



THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA AND THE PLANNING, ZONING, AND HISTORICAL APPROPRIATENESS COMMISSION WILL HOLD A JOINT WORK SESSION SCHEDULED FOR AUGUST 19, 2021, AT 4:00 P.M., IN PERSON AT THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA (SPACE IS LIMITED)

1. Discussion on Historic Residential (HR) Ordinance Changes. – **Board of Trustees & Planning, Zoning and Historical Appropriateness Commission.**
2. Discussion on Chapter 18.60 GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS Ordinance Changes. – **Board of Trustees & Planning, Zoning and Historical Appropriateness Commission.**

ADJOURNMENT

NOTICE: If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least one week prior to the meeting. The Mayor and Trustees request that you remain on mute unless requested to speak in teleconference. Silence cell phones if in person.

Posted 08.16.2021 at 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. A copy of the agenda packet can be found online at www.mesillanm.gov.

Ordinance 2021-01: Revisions to Chapter 18.35 & Chapter 18.60.180

H-R – HISTORICAL RESIDENTIAL ZONE

Be it ordained by the Town of Mesilla that:

Section 1:

Chapter 18.10.020 Definitions - Specific

Dwelling: means a building ~~used for residential purposes~~ that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling unit: a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Open space: area of land not occupied by buildings not to include shade structures, ~~including: pergolas, landscaping structures, patios, decks, gazebos, arbors, trellises, and the like.~~

Temporary Structures – a ~~small~~ structure not permanently anchored to the property. ~~using~~ Allowable temporary anchors include hurricane anchors, screw-type anchors, cable anchors, and the like.

Commented [CH1]: SK comment 8.9.21 define small?

Permanent structure – a structure anchored to the ground using concrete foundation or other permanent foundation.

Shade structures: pergolas, patios, decks, gazebos, arbors, trellises and the like and cannot exceed 15 feet in height.

Section 2: Chapter 18.35 H.R. – Historical Residential Zone

Sections:

- 18.35.010 Purpose.
- 18.35.020 Uses permitted.
- 18.35.030 Exterior appearance.
- 18.35.040 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 Chapter 18.33 MTC (Historic Preservation). [Ord. 2020-02 § 1; 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 and related uses approved by the commission upon application and approval of a development plan in accordance with Chapter 18.33 MTC (Historic Preservation), this chapter (H-R Historical Residential Zone) and the comprehensive land use ordinance for the town. [Ord. 2020-02 § 1; Ord. 94-06 § 1; prior code § 11-2-11.4.B4. B]

18.35.030 Area requirements deemed met.

Any lot or building site shall meet the minimum area requirements when:

A. It existed as an entire lot, or as an entire parcel, for which either a deed was on record in the office of the county recorder/clerk or a bona fide contract of sale was in effect prior to the effective date of the ordinance codified in this section. March 14, 1972

B. It is legally subdivided after the effective date of the ordinance codified in this section. March 14, 1972. [Ord. 94-06 § 1; prior code § 11-2-5.18]

Commented [CH2]: A lot of discussion regarding this from Commissioner Nevarez and Mayor Barraza at June 25th meeting

Any lot or building that is deemed to be legal and meets the area requirements as a result of because of this section (18.35.030) shall not be deemed non-conforming simply because they exist on less than the area required by the Code.

18.35.040 Density requirements deemed met.

Any lot or building which had been approved by the Mesilla board of trustees prior to June 8, 2020 (Ord. 20-02) ~~or~~ which are not in conformity with these regulations, but for which ~~permits~~ permits, or variances were granted under previous ordinances, may continue and shall not be deemed non-conforming.

Commented [CH3]: 6.25.2021 discussion to change this to and instead of or from Mayor. Shannon requested leaving it or.

18.35.030040—050 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 must first be reviewed and approved by the PZHAC for compliance with Chapter 18.33 MTC (Historic Preservation), and receive final approval by the board of trustees. [Ord. 2020-02 § 1; Ord. 94-06 § 1; prior code § 11-2-11.4.C]

18.35.0540050060 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 ~~dwellings structures~~ allowed on any property shall be two (the main house and an accessory structure), providing density and parking requirements are met. Additionally, up to five structures a maximum of two temporary storage structures under 120 sq. feet per structure in size and not permanently anchored to the property will be allowed on any property, providing density and parking requirements are met. A maximum of minimum of 40 percent impervious and 60 percent pervious shall be required unless otherwise noted by the development zone requirements of Chapter 18.33 MTC (Historic Preservation) of the property shall be open space per

Commented [CH4]: What are we going to do for those properties that are now non-conforming due to this change from 2020?

~~parcel and is required in order to limit the density of development on each parcel. Each applicant must submit a site plan demonstrating the open space requirement at the time they apply for a permit for any new structure.~~

Commented [CH5]: LS Do we need this because we are limiting structures and temporary structures which would help with the open space requirement.

~~Canopies or roofs and accessory buildings in a rear yard shall not be more than 50 percent of the required area.~~

C. New Construction. New structures ~~to include dwellings~~ and modifications to existing structures ~~prior to June 2020~~ may be built in this zone, providing the exterior appearance of the structure is approved by the PZHAC for compliance with Chapter 18.33 MTC (Historic Preservation) and the comprehensive land use ordinance for the town, with final approval by the BOT.

Commented [CH6]: From Commissioner Nevarez 6.25.2021

Commented [CH7]: Recommended by Mayor 6.25.2021

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~~ meet the requirements in 18.35.050 C (23).

