

Town of Mesilla, New Mexico

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) WILL BE HAVING A PUBLIC HEARING/REGULAR MEETING**

**AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.
MONDAY-AUGUST 17, 2026, AT 5PM**

PUBLIC HEARING

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) will hold a Public Hearing regarding nominations for Mesilla's Local Historic Registry and proposed amendments to the Mesilla Town Code, as identified in the published notice.

1. NOMINATION FOR MESILLA'S LOCAL HISTORIC REGISTRY - 2201 AVENIDA DE MESILLA

Public Hearing regarding the nomination of 2201 Avenida de Mesilla - 3 structures on plot for inclusion in Mesilla's Local Historic Registry.

2. NOMINATION FOR MESILLA'S LOCAL HISTORIC REGISTRY - 1560 CALLE DE EL PASO

Public Hearing regarding the nomination of 1560 Calle de El Paso - silo on property for inclusion in Mesilla's Local Historic Registry.

3. NOMINATION FOR MESILLA'S LOCAL HISTORIC REGISTRY - CALLE DE PICACHO

Public Hearing regarding the nomination of Calle de Picacho - DAC Acct. #R0400200 - Griggs Home for inclusion in Mesilla's Local Historic Registry.

4. NOMINATION FOR MESILLA'S LOCAL HISTORIC REGISTRY - 2551 CALLE DE PRINCIPAL

Public Hearing regarding the nomination of 2551 Calle de Principal - Texas/Pacific Hotel for inclusion in Mesilla's Local Historic Registry.

5. NOMINATION FOR MESILLA'S LOCAL HISTORIC REGISTRY - 2480 CALLE DE SAN ALBINO

Public Hearing regarding the nomination of 2480 Calle de San Albino - Colonel Albert Jennings Fountain for inclusion in Mesilla's Local Historic Registry.

6. AMENDMENT TO MESILLA TOWN CODE § 15.15 - BUILDING CODE

Public Hearing regarding proposed amendments to Mesilla Town Code Chapter 15.15 - Building Code.

7. AMENDMENT TO MESILLA TOWN CODE § 18.15 - ESTABLISHMENT OF ZONES, BOUNDARIES

Public Hearing regarding proposed amendments to Mesilla Town Code Chapter 18.15 - Establishment of Zones, Boundaries.

8. AMENDMENT TO MESILLA TOWN CODE § 18.35 - HISTORICAL RESIDENTIAL ZONE

Public Hearing regarding proposed amendments to Mesilla Town Code Chapter 18.35 - Historical Residential Zone.

9. AMENDMENT TO MESILLA TOWN CODE § 18.85 - VARIANCES AND SPECIAL USE PERMITS

Public Hearing regarding proposed amendments to Mesilla Town Code Chapter 18.85 - Variances and Special Use Permits.

REGULAR MEETING

Immediately following the Public Hearings. Approximately 6pm

2. ROLL CALL AND DETERMINATION OF A QUORUM

3. PLEDGE OF ALLEGIANCE

4. CHANGES/APPROVAL OF AGENDA

5. PUBLIC INPUT

The public is invited to address the commission regarding items listed on the agenda as allowed by the chair. You can also email your comments to clerktreasurer@mesillanm.gov at least seventy-two (72) hours prior to the meeting. All comments/questions need to be in a professional and respectful by EVERYONE while quorum is

established. The Chairperson has the authority to determine when matters are distasteful and he/she will address them accordingly.

6. CONSENT AGENDA - **Note: Items on the Consent Agenda, indicated by an asterisk (*), will be voted on with one motion unless the commissioner requests that a specific item be removed for discussion.*

***A. Approval of Works Session and Regular Meeting Minutes**

7. ACTION AND CONSIDERATION

A. PZHAC BUS LIC#1521 – 2212 Calle de San Albino, submitted by Jorge Larrazabal. Requesting approval to operate a house cleaning business from home. ZONE: Historic Commercial (HC).

8. CONSIDERATION OF NOMINATIONS FOR MESILLA'S LOCAL HISTORIC REGISTRY

A. 2201 AVENIDA DE MESILLA - 3 STRUCTURES ON PLOT

Consideration and possible action regarding the nomination of 2201 Avenida de Mesilla - 3 structures on plot for inclusion in Mesilla's Local Historic Registry.

B. 1560 CALLE DE EL PASO - SILO ON PROPERTY

Consideration and possible action regarding the nomination of 1560 Calle de El Paso - silo on property for inclusion in Mesilla's Local Historic Registry.

C. CALLE DE PICACHO - DAC ACCT. #R0400200 - GRIGGS HOME

Consideration and possible action regarding the nomination of Calle de Picacho - DAC Acct. #R0400200 - Griggs Home for inclusion in Mesilla's Local Historic Registry.

D. 2551 CALLE DE PRINCIPAL - TEXAS/PACIFIC HOTEL

Consideration and possible action regarding the nomination of 2551 Calle de Principal - Texas/Pacific Hotel for inclusion in Mesilla's Local Historic Registry.

E. 2480 CALLE DE SAN ALBINO - COLONEL ALBERT JENNINGS FOUNTAIN

Consideration and possible action regarding the nomination of 2480 Calle de San Albino - Colonel Albert Jennings Fountain for inclusion in Mesilla's Local Historic Registry.

