

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
AGENDA
MONDAY, JANUARY 12, 2026**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, January 12, 2026 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member
Molly Hammer, Member

1. APPROVAL OF AGENDA:

2. APPROVAL OF MINUTES:

- a. December 8, 2025

3. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies):

4. PUBLIC HEARING:

- a. Discussion/Action: Conditional Use Permit at 1101 Marshall St.
- b. Discussion/Action: Conditional Use Permit at 1306 Nickle St.
- c. Discussion/Action: Conditional Use Permit at 1301 Platinum St.

5. NEW BUSINESS

- a. Discussion/Action: Future Workshop Planning Items

6. REPORTS FROM THE BOARD

7. REPORTS FROM STAFF

8. ADJOURNMENT

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, DECEMBER 8, 2025**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, December 8, 2025 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member Absent
Lisa Kent, Member Absent
Molly Hammer, Member

ALSO PRESENT:

Gary Whitehead, City Manager
Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy Clerk

1. APPROVAL OF AGENDA:

Vice Chairman Buhler made a motion to approve the agenda. Member Hammer seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) November 10, 2025.

Member Hammer made a motion to approve the minutes. Vice Chairman Buhler seconded the motion. Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)

There were no comments from the public.

Deputy Clerk Martinez swore in the participants for the public hearings.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

a) Public Hearing/Discussion/Action: Variance Request for 915 Poplar Street

Assistant City Manager Alvarez: The applicant is requesting a variance request for 915 Poplar Street. They live in the R1 zone. This zone dictates that they need a 25-foot set back. They are looking at putting in an open side car port and they are requesting an allowance for a 10-foot setback instead. Their site plan, parcel map, notice and fees have been paid. The applicant is present today. I did a drive by and looked in that general area and it does look like potentially in the past, previous building inspector has approved some close carport coverage areas. The 10-foot setback would not be in city right of way or city sidewalk area.

Member Hammer: There is a photo here that I think maybe the applicant took of his property looking across the street and there is a carport directly across the street. It looks like that may also have less than a 25-foot set back. Do we have any information on that?

Assistant City Manager Alvarez: No, we don't. Like I said I haven't had any come through me. Most of those would have been prior to 2018 and that would have been done through our previous building inspector.

Member Hammer: Is there anyone here objecting to this?

Deputy Clerk Martinez: No.

Assistant City Manager Alvarez: No, and I have had no calls or emails and if the clerks had they would have provided that to us as well. If you see in one of the pictures, it does show their front yard, and you will see that they have a cement fence that carport would be behind that cement fence barrier.

Donald Karkham Applicant: It would be about 10 feet from the front of the carport to the city's property line. When we purchased the house, it didn't come with a carport or garage so it's just a logical place for a carport in front so you can get to it easily, get in and out. We do have the alley way but that is a pain, and it's washed out so that's difficult to get in and out. We kind of need it at the front if we can.

Chairman Sisney opened the public hearing.

Proponents:

No Proponents

Opponents:

No Opponents

Chairman Sisney closed the public hearing.

Member Hammer made a motion to recommend approval to the City Commission for a Variance Request for 915 Poplar Street. Vice Chairman Buhler seconded the motion. Roll call vote was taken. Motion carried unanimously.

b) Discussion/Action: Conditional Use Permit and Variance Request for 1901 B S. Broadway St.

Assistant City Manager Alvarez: The applicant is applying for a conditional use permit. Their plan is to open a business that would allow for storage of wrecked or dismantled vehicles and parts to operate an automotive restoration repair parts business. A variance request is also being requested for the purpose to allow the storage of those vehicles while they are in the process of erecting a building and to allow for more than 5 vehicles to be stored at the exterior of the building at one time. The property is located in the commercial district, and a conditional use is required for the operations of this type of business per our code. The variance is to allow them to store the vehicles while they are in process of building the building as well as to allow for the future more than 5 vehicles stored outside. They would have a fence and follow all the required codes. Applicants are present and you have all your site plan, parcel map, applicable code, findings and facts and all fees have been paid. We mailed out the public notices and we received no responses.

Member Hammer: I think you clarified this for me Traci but the conditional use I understand and the variance is to allow more than 5 vehicles outside even after the building has been built. So, work is going to be happening inside the building and then some storage will overflow outside. Is that kind of the plan?

Kari Fresquez Applicant: The access cars that may be stored outside once the building is there would always be behind a fence.

Assistant City Manager Alvarez: The code requires a conditional use permit for them to have this type of business, that's one request. The secondary is the variance request for allowing vehicles there without building while they are in process of erecting their building and then in the future allowing more than 5 vehicles to be outside the building for the life of their business. The conditional use permit is applicable to property owners only. It's reviewed annually to ensure that they are following the codes. If for some reason they sell the property or the business, it would have to go back through this process again with the new property owner.

Member Hammer: Who besides the city handles any hazardous material conditions? I'm assuming with cars there is going to be oil and hazardous material potentially. Is that a consideration in this request?

Assistant City Manager Alvarez: No. It's not part of this.

Member Hammer: So, it's not part of this request.

Assistant City Manager Alvarez: Correct.

Chairman Sisney opened the public hearing.

