

**ORDINANCE NO. 1247**

**An Ordinance to amend the Official Zoning Map for several tracts of land from a Commercial District to the Residential B Mixed Housing Types (RB-2) District described as:**

- 1) the west half of Blocks 88, 109, 124, 145, 160, 183, 197, and 213 of the Fraser Survey of the Town of Silver City;**
- 2) Lots 14 and 16 of Block 73 of the Fraser Survey of the Town of Silver City;**
- 3) Lot 2 of Block 226 of the Fraser Survey of the Town of Silver City**
- 4) Lot 1 of Block 226 of the Fraser Survey of the Town of Silver City;**
- 5) Lot 7 and the west half of Lot 9 of Block 198 of the Fraser Survey of the Town of Silver City (a map of the area is attached as Appendix A).**

**The applicant is the Town of Silver City.**

**WHEREAS**, on April 25, 2016, the Town of Silver City filed an application requesting a Map Amendment/Zone Change which would rezone that area within the Commercial District. Said application was deemed complete by the Community Development Department and forwarded to the Planning and Zoning Commission for action thereon; and

**WHEREAS**, the property owners in and around the affected area were contacted by mail to elicit public comment and concerns about the proposed zone change; and

**WHEREAS**, on June 7, 2016, the Planning and Zoning Commission of the Town of Silver City heard a request to rezone the numerous parcels of land described above from Commercial to Residential B Mixed Housing Types (RB-2); and

**WHEREAS**, the Planning and Zoning Commission recommends approving the rezoning of the requested area to Residential B Mixed Housing Types (RB-2) with the findings that the proposed amendment is in substantial compliance with the Town's Comprehensive Plan; is justified in order to correct a mistake in the Town's Comprehensive Plan (an error in the assumptions about the property, surrounding uses, population forecasts, rate of land consumption or other factors); will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code; and provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code. These findings fulfill the requirements stated in Section 6.3.2 of the Land Use and Zoning Code of 2010; and

**WHEREAS**, the Town Council of the Town of Silver City, after the public hearing and an opportunity to review the record in its entirety, accepts such recommendation from the Planning and Zoning Commission and adopts the findings made therein;

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

The Town Council adopts the findings and recommendation of the Planning and Zoning Commission in their entirety, and that area encompassing:

- 1) the west half of Blocks 88, 109, 124, 145, 160, 183, 197, and 213 of the Fraser Survey of the Town of Silver City;
- 2) Lots 14 and 16 of Block 73 of the Fraser Survey of the Town of Silver City;
- 3) Lot 2 of Block 226 of the Fraser Survey of the Town of Silver City
- 4) Lot 1 of Block 226 of the Fraser Survey of the Town of Silver City;
- 5) Lot 7 and the west half of Lot 9 of Block 198 of the Fraser Survey of the Town of Silver City is hereby rezoned Residential B Mixed Housing Types (RB-2) according to the provisions of the Land Use and Zoning Code of 2010, Section 6.3.2.

**PASSED, ADOPTED, AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 9<sup>th</sup> day of August, 2016.

\_\_\_\_\_/s/\_\_\_\_\_  
Ken Ladner, Mayor

Attest:

\_\_\_\_\_/s/\_\_\_\_\_  
Yolanda C. Holguin, Acting Town Clerk