9. CONSIDERATION OF AMENDMENTS TO MESILLA TOWN CODE

A. MESILLA TOWN CODE § 15.15 - BUILDING CODE

Consideration and possible action regarding proposed amendments to Mesilla Town Code Chapter 15.15 - Building Code, including a recommendation to the Board of Trustees.

B. MESILLA TOWN CODE § 18.15 - ESTABLISHMENT OF ZONES, BOUNDARIES

Consideration and possible action regarding proposed amendments to Mesilla Town Code Chapter 18.15 - Establishment of Zones, Boundaries, including a recommendation to the Board of Trustees.

C. MESILLA TOWN CODE § 18.35 - HISTORICAL RESIDENTIAL ZONE

Consideration and possible action regarding proposed amendments to Mesilla Town Code Chapter 18.35 - Historical Residential Zone, including a recommendation to the Board of Trustees.

D. MESILLA TOWN CODE § 18.85 - VARIANCES AND SPECIAL USE PERMITS

Consideration and possible action regarding proposed amendments to Mesilla Town Code Chapter 18.85 - Variances and Special Use Permits, including a recommendation to the Board of Trustees.

9. STAFF/COMMISSION COMMENTS

10. ADJOURNMENT

NOTE

If you need any accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us on 524-3262 at least 48 hours prior to the meeting. Posted on 8/14/26 at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Lucky's Food Mart 2290 Avenida de Mesilla; and the U.S. Post Office – 2253 Calle de Parian; Ristramnn 2531 Avenida de Mesilla; 304 Bell Ave; Mesilla website <https://www.mesillanm.gov/minutes-agendas/>

Chapter 18.15

ESTABLISHMENT OF ZONES, BOUNDARIES

Sections:

18.15.010 Names of zones.

18.15.020 Establishment of zone boundaries by map.

18.15.030 Uncertainty of zone boundaries.

18.15.040 Official zoning map on file with the town clerk-treasurer.

18.15.050 Amendments to the official zoning map.

18.15.060 New construction.

18.15.070 Uses permitted in the zones.

18.15.080 Uses not listed.

18.15.090 Separate yards required.

18.15.100 Uses in areas annexed.

18.15.110 Completion of construction.

18.15.010 Names of zones.

For the orderly development of the town of Mesilla the town is divided into zones, identified as:

RF Rural Farm

RA Residential/Agricultural

R-1 Single-Family Residential

R1M Single-Family Residential with Mobile

Homes

MER3 Single-Family Residential – One-Acre

Minimum

MER4 Single-Family Residential – One-Half-

Acre Minimum

MEH Holding Zone for Vacant Land

GI General Industrial

H-R Residential Cultural – Historical

H-C Historical Commercial

C Commercial

[Ord. 2009-05 § 4; Ord. 94-06 § 1; prior code § 11-2-3.1]

18.15.020 Establishment of zone boundaries by map.

The location and boundaries of the various zones shall be shown on the “official zoning map” of the town which shall be made a part of this title, and all notations and information shown on the map shall be a part of this title as if fully described. The official zoning map shall be identified by the signature of the mayor attested by the town clerk-treasurer, and bearing the seal of the town under the following words: “This is to certify that this is the official zoning map referred to in Chapter 18.15 MTC,” together with the date of adoption of the ordinance codified in this section. [Ord. 2009-05 § 4; Ord. 94-06 § 1; prior code § 11-2-3.2]

18.15.030 Uncertainty of zone boundaries.

Where uncertainty exists as to the boundaries of any zone shown on the official zoning map, the following rules shall apply:

A. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.

B. Where a zone boundary divides a lot or parcel, the location of such boundaries, unless precisely indicated on the official zoning map by dimensions, shall be determined by ~~the use of the scale~~ the largest area ~~a zone appearing~~ of zoning a parcel is identified on the zoning map.

C. If a public street, alley, or right-of-way, or public easement is vacated the area vacated shall acquire the same zone classification as the property to which it reverts.

D. Should any uncertainty exist as to the boundaries between zones, the commission shall, by written decision, determine the location of the zone boundaries. [Ord. 2009-05 § 4; Ord. 94-06 § 1; prior code § 11-2-3.3]

18.15.040 Official zoning map on file with the town clerk-treasurer.

The original official zoning map shall be kept on file in the office of the town clerk-treasurer. [Ord. 2009-05 § 4; Ord. 94-06 § 1; prior code § 11-2-3.4]

18.15.050 Amendments to the official zoning map.

All amendments to and changes in the official zoning map shall be recorded at the end of each fiscal year upon a new copy of the official zoning map. All changes made upon the official zoning map must be by vote of the board of trustees. [Ord. 2009-05 § 4; Ord. 94-06 § 1; prior code § 11-2-3.5]

18.15.060 New construction.

All new construction, building, improvements, alterations, or enlargements made after the effective date of the ordinance codified in this title within the town shall conform with the requirements, character, and conditions as to height, area, and yard requirements established by this title. It shall be unlawful for any person to erect, construct, establish, alter, or enlarge any buildings, or structures in any district contrary to the provisions of this title. [Ord. 2009-05 § 4; Ord. 95-03 § 4; Ord. 94-06 § 1; prior code § 11-2-3.6]

18.15.070 Uses permitted in the zones.

All zones established in this title shall be only for those uses prescribed in the zones. [Ord. 2009-05 § 4; Ord. 94-06 § 1; prior code § 11-2-3.7]