Proponents:

No Proponents

Opponents:

No Opponents

Chairman Sisney closed the public hearing.

Member Hammer made a motion to recommend approval to the City Commission for a Conditional Use Permit and Variance Request for 1901 B S Broadway St. Vice Chairman Buhler seconded the motion. Roll call vote was taken. Motion carried unanimously.

5. REPORTS FROM THE BOARD:

Member Hammer: I received a phone call 2 weeks ago from the utility office of El Paso. They knew my name and my property address. They asked if I had any issues with my property bill or reduction. I asked them what it was concerning and they hung up. I asked Sonya if they were calling and she said no it was a scam.

6. REPORTS FROM STAFF:

Deputy Clerk Martinez: We have had a few calls from the public, so we are relaying this to all boards and commissions. There is the Ex Parte rule also you cannot address the public as a city board member.

Assistant City Manager Alvarez: One of the things you guys can promote is we have a QR code its already on our website it's for any residence that wants to sign up for notifications if a water leak or water shut off is happening in your area. You put in your address so if it was going to potentially affect you. You will get a text message notification. That is something we are really trying to get people to sign up for. I'll ask our public information office to send me the flyer, and I will email out to you guys. That is something that you can hand out and promote. The more people we get signed up the better we are at notifying the public of an emergency water shut off or plan.

7. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 4:14 p.m.

PASSED AND APPROVED ON THIS 12th DAY OF JANUARY, 2026.

Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 1-12-2026

ITEM: Public Hearing/Discussion/Action – Conditional Use Permit 1101 Marshall Street

BACKGROUND:

Applicant is requesting a conditional use permit for shipping containers. Property is located in the R-3 District. Ordinance did not take effect until 2022/2023. Conditional Use Permit will bring property into current compliance.

ARTICLE X. - ACCESSORY BUILDINGS - Sec. 11-10-4. - Storage Units/Shipping Containers. - B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions: 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.

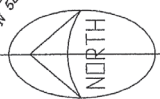
SUPPORT INFORMATION:

Site Plan
Parcel Map
Public Hearing Notice
Applicable Code

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	

(new corr. lot 13)
found #3 rebar

N 55°18'20"W

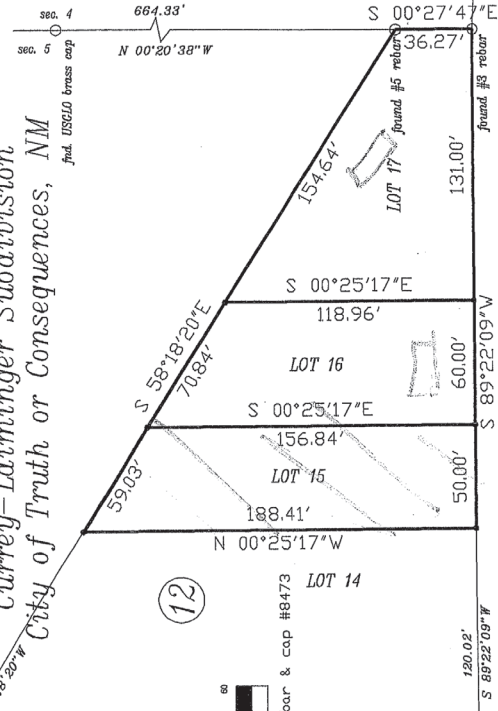


12



• = set 5/8" rebar & cap #8473

found 1 1/2-in. i.p.
(see corr. lot 7)



MARSHALL STREET
(80' r-o-w)

NOTE: Flood Zone "X"-Areas determined to be outside 500-year Flood plain.
As per FIRM, Community-Panel No. 350073 0005 C, map revised July 16, 1996.

LEGAL DESCRIPTIONS

LOT 15 - A certain tract of land situate within Section 5, Township 14 South, Range 4 West, NMPM, City of Truth or Consequences, Sierra County, New Mexico and being more particularly described as follows:

Lot 15, Block 12, Currey-Laininger Subdivision, as shown on the plat filed in the Office of the County Clerk, Sierra County, New Mexico, on May 15, 1944. The above described property is subject to easements and restrictions of record.

LOT 16 - A certain tract of land situate within Section 5, Township 14 South, Range 4 West, NMPM, City of Truth or Consequences, Sierra County, New Mexico and being more particularly described as follows:

Lot 16, Block 12, Currey-Laininger Subdivision, as shown on the plat filed in the Office of the County Clerk, Sierra County, New Mexico, on May 15, 1944. The above described property is subject to easements and restrictions of record.

LOT 17 - A certain tract of land situate within Section 5, Township 14 South, Range 4 West, NMPM, City of Truth or Consequences, Sierra County, New Mexico and being more particularly described as follows:

Lot 17, Block 12, Currey-Laininger Subdivision, as shown on the plat filed in the Office of the County Clerk, Sierra County, New Mexico, on May 15, 1944. The above described property is subject to easements and restrictions of record.



