other powers as may be necessary to enable the Commission to fulfill and perform its functions, promote municipal planning, and carry out the purposes of this Land Use and Zoning Code; and

(j) Perform any other duties assigned by the Town Council.

(9) From time to time, the Town Council may appoint one or more persons to help the Commission carry out its planning responsibilities. Members of any such Advisory Committee shall sit as nonvoting members of the Commission and lend their talents, energies and expertise to the Commission. However, all formal recommendations to the Town Council shall be made by the Commission.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 8th day of November, 2011.

(Seal)

TOWN OF SILVER CITY

/s/

James R. Marshall, Mayor

ATTEST:

/s/

Ann L. Mackie, Town Clerk