18.15.080 Uses not listed.

When a use is not specifically listed in the section devoted to uses permitted, or conditional uses, it shall be assumed that such uses are prohibited unless a written recommendation from the planning commission to the board of trustees is approved by the trustees, which states that the use is similar to and not more objectionable than the uses already listed. [Ord. 2009-05 § 4; Ord. 94-06 § 1; prior code § 11-2-3.8]

18.15.090 Separate yards required.

Except as provided in this title, no yard or other open space about any building or structure for the purpose of complying with these regulations shall be considered as providing a yard or open space for any other building or structure on the same property or on contiguous properties. [Ord. 2009-05 § 4; Ord. 94-06 § 1; prior code § 11-2-3.9]

18.15.100 Uses in areas annexed.

Where property has not been specifically included within a zone or where territory has become a part of the town of Mesilla by annexation and the current zoning attached to the annexed territory does not correspond to an established zone in the town's ordinances, then the property shall automatically be classed as lying in the MEH zone until such classifications shall have been changed by an amendment to the official zoning map. If the current zoning attached to the annexed territory corresponds to an established zone in the town's ordinances, then a request for said zone designation shall accompany the petition for annexation as submitted to the planning, zoning and historical appropriateness commission. The zoning classifications for properties addressed in this section shall become official upon amendment of the official zoning map of the town of Mesilla. [Ord. 2009-05 § 4; Ord. 2004-02 § 1; Ord. 94-06 § 1; prior code § 11-2-3.10]

18.15.110 Completion of construction.

This title does not require any change in plans, construction, or designated use of a building or structure for which a valid building permit has been previously issued and construction has begun at the effective date of the ordinance codified in this title or any amendment; provided, that such construction and/or proposed use of such building is not in violation of any other ordinance or law; and further provided, that the building or structure is completed within one year of that date. "Construction" is defined to be the placing of construction materials in their permanent position fastened in a permanent manner, except that where a basement is being excavated such excavation shall be actual construction, or where demolition or removal of an existing structure has commenced preparatory to rebuilding, such demolition or removal shall be considered construction. [Ord. 2009-05 § 4; Ord. 94-06 § 1; prior code § 11-2-3.11]

The Mesilla Town Code is current through Ordinance 2021-03, passed December 30, 2021.

Disclaimer: The town clerk's office has the official version of the Mesilla Town Code. Users should contact the town clerk's office for ordinances passed subsequent to the ordinance cited above.

Town Website: <http://www.mesillanm.gov/>

Town Telephone: (575) 524-3262

[Code Publishing Company](#)

Chapter 15.15 BUILDING CODE

Sections:

15.15.010 Title – Purpose – Exceptions.

15.15.020 Definitions.

15.15.030 Application for building permit.

15.15.040 Building permit fees – Amendments – Expiration of building permit.

15.15.050 Penalty.

15.15.010 Title – Purpose – Exceptions.

- A. This chapter shall be known as the “building code ordinance of the town of Mesilla.”
- B. The town of Mesilla hereby adopts the 2003 International Building Code and the 2003 International Residential Code, including all amendments thereto and all future editions thereof. A copy of said codes are on file in the office of the building official.
- C. The NMBC is hereby adopted by the town for the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, removal, change of use, demolition, occupancy, use, height, area and maintenance of buildings or structures, and providing for the issuance of permits and the collection of fees, and providing penalties for the violation thereof. The NMBC is hereby adopted and incorporated as if set out in full, except as to the section of the NMBC relating to building permit fees, which fees shall be established in accordance with MTC [15.15.040](#).
- D. The 2003 International Building Code and the 2003 International Residential Code (or any future editions thereof) and the building permit fees established by this chapter shall be in force from July 1, 2004, or from the date on which the ordinance codified in this chapter shall take effect (whichever date is later), and the provisions thereof shall be controlling within the limits of the town. [Ord. 2008-06 § 3; Ord. 2004-12 § 1; Ord. 2001-03; prior code § 11-8-1]

15.15.020 Definitions.

- A. The words “city” or “municipality” shall be held to mean the town of Mesilla.

Chapter 18.85

VARIANCES AND SPECIAL USE PERMITS

Sections:

Article I. Variances

- 18.85.010** Variances may be granted.
- 18.85.020** Purpose of variance.
- 18.85.030** Variance not to constitute title amendment.
- 18.85.040** Required showing for variance.
- 18.85.050** Variances may include conditions.
- 18.85.060** Variances involving minor deviations.
- 18.85.070** Voiding of variances.

Article II. Special Use Permits

- 18.85.080** Town planning commission may recommend approval of special use permits.
- 18.85.090** Granting of some special use permits not permitted.
- 18.85.100** Showing for special permit not required.

Article III. General Procedure Provisions – Variances and Permits

- 18.85.110** Applications for variances and special use permits.
- 18.85.120** Petitioners statement of justification.
- 18.85.130** Supplementary information.
- 18.85.140** Filing fee for variance and special use permit.
- 18.85.150** Setting hearings.