LOFTUS & CO.
LAND SURVEYORS

309 EAST 3rd.
NEW MEXICO
(505) 884-2824

STATE OF NEW MEXICO



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1101 Marshall St, Truth Or

Show search results for 1101 M



GOOGLE EARTH VIEW 2022

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1101 Marshall St, Truth

Show search results for 110

200ft

1 Degrees

Map data © OpenStreetMap contributors, Imagery © Mapbox

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Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Ingo Hoepfner
Commissioner*

*Gary Whitehead
City Manager*

*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.gov*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, January 12, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Conditional Use Permit at 1101 Marshall St.

ARTICLE X. - ACCESSORY BUILDINGS - Sec. 11-10-4. - Storage Units/Shipping Containers. - B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions: 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.gov.

The agenda may be obtained on Friday, January 9, 2026 on the city website calendar at www.torcnm.gov; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.gov.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Thursday, December 18, 2025

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date_____ Address_____

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone* and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

***Spot Zoning:** The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 1-12-2026

ITEM: Public Hearing/Discussion/Action – Conditional Use Permit 1306 Nickle Street

BACKGROUND:

Applicant is requesting a conditional use permit for shipping container. Property is located in the R-3 District. Shipping container has been on the property since at least 2017. Ordinance did not take effect until 2022. Conditional Use Permit will bring property into current compliance.

ARTICLE X. - ACCESSORY BUILDINGS - Sec. 11-10-4. - Storage Units/Shipping Containers. - B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions: 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.

SUPPORT INFORMATION:

Site Plan
Parcel Map
Public Hearing Notice
Applicable Code

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	

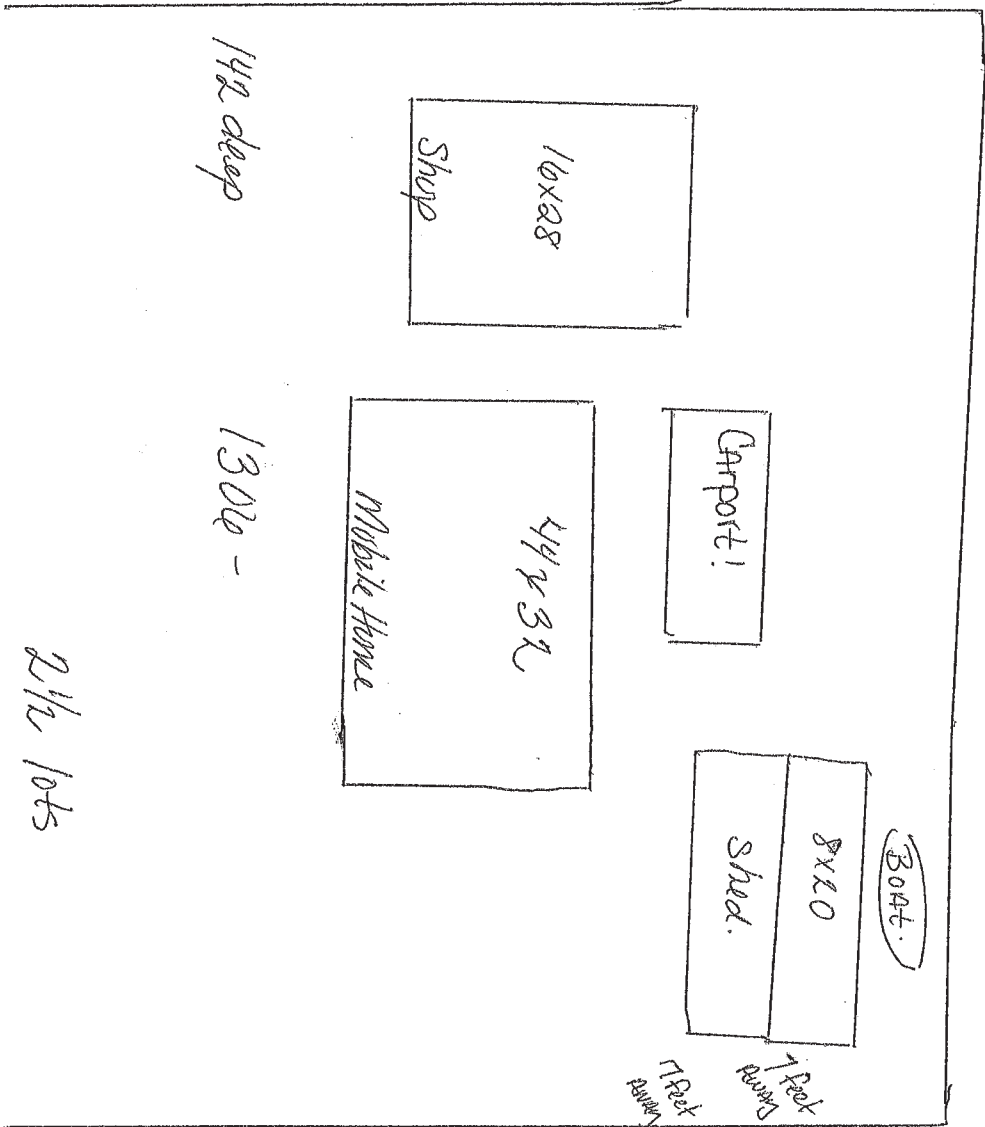
Robert L. Brown

13010 Nickel

Simpson St.

