

**ORDINANCE NO. 1273**

**An Ordinance to amend the Official Zoning Map for several tracts of land from a Residential A District to Historic Downtown Commercial District (C-HD) for a portion of College Avenue generally between Pope Street and Cooper Street, a tract of land described as: Lots 1 through 16 of Block 177 of the Fraser Survey of the Town of Silver City; Lots 1 through 16 of Block 176 of the Fraser Survey of the Town of Silver City; Lots 1 through 16 of Block 175 of the Fraser Survey of the Town of Silver City Fraser Block: 201 Lot: 2 and:- Lot: 4 and:- Lot: 6 Cen 50' Lot 2, Pt Lot 4, Pt Lot 6 0.133 AC; Fraser Block: 201 Lot: 2 and:- Lot: 4 and:- Lot: 6 E45' Lot 2, E45' of S30' & E27' of N20' Lot 4, E27' Lot 6 .126 AC, Sole & Separate; Fraser Block: 201 Lot: 2 and :- Lot: 4 W55' Lot 2, S14.4' of W55' Lot 4 0.081 AC; Fraser Block: 202 Lot: 1 Thru :- Lot: 6 E41.32' Lot 2, E41.32' of S43' & E26.4' of N7' Lot 4, E26.4' Lot 6 .650 AC; Fraser Block: 202 Lot: 2 and:- Lot: 4 Pt Lot 2, Pt Lot 4 .220 AC; The applicant is the Town of Silver City.**

**WHEREAS**, on June 26, 2018, the applicant, the Town of Silver City, filed an application requesting a Map Amendment/Zone Change which would rezone that area within the Residential A 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 August 7, 2018, the Planning and Zoning Commission of the Town of Silver City heard a request to rezone the parcel of land described above from Residential A Single-Family (RA) District to Historic Downtown Commercial District (C-HD); and

**WHEREAS**, the Planning and Zoning Commission of the Town of Silver City recommended denial of the application; and

**WHEREAS**, the Town Council finds that the evidence relied upon by the Planning and Zoning Commission and the lack of definitive findings as to its reasoning to deny the application does not overcome the conclusions of staff that the re-zoning should be granted based upon its findings that one or more of the requirements for a re-zone found in Land Use Section 6.3.2 support approval thereof; and

**WHEREAS**, the Town Council of the Town of Silver City, after public hearing and an opportunity to review the record in its entirety, does not accept the recommendation of the Planning and Zoning Commission, and further finds that the evidence presented by the record supports a finding that:

1. The proposed amendment is in substantial compliance with the Town's Comprehensive Plan;
2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan;
3. The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code; and

4. The proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code.

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

- A. The Town Council finds that:
  - 1. The proposed amendment is in substantial compliance with the Town’s Comprehensive Plan;
  - 2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town’s Comprehensive Plan;
  - 3. The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code; and
  - 4. The proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code.
- B. The Town Council approves the application to re-zone the subject properties as described in Appendix A, attached hereto, from Residential A to Historic Downtown Commercial.

**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 October, 2018.

(Seal)

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk

## APPENDIX A

The property is described as follows:

Lots 1 through 16 of Block 177 of the Fraser Survey of the Town of Silver City;

Lots 1 through 16 of Block 176 of the Fraser Survey of the Town of Silver City;

Lots 1 through 16 of Block 175 of the Fraser Survey of the Town of Silver City

Fraser Block: 201 Lot: 2 and: - Lot: 4 and: - Lot: 6 Cen 50' Lot 2, Pt Lot 4, Pt Lot 6 0.133 AC;

Fraser Block: 201 Lot: 2 and: - Lot: 4 and:- Lot: 6 E45' Lot 2, E45' of S30' & E27' of N20' Lot 4, E27' Lot 6 .126 AC, Sole & Separate;

Fraser Block: 201 Lot: 2 and: - Lot: 4 W55' Lot 2, S14.4' of W55' Lot 4 0.081 AC;

Fraser Block: 202 Lot: 1 Thru: - Lot: 6 E41.32' Lot 2, E41.32' of S43' & E26.4' of N7' Lot 4, E26.4' Lot 6 .650 AC;

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