18.85.160 Notices.

18.85.170 Investigations.

18.85.180 Hearings may be continued without public notice.

18.85.190 Action on variance or special use permit.

18.85.200 Files shall include testimony.

18.85.210 Notice of decision.

18.85.220 Effective date – Time for appeal.

18.85.230 Transmission of records to board of trustees.

18.85.240 Board of trustees to hold public hearing.

18.85.250 Board of trustees resolution on findings and decision.

18.85.260 Decision of board of trustees to be final.

18.85.270 Notice of board of trustees decision.

18.85.280 Re-application.

Article I. Variances

18.85.010 Variances may be granted.

When practical difficulties and unnecessary hardships inherent with the land, or actions inconsistent with the general purpose of this title occur due to the strict interpretation and enforcement of any of its provisions, the board of adjustment, upon its own motion may, or upon the application of any interested person, shall initiate proceedings for consideration of a variance from the provisions of this title with conditions as may be necessary to assure that the purpose of this title will be observed, and that the health, safety, and welfare of the community be secured, and that substantial justice be done, not only to the applicant, but to the persons other than the applicant, who might be affected by such variance. [Ord. 94-06 § 1; prior code § 11-2-7.1]

18.85.020 Purpose of variance.

The sole purpose of any variance shall be the modification of the specific regulations of this title and to assure that no property because of unique circumstances shall be deprived of any rights that other

properties have in the same vicinity and zone. Variances are administrative acts, and the authority to approve or disapprove a petition for a variance is vested in the board of adjustment. Self-imposed hardships shall not be justification for granting a variance. This section does not authorize the board of adjustment to permit any use prohibited by this title, nor to grant densities of use in excess of those specified. [Ord. 94-06 § 1; prior code § 11-2-7.2]

18.85.030 Variance not to constitute title amendment.

A variance is not an amendment to this title or the maps which are a part of this title, nor shall a variance be used as a procedure to change the use of land or structures not permitted within the district in which an application for a variance is made. [Ord. 94-06 § 1; prior code § 11-2-7.3]

18.85.040 Required showing for variance.

Before any variance may be granted, it shall be shown:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, and denied to the property in question.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.
- D. A nonconforming use of neighboring lands or structures shall not be considered grounds for the issuance of a variance. [Ord. 94-06 § 1; prior code § 11-2-7.4]

18.85.050 Variances may include conditions.

Variances may be granted with conditions and for such periods of time as the board of adjustment or the board of trustees shall deem to be reasonable and necessary so that the objectives of this title shall be achieved. [Ord. 94-06 § 1; prior code § 11-2-7.5]

18.85.060 Variances involving minor deviations.

When in the public interest by action taken at a regular meeting, without publishing or posting of notices, the ~~board of adjustment~~ Planning and Zoning Historical Appropriateness Commission may consider cases involving slight modifications in the provisions of this title, limited to:

- A. Area requirements may be reduced by not more than 10 percent.
- B. Yard requirements may be reduced by permitting portions of a building to extend into and occupy not more than 20 percent of the area of a required yard adjacent to the main structure. [Ord. 94-06

§ 1; prior code § 11-2-7.6]

18.85.070 Voiding of variances.

Each variance granted under the provisions of this title shall be void unless:

A. The construction or use authorized has been commenced within six months after the granting of the variance.

B. All conditions of the variance are met.

C. If circumstances beyond the control of the applicant prevents starting of the project within the specified six-months time limit, the board of adjustment may, upon request, extend the time limit for starting for a maximum time of an additional six months. [Ord. 94-06 § 1; prior code § 11-2-7.7]

Article II. Special Use Permits

18.85.080 Town planning commission may recommend approval of special use permits.

Permits for special uses specifically listed in MTC [18.55.010](#) and [18.55.020](#), and for other uses which the planning commission finds impractical or impossible to classify specifically, may be granted by the board of trustees under these procedures. [Ord. 94-06 § 1; prior code § 11-2-8.1]

18.85.090 Granting of some special use permits not permitted.

The planning, zoning and historical appropriateness commission shall recommend or disapprove any special use permits for any use which:

A. Is specifically permitted by this title in a zone which is less restrictive than the zone where the property is located.

B. Is specifically prohibited, by the provisions of this title, in the zone where the property is located.

C. Can be specifically classified as a residential, commercial or industrial use. [Ord. 2004-01 § 4; Ord. 94-06 § 1; prior code § 11-2-8.2]

18.85.100 Showing for special permit not required.

The procedure for all applications for special use permits is set forth in Article I of this chapter for variances excepting that such action will be recommended by the planning commission and final action by the board of trustees. Showings required in MTC [18.85.040](#)(A) and (B) are not needed. For special uses, public benefit resulting from the proposed facility shall exceed any detriment to the public health, safety and general welfare or injury to property or improvements in the area. Special use

permits may be granted with conditions and limitations by the board of trustees as appropriate. [Ord. 94-06 § 1; prior code § 11-2-8.3]

Article III. General Procedure Provisions – Variances and Permits

18.85.110 Applications for variances and special use permits.

The board of adjustment **will have final approval** for variances, and the board of trustees, for special use permits, **Community and Economic department** shall prescribe the form in which applications shall be made and the type of information to be submitted by the applicant. Applications shall not be accepted unless they comply with requirements. [Ord. 94-06 § 1; prior code § 11-2-9.1]

18.85.120 Petitioners statement of justification.

Each application for a variance or special use permit shall have a written statement of facts by the petitioner showing why the granting of the request is needed in order that the provisions of MTC **18.85.040** may be met. When the appropriate board believes the justifications are not within the scope of the variance or special procedure, the applicant shall be so informed. Filing of an application shall not constitute any indication of approval. [Ord. 94-06 § 1; prior code § 11-2-9.2]