13
Address
Residence

Titanium Street



Nickel St.

2 1/2 lots

1310.
Address
Residence.

Marshall St.





1306 Nickel St, Truth Or C

Show search results for 1306 Nickel St

100ft
20 Degrees

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Co



2017 GOOGLE EARTH

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PLANNING AND ZONING COMMISSION

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CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 1-12-2026

ITEM: Public Hearing/Discussion/Action – Conditional Use Permit 1301 Platinum Street

BACKGROUND:

Applicant is requesting a conditional use permit for shipping container. Property is located in the R-3 District. Shipping container has been on the property since at least 2017. Ordinance did not take effect until 2022. Conditional Use Permit will bring property into current compliance.

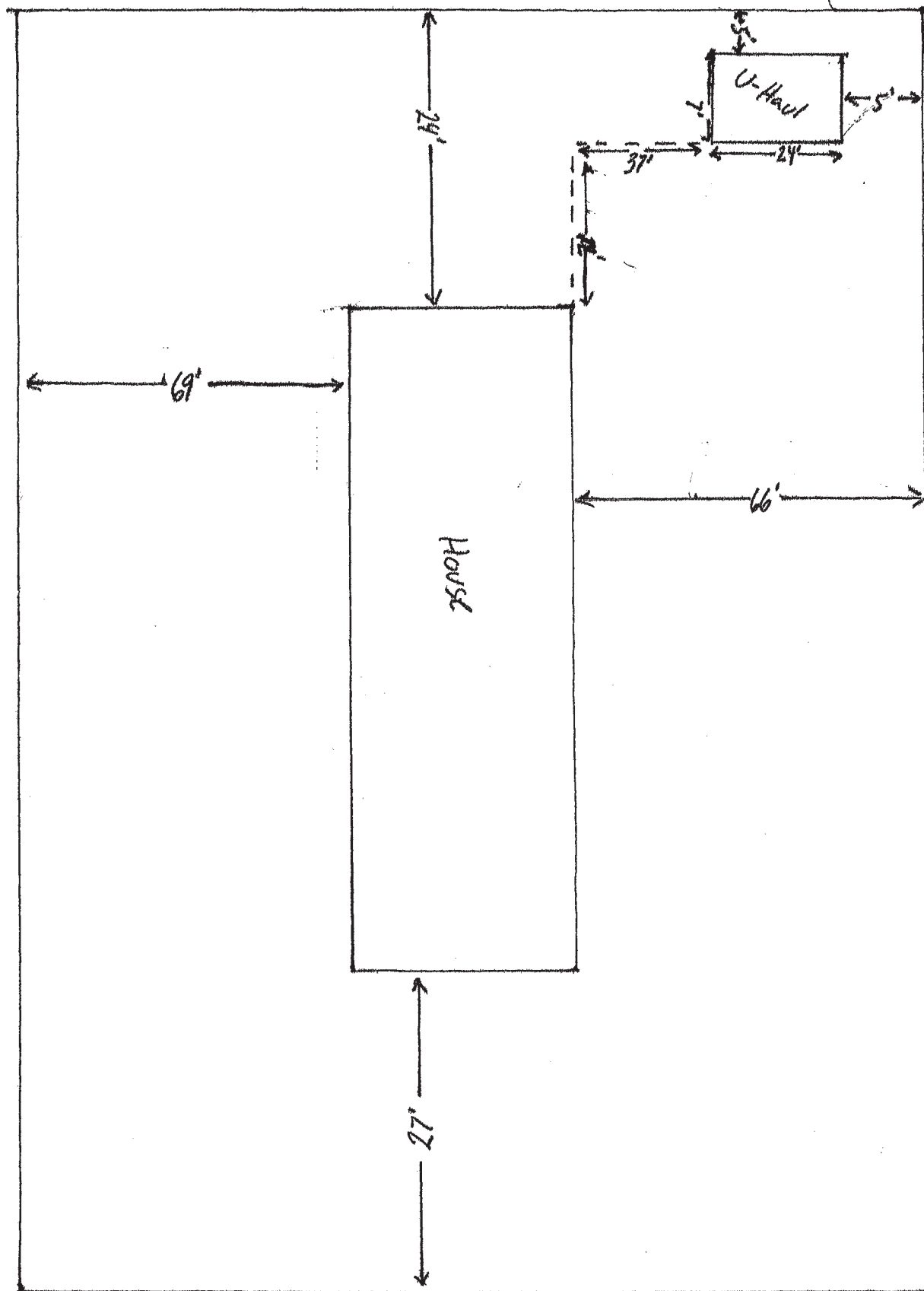
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SUPPORT INFORMATION:

Site Plan
Parcel Map
Public Hearing Notice
Applicable Code

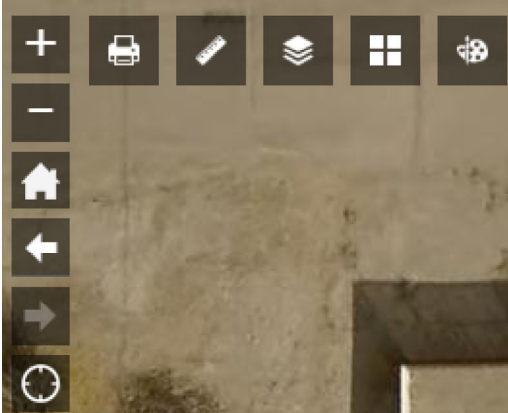
Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	

