



THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A PUBLIC HEARING ON THURSDAY, APRIL 23, 2020 AT 10:30 A.M. VIA TELECONFERENCE 1-346-248-7799, MEETING ID 346 983 814#.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL & DETERMINATION OF A QUORUM
3. PUBLIC HEARING & FIRST READING: ORDINANCE 2020-02 Revising Chapter 18.35 Historic Residential Zone.
Public input shall be received at cynthias-h@mesillanm.gov by 9:30 a.m., April 23rd and will be read into the record.
4. ADJOURNMENT

**NOTICE OF PUBLIC HEARING & INTENT TO RECOMMEND ADOPTION
OF ORDINANCE 2020-02: REVISING CHAPTER 18.35
Historic Residential Zone**

The Board of Trustees (BOT) will hold a public hearing on **Thursday, April 23, 2020 at 10:30 a.m. via teleconference 1-346-248-7799, MEETING ID 346 983 814#**. The purpose of the hearing was to take public comments on the proposed ordinance **2020-02: REVISING CHAPTER 18.35 Historic Residential Zone**. Public comments may be submitted via email to cynthias-h@mesillanm.gov until 9:30 a.m. on Thursday, April 23rd.

As part of their regularly scheduled meeting **via teleconference 1-346-248-7799, MEETING ID 564 901 309#** on **Monday, April 27, 2020 at 6:00 p.m.**, the BOT will consider recommending the adoption of ordinance **2020-02: REVISING CHAPTER 18.35 Historic Residential Zone**. Copies of the proposed ordinance change can be found on the Town of Mesilla website www.mesillanm.gov or by calling (575) 524-3262. Public comments may be submitted via email to cynthias-h@mesillanm.gov until 5:00 p.m. on Monday, April 27th.

Posted on 4/9/2020 on the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, Mesilla Community Center 2251 Calle de Santiago, Shorty's Food Mart 2290 Avenida de Mesilla, Ristramn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian and www.mesillnm.gov.

ORDINANCE 2020-02

Chapter 18.35

H-R – HISTORICAL RESIDENTIAL – CULTURAL – HISTORICAL ZONE

Be it ordained by the Town of Mesilla that:

Section 1:

Sections:

- [18.35.010](#) Purpose.
- [18.35.020](#) Uses permitted.
- [18.35.030](#) Exterior appearance.
- [18.35.040](#) ~~New structures.~~ **Development Standards**
- [18.35.050](#) ~~Height limitations.~~
- [18.35.060](#) ~~Yards.~~
- [18.35.070](#) ~~Development standards.~~

18.35.010 Purpose.

The purpose of this zone is to provide for the protection of those residential sections of the town that are worth preserving because of historical, cultural and aesthetic or architectural interest. All remodeling or new structures must be compatible with established architectural styles and design elements as outlined in ~~the town's "Guidelines and Criteria for Preservation and Development" manual and approved by the commission and board of trustees~~ **Chapter 18.33 (Historic Preservation) MTC.** [Ord. 94-06 § 1; prior code § 11-2-11.4.A]

18.35.020 Uses permitted.

Uses permitted in the H-R zone are as follows:

Single Family and Multiple- family residences Residential and related uses approved by the commission upon application and approval of a "development plan" ~~(see MTC 18.50.030)~~ **in accordance with Sections 18.33 (Historic Preservation) and 18.35 (Historic Residential Development Standards) MTC and the Comprehensive Land Use Ordinance for the Town.** [Ord. 94-06 § 1; prior code § 11-2-11.4.B]

18.35.030 Exterior appearance.

An application for a permit which would authorize construction, modification, moving or destruction, **use or function** which would affect the exterior appearance of any structure ~~or sign or other improvement affecting use or function~~ must first be ~~approved~~ **reviewed** by the **commission** **PZHAC for compliance with Chapter 18.33 (Historic Preservation) MTC, and receive final approval by the Board of Trustees.** [Ord. 94-06 § 1; prior code § 11-2-11.4.C]

18.35.040 New structures.

New structures may be built in this zone providing the exterior appearance of the structure is approved by the commission. [Ord. 94-06 § 1; prior code § 11-2-11.4.D]

18.35.050 Height limitations.

Requires commission approval. No building or structure shall have a height greater than two stories or 30 feet, whichever is less. [Ord. 94-06 § 1; prior code § 11-2-11.4.E]

18.35.060 Yards.

Requires approval by commission.