18.85.130 Supplementary information.

An application for a variance or special use permit shall also include two sets of a description of the property and plans for the proposed use. The plans shall be drawn to scale and shall show the location of structures and other features on the site. [Ord. 94-06 § 1; prior code § 11-2-9.3]

18.85.140 Filing fee for variance and special use permit.

A. A filing fee of \$310.00 shall be paid to the town of Mesilla upon filing each application for a variance or special use permit. The fee shall be for the purpose of defraying the expense of postage, posting, advertising and other incidental costs of the proceedings. Payment of the filing fee shall not be construed to be approval of the proposed variance or special use permit. The filing fee is nonrefundable **and need to be paid before a hearing is scheduled.**

B. Where additional review by the town of Mesilla is required above and beyond normal review requirements due to complex, unforeseen, or unique circumstances such as consultant fees for engineering or legal services, then the town may charge an additional review fee to defray the cost of such review. Review fees shall be only for professional services rendered to the town, to assist them in reviewing the application for a variance or special use permit. When an additional fee is deemed necessary, the fee shall be determined between the **Community & Economic Development staff town clerk-treasurer** and applicant. [Ord. 2004-03 § 6; Ord. 94-06 § 1; prior code § 11-2-9.4]

18.85.150 Setting hearings.

All applications for variances, or special use permits as provided in this title, shall be set for public hearing by the **Community & Economic Development department** ~~planning commission or board of adjustment~~. The date of the first hearing shall be not less than ~~30~~**15** days nor more than 45 days from the time of filing the application. [Ord. 94-06 § 1; prior code § 11-2-9.5]

18.85.160 Notices.

Notice of time and place of public hearings for variance or special use permit may be given by posting one sign in front of the property and posting additional signs at 300-foot intervals for large properties with 600 feet or more frontage. The posted notice shall contain the heading "Notice of Proposed Variance," "Special Permit" or "Notice of Proposed Special Permit," in letters at least one inch in height. The notice shall also contain information about the location of the property, the proposed use and the time and place at which the public hearing will be held. All owners of property located within 100 feet radius of the external boundaries of the property shall be notified by registered mail. [Ord. 94-06 § 1; prior code § 11-2-9.6]

18.85.170 Investigations.

The board of adjustment or planning commission or board of trustees shall require ~~its own members,~~ ~~or~~ its staff, to investigate the facts about an application set for hearing, including an analysis of precedent cases to provide all necessary information on each case. [Ord. 94-06 § 1; prior code § 11-2-9.7]

18.85.180 Hearings may be continued without public notice.

If testimony at a hearing cannot be completed on the day set for the hearing, the chair may, before recess, publicly announce the time and place of the continued hearing and no further notice shall be required. [Ord. 94-06 § 1; prior code § 11-2-9.8]

18.85.190 Action on variance or special use permit.

Not more than 40 days following completion of its hearing on the application for a variance or special use permit, the board of adjustment or planning commission or board of trustees **that gave final approval**, by adoption of a resolution shall:

A. Grant or deny the variance or special use permit subject to specified conditions; and

B. **If recommending to the governing board,** ~~Adopt~~ written findings which specify all facts relied upon by the reviewing body in rendering its decision, stating that these facts fulfill or fail to fulfill the requirements of this title, and stating the reasons for any conditions imposed. Resolutions shall be numbered consecutively in the order of their filing and shall become a part of the permanent records of the reviewing body. Failure of the reviewing

body to act on any variance or use permit application within 40 days after the hearing shall be deemed to be approval of the application by the board. [Ord. 94-06 § 1; prior code § 11-2-9.9]

18.85.200 Files shall include testimony.

A summary of all pertinent testimony offered at public hearings about the filed application and the names and addresses of persons testifying at all public hearings before the reviewing body shall be recorded and made a part of the permanent files of the case. [Ord. 94-06 § 1; prior code § 11-2-9.10]

18.85.210 Notice of decision.

Not later than 10 days following the decision [by the approval reviewing body](#), that a variance or special use permit be granted or denied, a copy of the resolution shall be mailed to the applicant at the address shown on the application. [Ord. 94-06 § 1; prior code § 11-2-9.11]

18.85.220 Effective date – Time for appeal.

The decision of the reviewing body other than the board of trustees shall become final and effective 10 days after adopting the resolution granting or denying the variance or special use permit unless within 10 days after mailing the resolutions an appeal in writing is filed with the board of trustees. The filing of an appeal within the time limit shall stay the effective date of the order until the board of trustees has acted on the appeal. [Ord. 94-06 § 1; prior code § 11-2-9.12]

18.85.230 Transmission of records to board of trustees.

Upon filing of a written appeal to the board of trustees, the town clerk-treasurer shall transmit to the board of trustees certified copies of all pertinent material in the board or planning commission files. [Ord. 94-06 § 1; prior code § 11-2-9.13]

18.85.240 Board of trustees to hold public hearing.

Within 30 days following the receipt of the written appeal the board of trustees shall conduct a public hearing, notice of which shall be given as provided in MTC [18.85.160](#). The hearing before the board of trustees shall be a hearing de novo and all interested persons may appear and present evidence. [Ord. 94-06 § 1; prior code § 11-2-9.14]

18.85.250 Board of trustees resolution on findings and decision.

The board of trustees shall announce its findings and decision by resolution not more than 20 days following the hearing, which shall state the facts and reasons which, in the opinion of the board of trustees, make the granting or denial of the variance or special use permit necessary to carry out the general purpose of this title. [Ord. 94-06 § 1; prior code § 11-2-9.15]

18.85.260 Decision of board of trustees to be final.

The decision of the board of trustees shall be final on an appeal; provided, that where the board of adjustment's action has been a denial of a variance, the board of trustees shall not grant a variance or eliminate or modify any condition imposed by the board except by two-thirds vote of all members.