Platinum St



Simpson St

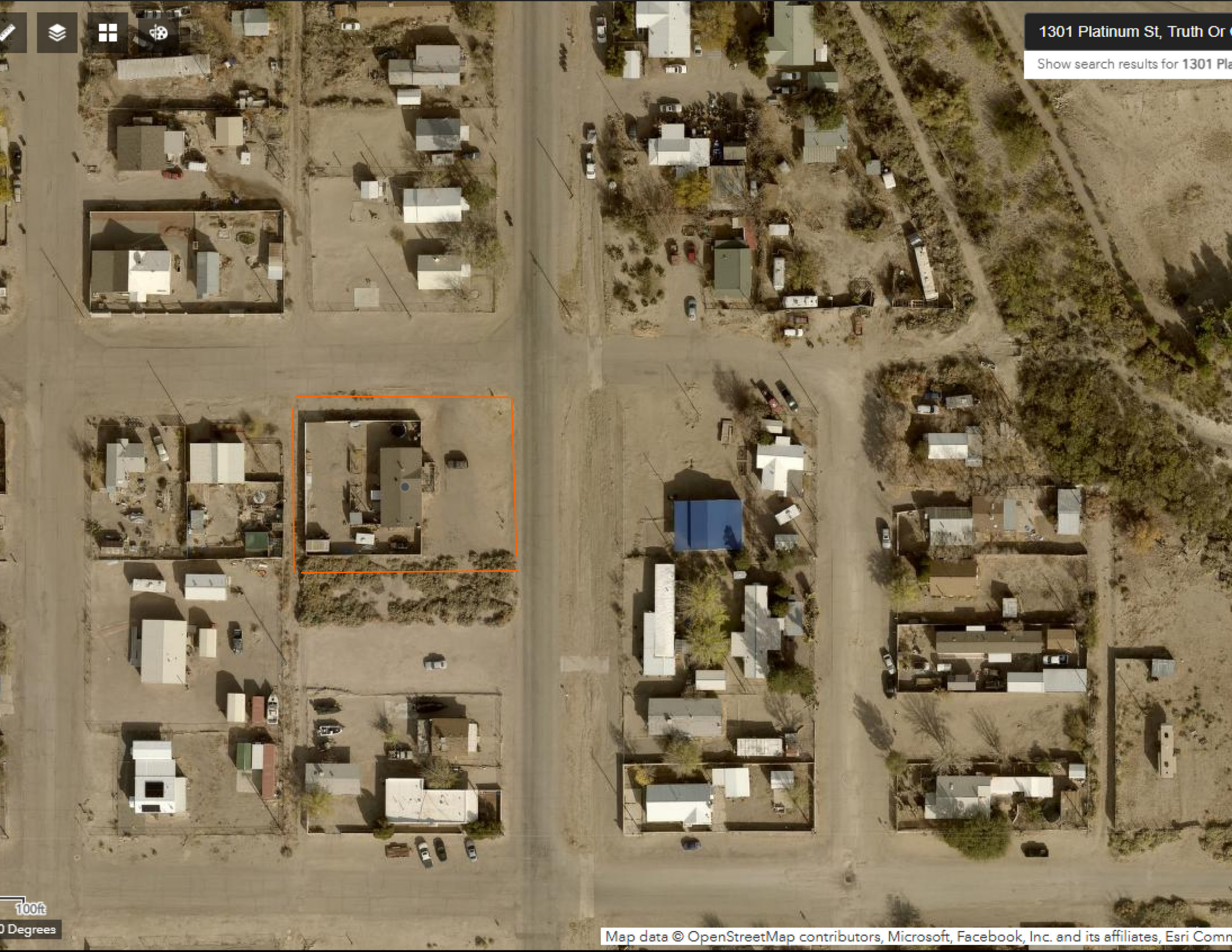
Concess Height
7' 3"



20ft

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1301 Platinum St, Truth Or

Show search results for 1301 Plat

100ft
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1301

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PLANNING AND ZONING COMMISSION

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CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 1-12-26

ITEM: Discussion/Action – Selection of future workshop items

BACKGROUND:

Staff would like to plan future workshop for additional code review. Staff is including some possible future workshop items and would like Board input for any additional workshop items.

SUPPORT INFORMATION:

- Sections of the code applicable to Special Use permit, Variance Requests, and Conditional Use permit
- Sections of the code applicable to Manufactured Homes, Manufactured Home Parks, Manufactured Home Subdivisions

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	

Sec. 11-1-1. Purpose and Intent.

The purpose of this Section is to present minimum standards for the installation of manufactured homes in appropriate Districts as well as Manufactured Home Parks, Subdivisions and RV Parks within the City of Truth or Consequences.

The City of Truth or Consequences encourages the installation of well-constructed aesthetically pleasing manufactured homes in the Districts in which they are permitted. The City realizes that most such installations will be more or less permanent, and will provide a permanent housing source for residents of the City. Therefore, this article attempts to create the proper standards for manufactured home installation, which are pleasing to the eye and lend to the improvement of the overall community.