2. If a property is undeveloped, any new structure, ~~to include dwellings~~, shall be architecturally similar to the dwellings or structures in the development zone immediately adjacent to the property and shall not exceed 15 feet in height including parapet, whichever is lower. The height of chimneys is to meet building code, but not be higher than 17 feet.

~~3. Any structure within the Historic Residential Zone shall be architecturally similar to the dwellings or structures in the development zone immediately adjacent (a block radius as discussed in 18.33 MTC Historic Preservation) to the property and shall not exceed 15 feet in height including parapet, unless an applicant can prove that a majority of adjacent properties demonstrate a higher roof. The height of chimneys is to meet building code, but not be higher than 17 feet.~~

D. Yards. For all new buildings, front, side and rear yard must be at least seven feet [from the property line](#).

1. Any repairs of ~~structures~~ [structures or fences](#) that have been legally built on a property [line prior to June 2020 will not require a right of entry form, or,](#)

Commented [CH8]: From 6.25.2021 meeting

~~2.~~ [New construction of fences 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.~~ [New structures would need to be up to 20% of the property; and](#)

Commented [CH9]: Added 6.25.2021 per NLB 20 to 50%?
Not quite sure what was meant here?

~~3.~~ This document must be acquired prior to planning, zoning, and historical appropriateness commission approval; and

~~4.~~ This document shall be permanent and remain with all properties regardless of ownership; and

~~5.~~ In the event that a mutual agreement cannot be acquired, the applicant may ~~shall~~ [meet](#) the required setback of seven feet.

E. Utilities. All new installations of utility lines shall be underground unless a utility service provider demonstrates the inability to provide service, ~~or a demonstrated hardship of inability to obtain easement from an adjacent property owner for an new installation from an existing pole. will be reviewed on a case by case basis. A final determination as to the whether a hardship is sufficient to allow an above ground utility installation will be~~ [decided on a case-by-case basis by the Mayor along with the Public Works director and Community Development Department Coordinator.](#)

Commented [CH10]: Changed 6.25.2021

[For connections to Town utilities refer to MTC 13.10.](#)

F. Flagpole Lots (Existing). Lots substandard of 80-foot fronts:

1. Shall be limited to only one single-family home.
2. Must meet the height requirement in section (C)(2) of this section.
3. Must meet the size requirements in subsection (B) of this section. [Ord. 2020-02 § 1; 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.D – 11-2-11.4.G. Formerly 18.35.070]

G. Off-Street Parking. See MTC 18.60.170 and shall not include private garage as part of the off-street calculations of parking area.

H. Lighting. See MTC 18.50.

I. Architectural Style and Design Standards. See MTC 18.33 Historic Preservation.

In addition, the architectural style and design standards shall comply with the following:

1. Elevations of proposed structures shall be submitted with site plans for review by the planning, zoning, and historical appropriateness commission with final approval by the board of trustees.
2. Internal consistency or compatibility of styles, colors, materials, and design elements will be required in all new development or redevelopment within the HR zone.
3. Stucco, brick, stone, wood, and adobe are permitted exterior wall materials. Aluminum siding, metal panels, metal, barbed wire and aluminum fencing, mirrored glass, unstuccoed concrete block and unstuccoed concrete are prohibited exterior wall materials within the front setbacks.
4. The use of solar and other energy collecting, and conserving strategies is encouraged by Mesilla. Where publicly visible, solar features and equipment shall be architecturally integrated or screened and shall not be visible from any public right of way.
5. Walls and fencing with adobe, brick, stucco, slump block, stone, wood, barbed wire, and wrought iron fencing is permitted. Unstuccoed concrete, chain link, metal wire, or similar materials are prohibited.
6. Mechanical, electrical, telephone, heating, and cooling equipment as well as other obtrusive structures shall be architecturally screened.

7. No person shall stand, stop, or park a vehicle on any street or property for the principal purpose of living within the vehicle.- An RV can only be used for dwelling purposes for a maximum of 14 days. There can be no permanent connection for water, sewer, or electricity.

Commented [CH11]: SJB to research 6.25.2021

J. ——— Wall, Fencing, Hedge HR Zone. See chapter 18.60.340.

K. In addition to maintaining the yard, the developer (if so, designated by covenant or other document) or the property owner shall maintain all fixed structures attached to the ground.

SECTION 3. 18.60.180 Area requirements deemed met.

Any lot or building site shall meet the minimum area requirements when:

A. It existed as an entire lot, or as an entire parcel, for which either a deed was on record in the office of the county clerk, or a bona fide contract of sale was in effect prior to March 14, 1972

B. It is legally subdivided after the effective date of the ordinance codified on March 14, 1972. [Ord. 94-06 § 1; prior code § 11-2-5.18]

Any lot or building that is deemed to be legal and meets the area requirements because of this section (18.35.03060.180) shall not be deemed non-conforming simply because they exist on less than the area required by the Code.

SECTION 34. 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 45. 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 12 day of Aprilxxxxxxx 2021.

Mesilla Town Code Ordinance 2021-01:
Chapter 18.35 H-R – HISTORICAL RESIDENTIAL
ZONE & 18.60.180 Area Deemed Met for Non-
Conforming Uses

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Nora L. Barraza
Mayor
Town of Mesilla

ATTEST: _____

By: _____
Cynthia Stohner-Hernandez

Clerk/Treasurer
Town of Mesilla

(seal)

DRAFT

The Mesilla Town Code is current through Ordinance 2020-04, and legislation passed through June 8, 2020.