[Ord. 94-06 § 1; prior code § 11-2-9.16]

18.85.270 Notice of board of trustees decision.

Not later than 10 days following the adoption of a resolution ordering that a variance or special use permit be granted or denied, a copy of the resolution shall be mailed to the appellant and to the board of adjustment for a variance and planning commission for a special use permit. [Ord. 94-06 § 1; prior code § 11-2-9.17]

18.85.280 Re-application.

No re-application for a variance or special use permit which has been denied shall be filed earlier than one year after a denial unless specific authority to do so has been granted by the board of adjustment or by the board of trustees. Any re-application for a variance or special use permit shall be considered as a new application, including the payment of a new filing fee. [Ord. 94-06 § 1; prior code § 11-2-9.18]

The Mesilla Town Code is current through Ordinance 2021-03, passed December 30, 2021.

Disclaimer: The town clerk's office has the official version of the Mesilla Town Code. Users should contact the town clerk's office for ordinances passed subsequent to the ordinance cited above.

Town Website: <http://www.mesillanm.gov/>

Town Telephone: (575) 524-3262

[Code Publishing Company](#)

B. "Building official" means the duly authorized representative of the town of Mesilla, responsible for administering building code compliance and plan review, as recognized by Construction Industries Division.

C. The word "person" shall include any individual, firm, corporation or other entity.

D. "Special topography" shall be defined as topography where slopes of 15 percent or greater are proposed to be disturbed by development. [Ord. 2008-06 § 4; Ord. 2001-03; prior code § 11-8-2]

15.15.030 Application for building permit.

A. Procedure. Any person desiring to construct any residence or business or other structure in the town or to make any alteration or improvement to existing buildings or structures shall make a written application, on the prescribed form being used by the town of Mesilla, to the community development department of the town, specifying the nature of the work being proposed, its location and proposed cost of same. No excavation or clearing of land before construction will be permitted without having first obtained a building permit.

All building permits issued in the town of Mesilla shall be subject to building permit fees as described below. The application shall be reviewed by the community development staff to define the scope of the proposed project and determine the applicable process for approvals.

1. Types of Building Permit Processes.

- a. Administrative approval permit.
- b. Historic zone or commercial zone permit.
- c. Nonhistoric zone permit.

B. Administrative Approval Permit. Applications that are minor repairs or maintenance and do not alter or create additions to structures (buildings), walls or any other permanent fixtures on site may be approved administratively by staff, pursuant to guidelines established by the board of trustees by adoption of a resolution. Applications for administrative approval permits require, at a minimum, a completed building permit application including a description of proposed work, cost of proposed work and all information required on the application form. Community development staff may require additional information as necessary. Once all required information is provided, the community development staff may approve and issue the permit.

C. Historic Zone or Commercial Zone Permit.

1. Applications for all proposed work except for work described in subsection (B) of this section, and shall be required to submit the following information:

2. Application is submitted with plans, site plan, and other required documents such as, but not limited to:

a. Plat, plot plan or site plan showing, with dimensions, the lot line, the buildings, and the locations of buildings upon the lot. The drawing or plat shall be prepared and certified by a registered New Mexico surveyor or engineer. For building permit applications for additions to existing residential structures or ancillary structures thereto which can be readily verified by the building official as being substantially within required setbacks and outside easement areas, the building official may waive the survey requirement and allow the applicant to prepare drawings containing all information required under this subsection. For purposes of this subsection, the term "substantially within required setbacks" shall mean five feet or more in excess of required setbacks. The drawings shall contain notations indicating the proposed use of all land and buildings.

b. Foundation plan with details.

c. Floor plan showing rooms, their uses and dimensions.

d. Cross-section of walls.

e. Roof and floor framing plan.

f. Drainage plan.

g. Details of architectural style.

h. Completed building permit application form.

3. The application shall be required to go through a formal approval process which includes:

a. Obtaining a Certificate of Historical Appropriateness Permit. All applications for a permit must first be reviewed for historical appropriateness and compliance with Chapter [18.33](#) MTC as per the process described in MTC [18.33.060](#). Once the application has completed the process of obtaining an historical appropriateness permit from the PZHAC the application shall be placed on the regular agenda of the PZHAC for consideration of recommendation of approval of the building permit.

b. Board of Trustees. The plans and application will be forwarded to the next regularly scheduled meeting of the board of trustees of the town of Mesilla. The board of trustees (BOT) shall make the final decision regarding the building permit application. The BOT will review the application, plans, any relevant town codes and the recommendations from the PZHAC in order to determine whether or not to approve or deny a permit application. If approved, the community development staff shall issue the building permit.