Sec. 11-11-2. Manufactured Homes (MH'S).

- A. *DISTRICT RESTRICTIONS.* A manufactured home located in a District as a single-family house shall conform to specific standards in that District. Individual MH's are permitted by right in the R-1, R-2, R-3, RR-1 and T-1 Districts; by right and by special use in specified portions of C-1 Districts, and allowed by right in Manufactured Home Parks and Subdivision. MHP's are permitted by right in R-3 Districts and are permissible by special use in R-2, C-1 and T-1 Districts. RVP's are permissible by special use in R-3, RR-1, C-1, M-1 and T-1 Districts.
- B. *MANUFACTURED HOMES ON INDIVIDUAL LOTS.* The following provisions apply to manufactured homes placed on individual lots or located within MHP's, MHS's or RVP's and are in addition to the General Conditions stated in Article 11-11-2.E.
 - 1. *Placement in R-1 Districts:*
 - a. Home must be a minimum of one thousand, two hundred (1,200) square feet in heated area and twenty-four (24) feet in width.
 - b. Home must meet the definition for modular or prefabricated housing as defined in this Code and for manufactured housing as defined in the New Mexico Manufactured Housing and Zoning Act of 1987, and shall not be a home built on permanent chassis for towing.
 - 2. *Placement in Other Districts:*
 - a. *R-2 District:* Home must be a minimum of nine hundred (900) square feet in heated area and twenty-four (24) feet in width.
 - b. *R-3, C-1 or T-1 Districts:* Home must be a minimum of five-hundred fifty (550) square feet.
 - c. *RR-1 District:* Home must be a minimum of eight-hundred (800) square feet.
 - d. *R-4 District:* Home must be a minimum of one thousand, two hundred (1,200) square feet.
 - 3. *For all Districts, except within MHP's:* Homes must be on a permanent foundation as specified by the New Mexico Manufactured Housing Division Regulations (MHD 93-1) as now adopted and hereafter amended.
- C. *DEVELOPMENT REQUIREMENTS.* Development standards and additional requirements are provided in Articles X, and XII through XIV of this Code.
- D. *MANUFACTURED HOME INSTALLATION PERMIT REQUIRED.* In addition to any permits required by the state for moving and placement, or foundation/other construction, a Manufactured Home Installation Permit must be obtained from the City before placement of a manufactured home within the City limits. Permit application forms may be obtained from the designated Zoning Administrator's Office.

-
- E. **GENERAL CONDITIONS.** Except for installations in MHP's, all manufactured homes within the City are required to be set up on permanent foundations in accordance with the State Manufactured Housing Division Rules and Regulations. Installations in MHP's can be on non-permanent foundations in accordance with the State Manufactured Housing Division Rules and Regulations.
1. **Wheels to be removed:** Since MH's are considered to be permanent housing units, the City requires that the wheels of the MH's, if present, shall be removed during the installation process.
 2. **Non-Exposure of Undercarriage:** MH undercarriages, if present, shall be concealed by either:
 - a. An appropriate skirting installed in accordance with the 1993 Manufactured Housing Act of the state as now adopted and hereafter amended. If the tongue is not removed from the MH, it must be skirted in like manner and material as the MH.
 - b. Entrenching the home to a depth equal to the height of the undercarriage. Any such entrenching shall have provisions for drainage away from the unit.
 - c. Concealment of the undercarriage must be completed within sixty (60) days of placement of the unit.
 3. **Damaged Units:** The City will not allow damaged units to be installed within the City limits.
 4. **Steps:** All MH units shall have permanent steps affixed to all exits.
 5. **Maintenance:** all manufactured housing units shall meet all existing City Codes related to proper appearance and maintenance of buildings and properties.
 6. **Standards:** All MH units shall be constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401. et seq. as amended or carry NMBC state approval. Additionally, all MH Units that are installed at any particular location within the City limits shall not be twenty (20) years or older at the time of installation. Any unit to be used for non-residential purposes shall meet all NMBC standards and shall be in full compliance with requirements for access to the disabled as required by State Rule MHD 90-1 as amended.
 7. **Removal:** If a MH is removed the site shall be restored to original or better condition.
- F. **OTHER CONSTRUCTED IMPROVEMENTS.** All porches, patios, permanent steps, accessory buildings, additional to a manufactured housing unit and any other constructed improvements shall be required to comply with the New Mexico Building Code and the building permit obtained in accordance with City ordinances.
- G. **OTHER REQUIREMENTS.** All other requirements not covered herein shall be as required by the State Manufactured Housing Act and Regulations.

(Ord. No. 684, § 1, 7-12-17)

Sec. 11-11-3. Manufactured Home Parks (MHP'S).