~~A. For all structures, side and rear yard must be at least seven feet, unless structure meets UBC fire resistive requirements.~~

~~B. In addition to subsection (A) of this section, a minimum setback of three feet in all yards is required for all newly constructed buildings. [Ord. 2001-04 § 2; Ord. 94-06 § 1; prior code § 11-2-11.4.F]~~

18.35.0740 Development standards.

A. Lot Area. Each lot or parcel to be developed in the H-R zone shall have a minimum of 80 feet of frontage on a public street and a minimum of 8,000 square feet of area.

B. Population Density. When lots or parcels in the H-R zone are to be developed to **single-family** or **multiple single-family** dwellings, each lot or parcel shall have sufficient area to provide 8,000 square feet of area for each family unit to be built. **The maximum number of dwellings allowed on any property shall be two providing density and parking requirements are met. A 40% impervious and 60% pervious shall be required unless otherwise noted by the development zone requirements of Chapter 18.33 (Historic Preservation) MTC.**

C. New Construction. New structures and modifications to existing structures may be built in this zone providing the exterior appearance of the structure is approved by the PZHAC for compliance with Chapter 18.33 (Historic Preservation) MTC and the Comprehensive Land Use Ordinance for the Town, with final approval by the BOT. [Ord. 94-06 § 1; prior code § 11-2-11.4.D]

1. New structures on properties containing existing structures shall be architecturally similar to the principal dwelling or structure on the property and shall not exceed the height or size of the principal dwelling or structure on the property. 2. If a property is undeveloped, any new structure shall be architecturally similar to the dwellings or structures in the development zone immediately adjacent to the property and shall not exceed 15 feet including parapet, **or the height of the highest dwelling or structure on an adjacent property in the development zone, whichever is lower.** The height of chimneys is to meet building code, but not be higher than 17 feet.

~~D. Repealed by Ord. 2006-03.~~

~~E. D. Yards. For all new buildings, front, side and rear yard must be at least **seven** feet.~~

~~C. Side and Rear Yard Setback. If found to be existing within the development zone pursuant to the YGUADO plan, structures (buildings) may be built up to the property line if constructed of materials that meet current building code fire resistive requirements such as adobe or equivalent. Structures (buildings) using materials that do not meet current building code fire resistive requirements must be set back at least seven feet from the side property line.~~

1. **Any repairs of structures that have been legally built on a property line, or new construction of fences.** Structures (buildings) to the property line constructed, “zero lot line” shall require a “right-of-entry” agreement signed by all property owners of all applicable properties for construction and maintenance that is recorded in Dona Ana County records and filed with the town clerk; and
2. This document must be acquired prior to planning, zoning, and historical appropriateness commission approval; and
3. This document shall be permanent and remain with all properties regardless of ownership; and
4. In the event that a mutual agreement cannot be acquired, the applicant ~~may~~ **must**:
 - a. Meet the required setback of **seven** feet. ~~or~~
 - b. Apply for a variance through Chapter ~~18.85~~ MTC to the board of adjustment.

~~OE. E. Utilities. All new installations of utility lines shall be underground, wherever **technically feasible**, unless a utility service provider demonstrates the inability to provide service.~~

~~[Ord. 2006-03 § 1; Ord. 2004-7 § 6; Ord. 2001-04 § 2; Ord. 94-06 § 1; Ord. 92-07 § 1; prior code § 11-2-11.4.G]~~

- F. Flagpole Lots (existing). Lots substandard of 80' fronts.
1. Shall be limited to only one single-family home.
 2. Must meet the height requirement in section 18.35.40 C (2).
 3. Must meet the size requirements in 18.35.40 (B).

SECTION 2. Repealer

All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution.

SECTION 3. Effective Date

This ordinance shall be in full force and effect, five (5) days after this approval, adoption and publication as provided by law.

PASSED, ADOPTED AND APPROVED this 27 day of April 2020.

TOWN OF MESILLA

Nora L. Barraza, Mayor
Town of Mesilla

ATTEST:

By: _____
Cynthia Stoehner-Hernandez
Town Clerk/Treasurer