D. Non-Historic Zone Permit.

1. Applications for any permit, except for work described in subsection (B) of this section, shall consist of submitting a completed application form, plans and data as prescribed by the community development department as follows:

a. Plat, plot plan or site plan showing, with dimensions, the lot line, the buildings, and the locations of buildings upon the lot. The drawing or plat shall be prepared and certified by a registered New Mexico surveyor or engineer. For building permit applications for additions to existing residential structures or ancillary structures thereto which can be readily verified by the building official as being substantially within required setbacks and outside easement areas, the building official may waive the survey requirement and allow the applicant to prepare drawings containing all information required under this subsection. For purposes of this subsection, the term "substantially within required setbacks" shall mean five feet or more in excess of required setbacks. The drawings shall contain notations indicating the proposed use of all land and buildings.

b. Foundation plan with details.

c. Floor plan showing rooms, their uses and dimensions.

d. Cross-section of walls.

e. Roof and floor framing plan.

f. Drainage plan.

g. Completed building permit application form.

2. Application is reviewed by community development staff for the following:

a. Zoning.

b. Setbacks.

c. All required documents have been submitted.

d. Plan review for building code compliance.

e. Designation on flood maps checked.

f. If application is in a newly annexed area, a site visit to determine if special topography is a concern.

3. If the project is within a flood hazard zone or if there are special topographic concerns, the plans are sent to the floodplain administrator for review and comments.

4. For all work involving new residences or residential additions of heated living space and construction involving flood hazards or special topographic concerns, the application shall be forwarded to the PZHAC for consideration of approval. Upon approval of the application by the PZHAC, the building permit may be issued.

5. Once all reviews of the application for a building permit are completed (with the exception of work described in subsection (D)(4) of this section), and found to be in compliance with all pertinent town codes, the building permit may be issued.

6. Any applicant that is aggrieved by any decision of the community development department may have their case reviewed by the PZHAC and the BOT.

E. The building official may, upon reasonable belief that a person has deviated from the approved plans, revoke the person's building permit. [Ord. 2008-06 § 5; Ord. 2005-05 § 1 – 4; Ord. 2001-03; prior code § 11-8-3]

15.15.040 Building permit fees – Amendments – Expiration of building permit.

A. The building permit fees set forth in Table 1-A of the International Building Code are not adopted in this chapter and in their place the following fees are established (as described below and as set forth in Table 1):

Total Valuation

Fee

Total Valuation		Fee
\$1	to \$300	no charge; valuation fee shall not be artificially divided so as to constitute a no charge fee under this section
\$301	to \$500	\$45
\$501	to \$2,000	\$50 for the first \$500 plus \$2 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001	to \$25,000	\$80 for the first \$2,000 plus \$10 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001	to \$50,000	\$310 for the first \$25,000 plus \$15 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001	to \$100,000	\$680 for the first \$50,000 plus \$15 for each additional \$1,000 or fraction thereof, to and including \$100,000

Total Valuation	Fee
\$100,001 to \$1,000,000	\$1,450 for the first \$100,000 plus \$15 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$14,700 for the first \$1,000,000 plus \$25 for each additional \$1,000 or fraction thereof

B. Determination of Value. The determination of value or valuation for purposes of calculation of building permit fees shall be made by the building official based on regionally adjusted building valuation data published by the International Conference of Building Officials in the Building Standards publication amended annually based on the then-current valuation data. Where the owner or contractor provides a signed contract stating the value of construction, such value shall be used in calculating the permit fee under the following conditions:

1. Work involved is for renovation of existing structure when no new square footage is added and/or no I.C.B.O. valuation covers work involved.
2. Contract value is greater than I.C.B.O. valuation and involved quality of work which is better than I.C.B.O. listed valuation for work involved.

C. Plan Review Fee. A plan review fee shall be assessed for all permits that require construction drawing/site plan review. Upon application, a building permit fee shall be assessed. Thirty percent of the building permit fee will be collected upon submission of a building permit application. The remaining 70 percent of the building permit fee will be collected at the time of permit issuance (see Table 1).

D. Investigation Fees – Work without a Permit.

1. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. For work without a permit in the \$1.00 to \$300.00 valuation category, the investigation fees will be \$60.00.

2. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

E. Expiration – Extension. All building permits shall expire 12 months from the date of issuance by the Community Development Department. Six-month extensions may be granted for half the original fee at the time of expiration. Additional six-month extensions may be granted for half the original fee provided no changes in original plans or conditions are made.

F. Additional Reviews. For plan sets resubmitted before the initial review time period has been completed, a \$50.00 assessment fee is to be imposed at the time the additional plan set is resubmitted.

G. Refund. If the request for a building permit is not approved, a refund for the permit fee shall be made minus the review fee.

H. Revised Permits. A \$50.00 fee will be assessed when revisions to permits are requested. [Ord. 2009-02 § 1; Ord. 2008-06 § 6; Ord. 2004-03 §§ 1 – 3; Ord. 2001-03; prior code § 11-8-4]

15.45.030 Fee Exemption - All State, Government, Municipal, & Public School Districts

A. Fee Exemption. All state agencies, governmental entities, municipalities, public school districts, state-chartered charter schools, locally chartered charter schools, and other public educational institutions owned and operated by a governmental entity shall be exempt from Town building permit fees. This includes alteration, renovation, repair, or expansion of any building, facility, or structure owned or operated by such entities for public, governmental, or educational purposes.

B. Compliance Required. The exemption provided herein shall not exempt any applicant from compliance with the Mesilla Town Code, zoning regulations, historic preservation requirements, subdivision regulations, development standards, building codes, or any other applicable local, state, or federal requirements. All required applications, reviews, approvals, inspections, and permits shall be obtained prior to commencement of work.