- A. **PURPOSE.** A special use permit is required in RR-1, C-1, and T-1 Districts for all MHP developments and is intended to provide for the development of manufactured home parks at standards consistent with the health, safety and welfare of the community. MHP's are permitted by right in R-1 District. Special use permits must be acquired in accordance with Article 5 of the Code. All properties that contain three (3) or more manufactured or mobile homes or trailers shall be considered manufactured home parks.
- B. **DEVELOPMENT REQUIREMENTS.** Development standards and other requirements are provided in Articles X, and XII through XIV of this Code. A site plan, landscaping plan and a drainage plan must be approved by the City of any MHP.
- C. **DESIGN STANDARD.**

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1. Swimming pools are permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line or home space boundary, and approval from all utilities is required to insure safety. All fences shall be self-closing and equipped with self-latching devices.
 2. All manufactured home parks shall have perimeter walls or sight obscuring fences at least five (5) feet in height as approved by the City.
 3. All manufactured home parks shall have a landscape concept, as approved by the City, for all areas not devoted to structures, streets, alleys, drives, walks and paths.
 4. Walls, fences and hedges shall conform to Article 13, with the following exception:
 - a. A clear-sight triangle of twenty-five (25) feet in both directions on the home space from the corner of the internal streets is required. A clear-sight triangle of at least twenty-five (25) feet is required at all MHP entrances and exists.
 5. Utility placement shall be approved by the City.
 6. A paved or concrete patio of not less than one hundred (100) square feet adjacent to each unit foundation is required.
 7. Open Space; a minimum of thirty-three percent (33%) of each home space shall be preserved as open space.
- D. *STREETS AND ACCESS STANDARDS.*
1. All MHP's shall have vehicular access from an arterial or collector street.
 2. Each home space when occupied shall have direct access to an internal street. Direct access to exterior public streets shall be prohibited.
 3. Street layout shall be designed for preservation of natural features and to follow topography to the greatest extent possible and to encourage the orientation of manufactured homes in such a manner as to permit the use of solar energy systems.
 4. No street within a manufactured home park shall dead end, except for cul-de-sac streets, which shall have a minimum turning radius of fifty (50) feet at the termination point.
 5. There shall be a network of pedestrian walks connecting home spaces with each other and with MHP facilities.
 6. Private driveways shall be designed for ease of access, privacy, and safety.
 7. All spaces and streets shall be designed to insure proper drainage.
 8. Street lighting shall be provided to illuminate all private and public access ways and walkways for the safe movement of vehicles and pedestrians at night.
 9. Parking shall conform to Section 11-12-2.A.
- E. *REFUSE.* The management of the manufactured home park shall provide adequate refuse collection facilities. These collection facilities shall be constructed and maintained in accordance with all municipal health regulations, shall be properly screened, and shall be designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.
- F. *STORAGE.* Each home space shall have a personal storage unit. Such storage unit shall have a capacity of at least one hundred (100) cubic feet. Each storage unit shall be anchored permanently to the ground.
- G. *UTILITIES.* All utility placement shall be underground and shall be approved by the City.

Sec. 11-11-4. Manufactured Home Subdivisions (MHS).

- A. *PURPOSE.* Special use permits are required for MHS in R-2, C-1 and T-1 Districts and are intended to provide for the development of such subdivision at standards consistent with the health, safety, and welfare of the community. MHS's are permitted by right in R-3 Districts. Special use permits must be acquired in accordance with Article V of this Code.
- B. *DEVELOPMENT REQUIREMENTS.* Development standards and other requirements are provided in Article X, and II through XIV of this Code. Subdivision must meet all applicable provisions of the Municipal Subdivision Regulations. A site plan, landscaping plan and a drainage plan must be approved by the City Commission for any MHS.
- C. *MHS STREET ORIENTATION.* Street layouts shall be designed for preservation of natural features and to follow topography to the greatest extent possible and to encourage the orientation of homes in such a manner as to permit the use of solar energy systems.
- D. *UTILITIES.* All utility placement shall be underground and shall be approved by the City.
- E. *LANDSCAPING.* A landscaping concept, as provided by the City Commission shall be required for all areas not devoted to structures, streets, alley, drives, walks and paths.
- F. *GARDENS.* Gardens, non-commercial nurseries and greenhouses are permitted in MHS's provided:
 - 1. Such uses are private and non-commercial; and
 - 2. Greenhouses meet setback requirements for Accessory Buildings.

Sec. 11-5-3. Conditional Use Permit.

A permit may be authorized by the Planning and Zoning Commission for uses stipulated as conditional within specific Districts and as presented in Article IX of this Code.

A. *Provisions for conditional use.*

1. The use must be desirable or essential to the public welfare, safety, health, morals or convenience of the residents in that District.
2. The use must be compatible to the existing uses in that District.
3. The use may be important to the development of an undeveloped area.
4. The applicant shall notify all property owners of his/her intent in a manner specified in Section 11-7-2 and shall be subject to a public hearing as specified therein.

B. *Fee.* A non-refundable application as set by City Commission Resolution must accompany each application.

C. *Submission requirements.* The application for a conditional use permit shall be in the format stipulated by the City and shall contain plans and other information as required by the City. The completed application for a conditional use permit,, shall be submitted to the City Clerk for placement upon the agenda of the Planning and Zoning Commission.

D. *Review.* A conditional use permit shall be subject to review on each annual anniversary following its approval. If it is determined from the review that the current use is significantly different or larger in scale than that originally approved, the conditional use permit may be revoked by the Planning and Zoning Commission.