C. PZHAC & BOT Review. All Projects shall be subject to all applicable planning, zoning, historic preservation, site plan, conditional use, variance, and development review processes in the same manner as any other applicant unless otherwise exempted by law.

D. Utility and Other Fees Not Exempt

Nothing in this section shall be construed to exempt a public school from payment of utility connection fees, utility extension costs, water and wastewater system fees, impact fees, development fees, right-of-way permit fees, franchise-related fees, or any other fee, charge,

assessment, or reimbursement associated with the provision of municipal services, infrastructure improvements, or public facilities.

E. Scope of Exemption. The fee exemption established by this section shall apply only to fees associated with construction and building permit activities and shall not apply to fees related to utilities, infrastructure, site development, or municipal services.

F. Additional Review Costs. Notwithstanding any fee exemption provided herein, applicants shall be responsible for all direct costs incurred by the Town for specialized studies, consultant services, technical reviews, inspections, testing, or other expenses deemed necessary by the Town to adequately review, evaluate, or inspect a proposed project. Such costs may be charged to the applicant at the Town's actual cost without markup.

G. Board Review and Documentation. The Town shall calculate the value of all building permit, plan review, and inspection fees waived pursuant to this section and maintain such documentation as part of the project record.

When the total value of fees eligible for waiver under this section exceeds Five Thousand Dollars (\$5,000.00), the fee waiver shall be placed on the agenda of the Board of Trustees for acknowledgment and approval prior to issuance of the applicable permits.

The Board's consideration of the fee waiver shall be limited to confirming eligibility under this section and shall not constitute approval or denial of any land use application, site plan, building permit, or other regulatory approval required by the Mesilla Town Code.

The Town Clerk shall maintain a record of all fee waivers granted pursuant to this section and may provide an annual report to the Board of Trustees identifying the recipient, project location, and estimated value of waived fees.

15.15.050 Penalty.

Any person violating any of the provisions of this chapter, upon conviction thereof shall be fined in a sum not exceeding \$500.00 or imprisonment in the county jail for a period not exceeding 90 days, or both such fine and imprisonment. [Ord. 2001-03; prior code § 11-8-5]

The Mesilla Town Code is current through Ordinance 2021-03, passed December 30, 2021.

Disclaimer: The town clerk's office has the official version of the Mesilla Town Code. Users should contact the town clerk's office for ordinances passed subsequent to the ordinance cited above.

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Chapter 18.35

H-R – HISTORICAL RESIDENTIAL ZONE

Sections:

18.35.010 Purpose.

18.35.020 Uses permitted.

18.35.030 Area requirements deemed met.

18.35.040 Density requirements deemed met.

18.35.050 Exterior appearance.

18.35.060 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. 2021-01 § 2; 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. 2021-01 § 2; Ord. 2020-02 § 1; Ord. 94-06 § 1; prior code § 11-2-11.4.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 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.

Any lot or building that is deemed to be legal and meets the area requirements because of this section shall not be deemed nonconforming simply because it exists on less than the area required by the code. [Ord. 2021-01 § 2]

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. 2020-02) and which is not in conformity with these regulations, but for which permits or variances were granted under previous ordinances, may continue and shall not be deemed nonconforming. [Ord. 2021-01 § 2]

18.35.050 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. 2021-01 § 2; Ord. 2020-02 § 1; Ord. 94-06 § 1; prior code § 11-2-11.4.C. Formerly 18.35.030]

18.35.060 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. Additionally, up to five structures will be allowed on any property, providing density and parking requirements are met. A minimum of 40 percent of the property shall be open space 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.

Canopies and accessory structures in a rear yard shall not be more than 50 percent of the required area and can be set back three feet from the side or rear yards if they are made of fire resistive materials. Any temporary structures can be set back three feet from the side or rear yards if they are made of fire resistive materials.

C. New Construction. New structures and modifications to existing structures prior to June 8, 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.

1. New structures on properties containing existing structures shall be architecturally similar to the principal dwelling or structure on the property and shall meet the requirements in subsection (C)(3) of this section.
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 historical residential zone shall be architecturally similar to the dwellings or structures in the development zone immediately adjacent (a block radius as discussed in Chapter [18.33](#) MTC (Historic Preservation) to the property and shall not exceed 15 feet in height including parapet.

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 or fences that have been legally built on a property line prior to June 8, 2020, will not require a right-of-entry form;
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
3. This document must be acquired prior applying 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. If a mutual agreement cannot be acquired, the applicant 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 installation from an existing pole. A final determination as to whether a hardship is sufficient to allow an aboveground 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. For connections to town utilities refer to Chapter [13.10](#) MTC.

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 subsection (C)(2) of this section.
3. Must meet the size requirements in subsection (B) of this section.

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 Chapter [18.50](#) MTC.

I. Architectural Style and Design Standards. See Chapter [18.33](#) MTC (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 H-R zone.
3. Stucco, brick, stone, wood, and adobe are permitted exterior wall materials. Aluminum siding, metal panels, metal, 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, ornamental wire loop fencing, and wrought iron fencing is permitted. Unstuccoed concrete, barbed wire, 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. ~~An RV or recreational vehicle, shall not be stored within the front or side setback adjacent to any public street.~~

J. Wall, Fencing, Hedge in H-R Zone. See MTC 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. [Ord. 2021-01 § 2; 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 18.35.040]

The Mesilla Town Code is current through Ordinance 2021-03, passed December 30, 2021.

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