E. *Transferal.* Conditional use permits shall not be transferable from location to location, building owner to building owner, or applicant to other party.

Sec. 11-5-5. Variance.

A Variance may be authorized by the City Commission after hearing the recommendation of the Planning and Zoning Commission. The variance shall provide relief from the strict application of dimension, distance, parking or setback requirements of this Code.

A. *Provisions for variance.*

1. The subject property must be irregular, narrow, shallow, or steep or otherwise, have physical conditions where application of the requirements of this Code would result in practical difficulty or unnecessary hardship to the owner in the use of his land or building.
2. The applicant shall notify all property owners of his/her intent in a manner specified in Section 11-7-2 and shall be subject to a public hearing as specified therein.
3. Variance shall not be granted in such cases where it would adversely affect adjoining properties, impair established property values, or endanger public safety.
4. Variances shall not be granted where spot zoning would occur.

B. *Fee.* A non-refundable application fee as set by City Commission Resolution must accompany each application.

C. *Submission requirements.* The application for variance shall be in the format stipulated by the City and shall contain plans and other information as required by the designated Zoning Administrator. The

completed application for a variance, shall be submitted to the City Clerk for placement upon the agenda of the Planning and Zoning Commission.

- D. *Revocation.* A variance shall be automatically revoked in the event of building permit for the approved Variance has not been obtained within ninety (90) days, or construction has not begun within one hundred eighty (180) days after the building permit has been issued. The Planning and Zoning Commission may grant ninety (90) days extension if deemed appropriate.
- E. *Re-application for variance.* In the event of a denial decision by the City Commission, there shall be no re-application for the same variance for a period of one (1) year after the date of the decision of the Commission.

Sec. 11-5-6. Special Use Permit.

A special use permit may be authorized by the City Commission after hearing the recommendation of the Planning and Zoning Commission. A special use permit is required for a special land use, which is not permitted by right within the District wherein it is requested.

A. *Provisions for special use permit.*

1. In making a decision on a Special Use Permit, the Planning and Zoning Commission and the City Commission shall review the following factors and accord each factor the necessary weight on a case-by-case basis.
 - a. The increase in congestion of streets and other rights-of-way;
 - b. Diminishment of safety from fire, panic and other dangers;
 - c. Diminishment to the health and general welfare of the public;
 - d. Degradation of light and air for all properties in the immediate area of the proposed Permit; increases of overcrowding of land and undue concentrations of populations;
 - e. Adverse affects on provisions for transportation, water, sewer, schools, parks and other public facilities or increases in the effects of natural hazards;
 - f. Increases or facilitation of the unlawful use of structures, buildings or land; and
 - g. Promote the use or waste of energy in the use of structures, buildings, and land.
2. Special Use Permits shall not be granted in such cases where the use will result in negative impacts, which substantially outweigh the positive impacts of the purposed use.

B. *Fee.* A non-refundable application fee to be set by City Commission Resolution must accompany each application.

C. *Submission requirements.* The application for a special use permit shall be in the format stipulated by the City. There shall be a comprehensive statement included with each application indicating in detail the reason for the request, the purpose and proposed use of the property, all improvements to be made, and a site plan including the following:

1. Location of existing and proposed structures including the dimensions of setbacks;
2. Existing and proposed vehicular circulation systems, including parking areas, storage areas, service areas, loading areas, and major points of access, including street pavement width and right-of-way;
3. Location and treatment of open spaces including landscaping plan and schedule;
4. Lighting;
5. Signage;

A drainage plan, site plan and grading plan shall be required for all developments exceeding one (1) acre and to all new and all re-development within the C-1 and M-1 Planning and Zoning Districts, to all manufactured home parks, manufactured home subdivisions, recreational vehicle parks, and to all special and conditional uses in other Districts. For lesser developments when the designated Zoning Administrator determines said plans to be necessary, the designated Zoning Administrator shall so inform the applicant prior to accepting an application.

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- D. *Public hearing and notice procedure.* A public hearing shall be held by the Planning and Zoning Commission for all special use permits. All property owners shall be notified in accordance with the provisions of Article 7 of this Code.
 - E. *Review and approval.* The City Commission may deny special use permits, or may grant final approval in accord with certain conditions, with right of appeal in accordance with Article VII of this Code. Approval may also be granted with additional conditions imposed, which are deemed necessary to insure that the purpose and intent of this Code is met and to protect and provide safeguards for persons and property in the vicinity.
 - F. *Time limitation and revocation.* If a special use is not initiated within one (1) year following approval or if a special use is discontinued for a period of one (1) year, said permit shall be automatically revoked. The City Commission may impose a different time limitation on a special use permit. All improvements shall be in accord with the development standards of the District except as otherwise authorized by the special use permit. Significant variation from the approved special use and related improvements shall result in the automatic revocation of the special use permit.
 - G. *Re-submittal of application for special use permit.* Application for a special use permit shall not be resubmitted or reconsidered for a period of one (1) year after it has been acted upon by the City Commission except that an application may be made for a different special use permit on the same parcel of land six (6) months after such previous action has been taken.
 - H. *Special use.* Special uses shall not be considered a District boundary change.